



OFFICE OF COLLEGE  
COMPLIANCE & ETHICS

Mid Michigan College  
**Campus Non-Discrimination,  
Harassment and Sexual  
Misconduct Policy 2023-24**

[midmich.edu/safety-security](https://midmich.edu/safety-security)

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Document Accessibility Statement

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# Non-Discrimination, Harassment, and Sexual Misconduct Policy

## Part I: Introduction

### Policy Statement

Mid Michigan College (Mid) is committed to maintaining a safe but unhindered environment for students, faculty, staff, and visitors to work and learn. Our primary concern is for the safety of our Campus Community and providing an environment where individual's rights are protected from all forms of discrimination, harassment and sex-based harassment and sexual misconduct. Sexual misconduct includes acts of sexual violence, sexual assault, sexual harassment, dating violence, domestic violence, sexual exploitation, and stalking within the scope that would not be addressed under the College's Title IX Sexual Harassment Policy. For issues of clarity within this Policy, these violations will be collectively referred to as **Prohibited Conduct**. Each infringement will be addressed individually, in detail, within this document.

Members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Mid Michigan College implements and maintains a zero-tolerance posture with acts of discrimination, harassment, and sexual misconduct, including acts of dating violence, domestic violence, sexual assault and stalking. When an allegation of misconduct is brought to an appropriate administrator's attention and a Respondent is found to have violated this Policy, sanctions will be used to reasonably ensure that such actions are not repeated. Mid's Campus Non-Discrimination, Harassment and Sexual Misconduct Policy reiterates these principles and provides recourse for those individuals whose rights have been violated. This Policy is intended to define community expectations in the workplace, classroom, college facilities, and in other off-campus sponsored activities and events. It establishes a standard for determining when those expectations have been breached.

### Duty to Report

Mid encourages all members of the campus community to promptly report allegations of Prohibited Conduct to the Title IX Coordinator, as delayed reporting may limit the College's ability to take corrective action. Mid has established designated Responsible Employees. These individuals have an obligation to report any incident of Prohibited Conduct to the Title IX Coordinator as soon as a complaint is made. Failure by a Responsible Employee to report a suspected conduct violation may result in significant discipline, which could include removal from their position. Complaints may be verbal, written, or reported as witnessed. Complaints of Prohibited Conduct, investigative documents, and materials relative to the resolution of the matter will be maintained electronically in the appropriate office. All documents will be confidential to the extent allowed under state and federal law.

The College has determined the following positions to be Responsible Employees:

- Various individuals working in Student Services (ie, Advisors, Mentors, Recruiters, Admission, Student Life Director, and Athletics including coaches, assistance coaches, and Athletic Director)
- Campus Security personnel
- Campus Security Authorities designated by the College under the Clery Act and not otherwise specified in this provision
- Staff traveling with students or supervising students on College-sponsored events or travel
- Any individual (employee or non-employee) who serves as an advisor, coach or assistance coach to College-recognized student groups



## Amnesty

In the course of good faith reporting, if any individual is found to be in violation of a non-violent conduct issue, no act of retribution from the College will be taken against said individual.

## Jurisdiction

Mid has jurisdiction and will respond to allegations of misconduct that occur on college property, at college-sponsored activities or events, and/or when both the accused person and alleged victim are a student, faculty, or staff member. While Mid does not have jurisdiction over allegations between visitors or non-affiliated persons, it is expected that visitors to our campus will abide by this Policy. Mid has the discretion to investigate acts of misconduct occurring off college property when a definite, legitimate and substantial College interest exists or at non-college sponsored activities and events if the Complainant and Respondent are members of the campus community. Any actions taken by the College are administrative in nature and separate from any criminal proceeding related to the reported misconduct. These actions may occur while a criminal proceeding is ongoing. Actions taken by the College will not be delayed or dismissed when criminal charges have been reduced, dismissed, or when a criminal proceeding is pending. Further, Mid may continue with its investigation if a party is no longer a student or employed at the College.

## Retaliation

No person shall be penalized for using, in good faith, channels available for resolving complaints of misconduct. Retaliation includes but is not limited to intimidation, threats, harassment, or any other adverse action threatened or taken against any person for engaging in protected activity.

Anyone who believes that they have been the victim of retaliation for opposing discriminatory behavior, reporting sexual misconduct, or participating/cooperating in an investigation, should immediately contact the Title IX Coordinator listed herein. Any person found to have retaliated against a person for engaging in protected activity, will be in violation of this Policy and may be subject to disciplinary action.

## False Statement

Should the College's investigation reveal that a complaint was knowingly falsified and/or that false evidence was knowingly and willfully provided, the complaint will be dismissed and the person who knowingly filed the false complaint and/or provided the false evidence may be subject to disciplinary action.

## Confidentiality

While Mid encourages all members of the campus community to report incidents of Prohibited Conduct, Responsible Employees *have a duty* to report such actions to the College's Title IX Coordinator and are encouraged to disclose this obligation of their position *before* any statement is made to them. All complaints will be promptly reviewed by the Title IX Coordinator or designees. The College will make reasonable and appropriate efforts to ensure privacy to individuals involved and protect confidentiality when investigating and resolving a complaint, except as otherwise required by law. Should a Complainant request confidentiality or ask that a complaint not be investigated, the request will be considered. However, the College cannot guarantee that said request will be honored. If a Complainant insists that their name not be disclosed to the Respondent, the College's ability to respond may be limited. In limited circumstances involving serious or repeated conduct or when the Respondent may pose a persistent threat to the campus community, the College reserves the right to investigate regardless of a Complainant's request for confidentiality. As the Title IX Coordinator is also considered a Responsible Employees and Campus Security Authorities, they are required by the Federal Clery Act to statistically report certain categories of crimes including certain types of sexual misconduct. Confidentiality is maintained when filing the report and no personal information about the Complainant or Respondent is revealed. The Annual Disclosure of Crime Statistics reports the types of criminal incidents, only.

## Part II: Prohibited Conduct

### Discrimination

Mid Michigan College prohibits any form of discrimination against any person on the basis of ‘protected characteristics.’ These include: race, creed, color, ethnicity, religion, sex, gender identity or expression, pregnancy, age, personal appearance, sexual orientation, marital or parental status, national origin, citizenship, genetics, disability, military or veteran status, political affiliation, or any other legally-protected status; as well as victims of intimate partner violence in the administration of and access to the College’s programs and activities and in conditions of admission or employment. Mid is committed to and adheres to the principles of all applicable state and federal equal opportunity laws and regulations for its students, faculty, staff and applicants for admission and employment.

Examples of discrimination include, but are not limited to, denying an individual a job or promotion or denying a student the opportunity to participate in an educational activity because of their ‘protected characteristics’ (listed above).

### Harassment

Mid defines harassment as any discriminatory conduct based on an individual’s ‘protected characteristics.’ Harassment is physically or verbally hostile conduct that degrades or shows malevolence towards an individual; is unwelcome or offensive conduct/communication that is directed towards someone/group of individuals because of their ‘protected characteristics’ (e.g., race, color, religion, sex, gender identity).

Examples of harassment include, but are not limited to, using derogatory terms, insults, telling derogatory jokes, taunting and intimidating actions.

### Hostile Environment

A hostile environment is created through harassing conduct (e.g., physical, verbal, graphic, or written) based on a person’s protected characteristics (e.g., pregnancy, age, sexual orientation, marital or parental status, national origin) that becomes sufficiently severe, pervasive or persistent to the extent that it interferes with or limits the ability of an individual to participate in or benefit from a college program, work or activity. It is worth noting that there are singular acts that are so severe by their nature that a hostile environment can be created, such as acts of sexual violence.

When determining the existence of a hostile environment, the College will consider the conduct from both a subjective and objective perspective. For example, how does the alleged victim perceive the conduct (subjective) and how would a reasonable person (of similar stature, in the same position) perceive the conduct (objective).

### Pregnancy and Parental Status Discrimination

The College will not discriminate against any student or employee or exclude any student or employee from its educational programs or activities (including any class or extracurricular activity) on the basis of such individual’s actual or potential parental, family, marital status, pregnancy, childbirth, lactation, false pregnancy, termination of pregnancy or recovery therefrom, unless the individual voluntarily requests to participate in a separate portion of the program or activity of the College.

### Pregnancy or Related Condition

Pregnancy or related conditions refers to:

- Pregnancy, childbirth, termination of pregnancy, or lactation
- Medical conditions related to pregnancy, childbirth, termination or pregnancy, or lactation

- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or their related medical conditions

The College will not deny such an individual access to or participation in classes, extracurricular programs, athletics, honor societies, opportunities for student leadership, or other activities. The College will treat pregnancy, childbirth, lactation, false pregnancy, termination of pregnancy and recovery therefrom as justification for a leave of absence for so long a period of time as is deemed medically necessary by the person’s physician. At its conclusion, the person shall be reinstated to the status that was held when the leave commenced. Further, Mid will allow students the opportunity to make up any missed work in a manner selected by the student which is reasonably equivalent to the work missed and within a reasonable timeframe. The College may require a pregnant student or a student who has given birth to obtain a certification from a physician stating that the student is physically and emotionally able to continue participation in the normal education program or activity, so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

The College will provide a student or employee reasonable breacktime to express breast milk or breastfeed as needed. Further, the College has established dedicated “Mindfulness” rooms on each campus which are clean, shielded from view, and free from intrusion from others. These may be used by students and employees for expressing or breastfeeding.

#### Parental Status

Parental status refers to the status of a person who, with respect to another person, is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability and is:

- A biological parent; adoptive parent; foster parent; stepparent; legal custodian or guardian
- In loco parentis with respect to such a person; or
- Actively seeking legal custody, guardianship, visitation, or adoption of such a person

#### Sexual Misconduct

The term *Sexual Misconduct* is used throughout sections of this document and is considered an all-inclusive term used to identify a number of unwelcomed behaviors of a sexual nature that would constitute sex-based harassment or discrimination. They include sexual violence, sexual assault, sexual harassment, dating violence, domestic violence, sexual exploitation and stalking, which may be addressed in either the College’s Title IX Sexual Harassment Policy or this Non-Discrimination, Harassment, and Sexual Misconduct Policy. Sexual Misconduct may occur in any sex or gender composition-between members of different sexes or the same sex, regardless of gender or gender identity. Sexual Misconduct may vary in its severity and consists of a wide range of behaviors.

Following are the various forms of sexual misconduct and their definitions:

#### *Sexual Harassment*

Unwelcome conduct of a sexual nature and includes any unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal, or physical conduct of a sexual nature. The harassing conduct creates a hostile environment if the conduct is sufficiently severe, persistent or pervasive enough that it has the effect of unreasonably interfering with, denying or limiting someone’s ability to participate in or benefit from, College programs, work, or activities.

#### Sexual Harassment – Verbal

Unwanted speech directed at another that is sexual in nature and creates a hostile environment for a student or employee.



### Sexual Harassment-Non-Verbal

The licking of lips, using sexual motions or gestures, leaving gifts or any other unwanted non-verbal acts that are sexual in nature and create a hostile environment for a student or employee.

### Quid Pro Quo

Exists when there are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; and submission to or rejection of such conduct results in adverse educational or employment action.

### Sexual Exploitation

Occurs when a person takes non-consensual or abusive sexual advantage of another for their 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 the other sexual misconduct offenses.

### Sexual Assault

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

### Rape

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

### Fondling

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

### Incest

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

### Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent.

### Gender-based Harassment

Harassment based on actual or perceived gender, sexual orientation, gender identity or gender expression. This may include acts of aggression, intimidation, or hostility; whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature. The harassing behavior creates a hostile environment if the conduct is sufficiently severe, persistent or pervasive enough that it has the effect of unreasonably interfering with, denying, or limiting someone's ability to participate in, or benefit from, College programs, work, or activities.

### 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.

- The existence of the relationship shall be determined based on the reporting party's statement and with consideration given to the length of the relationship, type of relationship, and the frequency of interaction between the persons involved in the relationship
- Violence includes but is not limited to, sexual or physical abuse or the threat of such abuse

## Domestic Violence

Domestic Violence includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim, under the family or domestic violence laws of the jurisdiction. This includes the use or attempted use of physical abuse or sexual abuse or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior by a person who is:

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

## 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. (Mid considers cyberstalking, recording or transmitting sexual images, and voyeurism to be a form of stalking and a violation of this Policy)

- Course of Conduct means two or more acts including but not limited to, acts in which the stalker directly, indirectly or through a third party by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property
- Reasonable Person means a reasonable person under similar circumstances and with similar identities to the victim
- Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling

## Examples of Sexual or Gender-Based Harassment

- Prostituting another
- Non-consensual video or audiotaping of sexual activity
- Going beyond the boundaries of consent (such as letting others hide in a closet and watch while engaging in consensual sex)
- Knowingly transmitting an STD or HIV to another
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals
- Sexual violence including sexual assault, rape, sexual battery and sexual coercion
- 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
- Unwanted written, verbal, or electronic statements of a sexual nature directed at an individual, including sexually suggestive comments, jokes, or innuendoes
- Written, verbal, or electronic statements that disparage a person based on a perceived lack of stereotypical masculinity or femininity or perceived sexual orientation
- Sexual conduct such as stalking, cyberstalking, recording or transmitting sexual images; voyeurism
- Repeatedly using sexually degrading words or sounds to describe a person

- Unwanted and unnecessary touching, patting, hugging or other physical contact
- Recurring comments or questions about an individual's sexual prowess, sexual deficiencies, or sexual behavior
- Excluding a person from a program or activity based on pregnancy
- Excluding a person from a program, activity or facility based on sexual orientation or gender identity

### Supplemental Terms and Definitions

- **Consent:** Consent is clear, knowing, and voluntary; active, not passive; silence in and of itself, cannot be interpreted as consent. Additionally, consent to any one form of sexual activity cannot automatically imply consent to any other form of activity nor can previous consent be construed to imply current consent. Consent cannot be given by someone who is not of legal age or by someone who is reasonably known to be (or should have been known to be) mentally or physically incapacitated. The State of Michigan does not have one single definition of consent nor is it an element of criminal sexual conduct that prosecutors are required to disprove beyond a reasonable doubt. Michigan's standard criminal jury instruction states that: *a person consents to a sexual act by agreeing to it freely and willingly, without being forced or coerced. It is not necessary to show that the Complainant resisted the Defendant to prove that this crime was committed. Nor is it necessary to show that the Complainant did anything to lessen the damage to him/herself.* Therefore, consent is likely to be defined as a free and willing agreement to engage in a sexual act, provided without force or coercion, between individuals who are of sufficient age and are not mentally incapable, mentally disabled, mentally incapacitated or physically helpless
- **Crime of Violence:** An offense that has the use, attempted use, threatened use or element of physical force against the person or property of another; any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense
- **Force:** Physically imposing and/or the use of physical violence on someone to gain sexual access. Force includes threats and intimidation
- **Coercion:** Unreasonable pressure for sexual activity. When someone stipulates that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point is coercion
- **Incapacitation:** Exists when an individual is temporarily or permanently impaired by mental and/or physical deficiency, disability, illness or by the use of alcohol or drugs to the extent that they lack sufficient understanding to make rational decisions or are incapable of appraising or controlling their conduct.

### First Amendment Rights and Verbal Harassment

First Amendment Rights apply in the work environment and in all educational programs, classrooms, and activities. It is not the intent of this Policy to infringe upon those rights. Rather, this Policy is established to protect all members of the campus community from acts of harassment and discrimination that may create a hostile environment and prohibit someone for participating in or benefiting from College programs, work, or activities. The College recognizes that an individual's offensiveness to a particular expression or interpretation does not provide sufficient basis to establish a hostile environment by itself. To establish a hostile environment arising from verbal harassment, the harassment must be sufficiently severe, persistent or pervasive enough that it limits or denies an individual the ability to participate in or benefit from programs, activities, or work.

## Consensual Relationships

When a romantic and/or sexual relationship is consented between two parties it is determined to be consensual. Mid recognizes that personal consensual relationships do exist and the majority of these relationships do not have an impact on either the learning environment or the workplace. However, certain consensual or close personal relationships do have the potential to negatively impact the learning environment and workplace for the following reasons:

- Such a relationship may pose an apparent or actual conflict of interest if one of the parties in the relationship has the responsibility for supervising, evaluating, directing or overseeing the other, or has the power to directly influence the other person's educational, employment or contractual status;
- Such relationships may result in complaints or concerns of favoritism which may undermine morale, security, or campus safety; this would impede the College's educational mission;
- Violations of College policy, state or federal anti-discrimination laws, complaints of sexual harassment and a hostile environment may emanate from such relationships

For these aforementioned reasons, Mid prohibits all employees from having romantic, sexual or other close personal relationships with students over whom they have educational evaluation, advisory or supervisory responsibility regardless of whether the relationship was entered into with the consent of both parties. Further, any romantic or sexual relationships between any employee of the College who is a supervisor or has the authority to influence the appointment, employment or promotional status of the other involved employee should be avoided regardless of whether the relationship was entered into with the consent of both parties. Such relationships are inconsistent with the appropriate role of an instructor, administrator, manager, or supervisor and conflict with the College's Core Values; these are susceptible to perceptions of favoritism, unprofessional behavior, and conflicts of interest. In the event that an instructor, administrator, manager, or supervisor is placed in a position that would require them to assume educational instruction, evaluation or supervisory authority over a person with whom they have/had a romantic or sexual relationship, or in situations where a supervisory employee becomes romantically or sexually involved with a subordinate, the situation should immediately be disclosed to their immediate supervisor/dean and the Associate Vice President of Human Resources. The direct report/authority work alliance should be immediately reassigned. The Associate Vice President (AVP) of Human Resources (HR), Supervisor and/or Dean shall work with the parties to address and mitigate any potential conflicts. Any employee or student who obtains knowledge of such a romantic or sexual relationship between an employee/student or a supervisor/subordinate should disclose it to the Director of College Compliance and Ethics (College's Title IX/Civil Rights Coordinator). The Director of College Compliance and Ethics may notify the AVP of HR for appropriate mitigation.

## Part III: Complaints, Investigation and Resolution Procedures

### Filing Complaints

Mid Michigan College strongly encourages anyone who experiences or observes any acts of discrimination, harassment, or sexual misconduct to promptly report the incident(s) and seek assistance from the College. The College can only take corrective action when it becomes aware of a problem. In instances where the College is aware of acts of discrimination, harassment, or sexual misconduct, the College may take its own action to understand what has occurred and respond appropriately. The College reserves the right to act as a Complainant and initiate proceedings without a formal complaint by a victim under this policy.

Any student, staff member, third-party or bystander who experiences, observes, or becomes aware of any acts of Prohibited Conduct, as outlined in this policy, is encouraged to report it to Campus Security, the College's Title IX Coordinator, or by using the online incident report form.

Reports may be filed as follows:

1. By visiting the [Mid Cares webpage](#) and completing the [Discrimination, Harassment and Sexual Misconduct Report Form](#)
2. Contacting Campus Security  
Harrison Campus (989) 339-4204, Safety and Security Office  
Mt. Pleasant Campus (989) 339-7323, located in the Center for Student Services room 146

Reports may also be made to the College's Title IX Coordinator, via mail, email, telephone or through the online report form which is available 24 hours a day/365 day a year. The Title IX Coordinator, Investigators and Decision-Makers receive yearly training on issues related to sexual misconduct including dating violence, domestic violence, stalking and sexual assault. In addition, they receive instruction on the procedures for conducting an investigation and implementing processes that protect the rights and safety of involved parties and promoting accountability.

*Title IX Coordinator for Students and Employees:*

Martricia Farrell, Director of College Compliance and Ethic

Title IX/Civil Rights Coordinator

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(989) 386-6622, Ext. 394

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Lori Fassett, AVP of Human Resources

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In any emergency please contact 911, or for non-emergency matters that may require assistance from law enforcement, please contact the following agency with responding jurisdiction for the Harrison or Mt. Pleasant campuses as follows:

**Harrison Campus**

Clare County Sheriff's Department  
255 W. Main St., Harrison, MI 48625  
(989) 539-7166

**Mt. Pleasant Campus**

Isabella County Sheriff's Department  
207 Court St., Mt. Pleasant, MI 48858  
(989) 772-5911

For incidents occurring at off-campus locations, events or activities, please contact 911 or law enforcement with responding jurisdiction. Please further conclude by contacting Campus Security or the Title IX Coordinator.

When filing a complaint, it is recommended that the provided information should thoroughly and concisely describe the alleged incident(s). This information should include the date, time and location, name of involved parties, and the names of any witnesses. Any supporting documentation should be included with the complaint.

**Complaint Assessment**

Upon receipt of a complaint alleging discrimination, harassment or sexual misconduct, the College's Title IX Coordinator must conduct an initial assessment to determine whether the conduct rises to a level that it may deny or limit the victims' ability to participate in or benefit from College programs, work, or activities. The Title IX Coordinator or designee conducting the assessment will use both a subjective and objective perspective considering the circumstances surrounding the conduct and will employ common sense and reasonable judgment to help evaluate the conduct and determine if there is reasonable cause to believe that a violation of this, or other Mid policies has occurred. If the Title IX Coordinator determines that there is reasonable cause to move forward, the College has a duty to initiate a prompt, fair, and impartial investigation and, if appropriate, provide supportive measures to the parties. The need for interim supportive measures will be considered on a case-by-case basis, dependent on the immediate needs of the individuals involved and the information gathered by the Title IX Coordinator. In cases that involve students, the College will make every effort to avoid any interruption in the access to education. Types of interim supportive measures may include assistance in changes to academic situations, matters of transportation, working arrangements, protective measures such as separating the parties, placing limitations on contact between the parties, making alternate class placement or workplace schedules, increased security or monitoring of certain areas of campus.

In the extreme instance where a risk possibility exists, Mid may act to remove a Respondent entirely or partially from its education program or activity on an emergency basis after an individualized risk and safety analysis has determined and would justify removal on the basis that the Respondent poses a danger to the physical health or safety of any student or other individual. The individualized risk and safety analysis for students will be conducted by the Student Oversight Committee and will focus upon the particular Respondent. The committee will examine the specific circumstances "arising from the allegations of sexual harassment" posing an immediate threat to a person's physical health or safety. It will utilize a Risk Rubric (such as the NaBITA Risk Rubric) or another comparable tool. It should be noted that there is

no “one-size fits all” for an individualized safety and risk analysis and Respondents will be assessed on a case-by-case basis. The Respondent will be provided with notice and an opportunity to challenge the decision, immediately following the removal. Mid has the authority and discretion to place an employee Respondent on a paid non-disciplinary administrative leave only after a Formal Complaint has been filed, even where the requirements for an emergency removal are not met.

The College will confidentially maintain details of any accommodations or interim supportive measures provided to the extent that such confidentiality would not impair the ability of the College to provide the accommodations or interim supportive measures.

### Investigation and Resolution Process

Investigations surrounding allegations of discrimination, harassment, or sexual misconduct and the subsequent resolution will follow an ‘administrative’ model which allows for both an informal and formal process. It is designed to provide a fair, prompt, impartial, and reliable determination as to whether a violation of policy has occurred (in cases of alleged sexual assault the informal process is not considered). If a violation has occurred and a Respondent is found responsible, the College will implement a prompt and equitable remedy designed to end the Prohibited Conduct, prevent its recurrence and address its effects on the Victim and others, as appropriate. For sexual misconduct findings, the College will take these actions regardless of whether or not the sexual violence is the subject of a criminal investigation.

Investigations into allegations of discrimination, harassment and sexual misconduct will be fair and impartial and a final resolution will be rendered within a reasonably prompt timeframe (usually within 60 to 90 business days) unless an extension has been requested for good cause and granted. If an extension is granted, written notice will be provided to the parties notifying them of the delay and the reason for the delay. When rendering a final determination, the Decision-Maker will consider all exculpatory (evidence that tends to justify or show a person’s lack of involvement in an act) and inculpatory (evidence that tends to show a person’s involvement in an act) evidence and will use a preponderance of the evidence standard (more likely than not) when making said determination.

Mid Michigan College *will make every effort* to protect the rights and privacy of the Complainant and Respondent. While confidentiality cannot be guaranteed, during the investigation the College will make every effort to protect the identities of those involved. Pursuant to the Family Educational Rights and Privacy Act (FERPA), the College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk or a change in student status or conduct situation. In the case of a significant and articulable health and/or safety risk, the College may contact parents/family/guardians to inform them of the situation and/or gather information.

### Voluntary Informal Investigation and Resolution

In the event that the Title IX Coordinator believes that the matter may be resolved by informal means, they may suggest the informal process to the Complainant and Respondent. If agreeable, the Title IX Coordinator may work with the parties to reach a resolution. The informal resolution will still act to end the misconduct, prevent its reoccurrence and remedy its effects; lesser sanctions may be imposed. In cases where an informal resolution is reached, the Title IX Coordinator will prepare the Informal Case Resolution Agreement and provide simultaneous copies to both the Complainant and Respondent. The Complainant and/or Respondent may end the informal resolution process at any point, prior to the issuance of the Informal Resolution Agreement, and submit a written request to the Title IX Coordinator that the matter proceed through the formal investigation and resolution process. Note, in cases of alleged sexual assault the informal resolution process is not considered.

### *Administrative Model – Investigation and Resolution Process*

Upon receipt of an allegation of misconduct, the Title IX Coordinator will conduct a review of the complaint. If it is determined that reasonable cause exists that a potential violation of this Policy has occurred, the Title IX Coordinator will promptly meet with the Complainant to obtain all necessary and relevant information, as well as to discuss their rights and options available under this Policy including interim supportive measures. Any person(s) against whom a complaint is made (Respondent) will be notified of the complaint, in writing. This communication will include the allegation surrounding the incident as well as any additional pertinent information. The Respondent will have sufficient time to prepare and respond to the allegations and present any and all relevant information including witness statements or other evidence to the assigned Investigator. When meeting with the parties, the Investigator may request a written statement to detail witness contact information and outline witness testimony. Note, character witnesses may be submitted, but the Investigator is under no obligation to contact them. Once the Decision-Maker has rendered a final determination, simultaneously written notification will be provided to the Complainant and the Respondent of the results. Additionally, information regarding their rights to an appeal will also be included. If justified, the Investigator may refer the Case to a criminal justice/law enforcement agency for investigation as well.

If a finding of responsible is issued, the College will take all necessary measures to end the misconduct. Additionally, the College will take all necessary steps to prevent the reoccurrence of said misconduct. Appropriate corrective action will be taken and sanctions may be imposed based on the severity of the incident. A list of sanctions that could be imposed based on the severity of the incident, (ranking low to high) include: verbal warning, written warning, college No Contact Order, classroom/work reassignment, probation, social probation (limiting or removal from student group's social activities, sports, etc.), community service, restitution, recommendation for external counseling, implementation of behavior/improvement contract, program attendance/interview, internal professional development, loss of college computer use and/or network, suspension, revocation of degree, expulsion or termination.

All necessary communication with the parties will be held in a timely manner and every effort will be made to conclude the proceeding within a reasonable timeframe.

### *Investigation and Resolution Process*

The process will follow the general administrative model outlined below:

1. A report of discrimination, harassment, or sexual misconduct is received; Title IX Coordinator conducts an initial review to determine if the acts reported are subject to jurisdiction under this policy, and/or any other Mid Policy.
2. The Title IX Coordinator will contact the complainant to discuss the matter, review their rights and options for moving forward with an informal or formal investigation. In cases of sexual misconduct, a Resource Guide will be provided along with information on the choice to involve law enforcement or disregard that option. Any interim supportive measures that are needed will be established. If the Complainant agrees to move forward, an Investigator, who may be the Title IX Coordinator, will be assigned and an investigation will be opened (Note: there may be instances when Mid may act as its own complainant, regardless of a Complainant's willingness to participate and in these circumstances, special consideration and care will be taken).
3. The Title IX Coordinator will promptly notify both the Respondent and Complainant (if participating), either in writing (e-mail is an acceptable method of delivery) or individually, in person, the following information:
  - a. Notification of the allegations of misconduct under investigation which constitute a potential violation of this policy, the specific section of the policy allegedly violated, the names of all

- involved parties, the date and location of the alleged incident, and the precise conduct that allegedly created the potential violation.
- b. A link or copy of the College's Non-Discrimination, Harassment, and Sexual Misconduct Policy, as well as a copy of Mid's Code of Conduct.
  - c. The contact information for the Title IX Investigator handling the matter.
  - d. Information regarding behavior that could be construed as retaliation against the Complainant, Respondent, or witnesses. The College prohibits this behavior and persons that retaliate could be subject to immediate disciplinary action, up to and including, suspension, dismissal or termination.
  - e. An outline of the Administrative Model/Investigation process
  - f. A copy of the Complainant's Rights for the **Complainant** and have those rights clarified, as needed.
  - g. A copy of the Respondent's Rights for the **Respondent** and have those rights clarified, as needed
  - h. Information to the Complainant and Respondent that each will be permitted to submit a list of witnesses to the Investigator, as well as relevant documentary evidence such as texts, e-mails, photographs, etc.
  - i. Information regarding interim supportive measures, how to request such measures and the assistance in implementing them.
  - j. In instances of sexual misconduct, a written Resource Guide for victims of Sexual Misconduct; included in this will be information on preserving evidence, obtaining a sexual assault exam, internal and external resources for healthcare and counseling, and procedures for obtaining a Personal Protection Order.
  - k. Where crimes of violence have occurred, the **Complainant** will be advised that in addition to pursuing remedies through the College process, they have the right to include local law enforcement. It is also their right to refuse any law enforcement involvement.
  - l. Information that will explain that each party will be provided with sufficient time to prepare for any interviews or meetings in order to construct a meaningful participation. Additionally within their Rights, information will be provided about the parties' prerogative to have a support person present during any meetings and the guidelines for that support person.
  - m. Information to the **Respondent** of possible sanctions that could be issued should the Respondent be found responsible, using the preponderance of evidence (or more likely than not standard). Included would be a list of sanctions that could be imposed based on the severity of the incident. Ranking low to high, these include: verbal warning, written warning, college No Contact Order, classroom/work reassignment, probation, social probation (limiting or removal from student group's social activities, sports, etc.), community service, restitution, recommendation for external counseling, implementation of behavior/improvement contract, program attendance/interview, internal professional development, loss of college computer use and/or network, suspension, revocation of degree, expulsion or termination.
  - n. Information to the Respondent that no presumptions of responsibilities are made until a final determination is rendered
4. The Investigator will conduct meetings with the Complainant and Respondent. During the meetings, each individual will be afforded the opportunity to share their version of events, provide any supporting documentation and suggest any relevant witnesses. At this point, the Investigator may, if appropriate, suggest that the matter be resolved under an Informal Process. If the parties do not agree or the issue is not determined to be appropriate for an Informal Resolution, the matter will proceed under the formal administrative process.

5. The Investigator will make contact and interview witnesses provided by the parties and review any materials submitted, such as text messages, photos etc.
6. Employing the statements and information provided, the Investigator will prepare the preliminary Case Summary along with any attachments. A copy will be sent to both the Complainant and Respondent for review. E-mail is an acceptable method of delivery
7. The Complainant and Respondent will be given five business (5) days to prepare a written rebuttal to the information in the preliminary Case Summary, if desired. In addition, any **additional** information, facts or witnesses that were unavailable during the investigation can be cited but would need to have a potential effect on the outcome of the case
8. The Investigator will consider any appropriate, additional information provided by the parties and conduct any additional interviews and/or investigations as deemed necessary. The Investigator will then compile the Final Case Summary
9. The Investigator will submit the Final Case Summary and any rebuttal statements/ attachments to the Decision-Maker assigned to the case for review and determination. A copy of the Final Case Summary, as submitted to the Decision-Maker, will also be sent to the Parties
10. The Decision-Maker, using a preponderance of evidence standard along with all inculpatory and exculpatory evidence submitted, will make a determination regarding responsibility and complete a Final Case Summary, which will include the findings, rationale, and any sanctions
11. A Final Determination Letter with the Final Case Summary will be simultaneously sent to the Complainant and Respondent along with Appeal information. E-mail is an acceptable method of delivery

### Investigation Rights of the Parties

During the investigation and through final determination of the complaint, both the Complainant and the Respondent shall have certain rights, which include:

- Equal opportunity to present witnesses and other relevant evidence
- Equal opportunity to review statements or any evidence provided by the other party
- Equal opportunity to review and comment upon information independently developed by the Investigator through the investigation process
- To be accompanied to any related meeting or proceeding by an Advisor. The Advisor may be anyone, including a union representative from the Complainant's or Respondent's collective bargaining unit, an attorney, or in cases of sexual misconduct, a Sexual Assault Victim's Advocate. The Advisor may not be a person with information relevant to the allegations that may be interviewed by the Investigator during the investigation. The Advisor may not answer questions for the Complainant or the Respondent regarding the subject matter of the investigation. The Advisor may observe and consult with the Complainant or Respondent and take appropriate action to ensure that the investigation does not violate policies or collective bargaining agreements.
- Comparable and timely access to all information considered in resolving the complaint

### Notification of Outcomes

Both the Complainant and the Respondent will receive simultaneous written notification of the Investigation outcome. This information will be shared through the Final Case Summary and Final Determination letter, and will include the findings, rationale, and any imposed sanctions. The Final Determination is part of the educational record of the Respondent and is protected from release under FERPA. However, the College observes the legal exceptions as follows:



- In the event that an alleged victim of a “crime of violence” is deceased as a result of such crime or offense, the next of kin of said victim shall be treated as the alleged victim and will be provided with the written notice of outcome, including the Final Case Determination with findings, rationale and any sanctions imposed.
- The College may publicly release the name, nature of the violation and sanction, of any student who is found in violation of a College Policy that is a “crime of violence.” These offenses include: arson, burglary, robbery, criminal homicide, sex offenses, assault, kidnapping/abduction, and destruction/damage/vandalism of property. The College will release this information to the Complainant in any of these offenses, regardless of the outcome.
- In cases of Sexual Misconduct including Sexual Assault, Sexual Harassment, Dating or Domestic Violence and Stalking, the Complainant has the unconditional right to be informed, in writing, of the outcome, essential findings and sanctions without condition or limitation under this policy as well as the College’s Title IX Sexual Harassment Policy.

### Appeal Process

The Complainant or Respondent may file an appeal with the Appeals Board. The petition must be filed within five (5) business days of receiving the written determination from the Title IX Coordinator. Any Party that files an appeal must do so, in writing, to the Title IX Coordinator. The non-filing party will be notified that an Appeal has been filed and forwarded to the Appeal Board for consideration. Within fifteen (15) business days, the Appeal Board will determine if the request is timely and has merit; the Appeal decision will be rendered by the Board within an additional fifteen (15) business days. The Parties will be provided with written notice.

The original findings and sanctions are acknowledged to be reasonably and appropriately determined. Therefore, the only grounds for appeal are:

- If a procedural [or substantive] error occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.)
- To consider new evidence that was unavailable during the original hearing or investigation and could substantially impact the original finding or sanction. A summary of this new evidence and its potential bearing on the Case must be included
- The sanctions imposed are substantially disproportionate to the severity of the violation. Post-investigation sanctions that are imposed can be appealed by either party
- Sanctions issued in the Case Resolution and Final Determination letter can be appealed by either party. All imposed sanctions shall remain in effect during the Appeal. Circumstances such as graduation, internships, or study abroad do not automatically exempt students from the sanctions. In cases where the Appeal results in the removal of sanctions, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities may be irretrievable.

### Office of Civil Rights

A complaint can be filed by anyone who believes that a school receiving Federal financial assistance has discriminated against someone on the basis of race, color, national origin, sex, disability, or age. The person or organization filing the complaint need not be a victim of the alleged discrimination but may file on behalf of another person or group. Information on how to [file a complaint with OCR](#) is available online or by contacting OCR’s Customer Service Team at 1-800-421-3481.

Office for Civil Rights

*Cleveland Office*

U.S. Department of Education

1350 Euclid Avenue, Suite 325  
Cleveland, OH 44115  
Telephone: (216) 522-4970; Facsimile: (216) 522-2573  
Email: OCR.Cleveland@ed.gov

### **Rights of the Parties**

When allegations and/or complaints of discrimination, harassment, sexual misconduct, or crimes of violence are brought to the attention of the College's Title IX Coordinator, the Coordinator will provide the Complainant with a copy for their Rights and options. If a complaint is filed and an investigation is opened, the Respondent will be provided with a copy of their Rights and options. Both parties will receive copies either in person or in writing and will be provided with additional information on whom to contact to have their Rights and options explained in further detail.

### ***Complainant's Rights***

Mid Michigan College will afford specified rights to any student or employee that reports an incident of discrimination, harassment, sexual misconduct or crimes of violence. These Rights are provided whether the incident occurred on or off campus and whether or not they choose to pursue any formal complaint. The College will support the students or employees right to choose which avenues of assistance are most appropriate for them. These avenues may include assistance from: the Title IX Coordinator, Campus Security, local police agencies (with proper jurisdiction), local victim advocacy, and/or the emergency department of local hospitals.

Complainants shall be afforded the following rights regardless of whether or not the College has jurisdiction:

- To be treated with dignity and respect
- To be free from any suggestion that the reporting individual is at fault when these violations are committed, or that they should have acted in a different manner to avoid such crimes or violations
- To submit a report with local law enforcement agencies (with proper jurisdiction), when violations of the law have occurred. Mid will assist in this process if assistance is requested
- To decline the option of reporting to law enforcement
- To be provided with information on preserving evidence for proof in a criminal proceeding and clarification on preserving such evidence
- In instances of sexual assaults, to be provided with information on how to obtain a sexual assault medical examination
- To receive information on the process to petition for a Personal Protection Order through the Circuit or Family Court, with proper authority to issue such an Order.
- To be provided with information regarding the availability of counseling, health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available both on-campus and through off-campus external agencies
- To be afforded supportive measures which may include, but is not limited to, assistance in changes to academic situations, matters of transportation, working arrangements, protective measures such as separating the parties, placing limitations on contact between the parties, making alternate class placement or workplace schedules, increased security or monitoring of certain areas of campus, or other assistance, if requested and reasonably available. This is regardless of whether or not a formal report is made. Supportive measures will be kept confidential to the extent that they can be without impairing the ability to provide them

In instances where the College has jurisdiction, victims of discrimination, harassment, or sexual misconduct will be provided with the following additional rights:

- To report the crime or violation to the Title IX Coordinator or designee and decide whether to participate in the College's judicial process, without any duress from the College
- To be provided with detailed information about the College's judicial process and grievance procedures
- To be afforded an investigation and resolution that is prompt, fair, impartial and equitable
- To be granted a Mutual Campus No Contact Order against any member of the campus community who has engaged in or threatens to engage in stalking, threats, harassment, or other improper behaviors that present a danger to the welfare of the victim or others
- In instances of sexual misconduct, to have an investigation and proceeding conducted by officials who receive annual misconduct and sexual violence training
- To petition for the removal of any member of the investigation or judicial proceeding, based on demonstrated bias
- To have freedom from retaliation by the College, the accused/Respondent, their friends, family, and acquaintances within the jurisdiction of the College
- To be accompanied to any related meeting or proceeding by an Advisor; the Advisor may be anyone, including a union representative from the Complainant's collective bargaining unit, an attorney or in cases of sexual misconduct, a Sexual Assault Victim's Advocate; the Advisor cannot be a person with relevant information to the allegations whom may be interviewed by the Investigator during the investigation; the Advisor may not answer questions for the Complainant regarding the subject matter of the investigation; the Advisor may observe and consult with the Complainant and take appropriate action to ensure that the investigation does not violate policies or collective bargaining agreements
- To understand the standard of evidence that the College uses when making a determination, which is by "preponderance of evidence" or "more likely than not"
- To receive written notification regarding the outcome of any College investigation or proceeding; same is allowed to the accused/Respondent
- To be given notice (to both the Complainant and Respondent) on: the right to file an appeal of the proceeding, any changes that should result from an appeal and when results/findings become final
- To receive information explaining the College's responsibility of submitting a confidential report (required by the Clery Act) for the purposes of tracking campus crime statistics
- To be provided with a paper copy of the College's [Non-Discrimination, Harassment, and Sexual Misconduct Policy](#)
- In instances of sexual misconduct (including acts of dating violence, domestic violence, stalking and sexual assault) to be provided with a Resource Guide created by Security Operations and Systems entitled, [Commonly Asked Questions and Answers for Survivors of Sexual Violence](#)
- To have Rights and options reviewed in more detail, victims are encouraged to contact the College's Title IX Coordinator:

Martricia Farrell, Director of College Compliance and Ethic  
Title IX/Civil Rights Coordinator  
1375 S. Clare Ave, Harrison, MI 48625  
Office: Harrison Campus Main Building, Business Office Suite, Room 205  
2600 S. Summerton Rd., Mt. Pleasant, MI 48858  
Office: Liberal Arts & Business, Room 168C (inside Library and Learning Services)  
(989) 386-6622, Ext. 394

### *Respondent's Rights*

When allegations of discrimination, harassment, or sexual misconduct are brought against a member of the campus community and an investigation is opened, the College is committed to providing a prompt, fair, impartial and equitable investigation and resolution of the incident.

In an investigation of alleged discrimination, harassment, sexual misconduct or crime of violence, Respondents shall be afforded the following Rights:

- To be treated with respect and dignity by the College
- To be presumed not responsible for the alleged conduct
- To a fair, thorough, neutral, and impartial investigation of the incident
- To be informed about campus and community resources for counseling, support, and other assistance
- To be afforded supportive measures which may include, but is not limited to, assistance in changes to academic situations, matters of transportation, working arrangements, placing limitations on contact between the parties, making alternate class placement or workplace schedules, increased security or monitoring of certain areas of campus, or other assistance, if requested and reasonably available. Supportive measures will be kept confidential to the extent that they can be without impairing the ability to provide them
- To be informed about the College's grievance procedures
- To be informed of possible sanctions that could be imposed, if found responsible. A list of sanctions that could be imposed, based on the severity of the incident (ranking low to high) include: verbal warning, written warning, College No Contact Order, classroom/work reassignment, probation, social probation (limiting or removal from student group's social activities, sports, etc.), community service, restitution, recommendation for external counseling, implementation of a behavioral/improvement contract, program attendance/interview, internal professional development, loss of college computer use and/or network, suspension, revocation of degree, expulsion or termination
- To have the investigation and proceedings conducted by officials who receive yearly sexual violence and misconduct training, when there are allegations of sexual misconduct
- To petition for the removal of any member of the investigation or judicial proceeding, based on demonstrated bias
- To be provided with information on the allegation of misconduct under investigation which constituted a potential violation of Mid Policies; this includes the specific section of the Policy that has been allegedly violated; the names of all involved parties, the alleged incident date(s) and location(s), and the precise conduct that allegedly created the potential violation
- To present witnesses during the investigation and have those witnesses interviewed
- To be accompanied to any related meeting or proceeding by an Advisor; the Advisor may be anyone, including a union representative from the Respondent's collective bargaining unit or an attorney; the Advisor cannot be a person with relevant information to the allegations whom may be interviewed by the Investigator during the investigation; the Advisor may not answer questions for the Respondent regarding the subject matter of the investigation; the Advisor may observe and consult with the Respondent and take appropriate action to ensure that the investigation does not violate policies or collective bargaining agreements

- To understand the standard of evidence that the College uses when making a determination, which is by “preponderance of evidence” or “more likely than not”
- To receive simultaneous written notification (along with the Complainant) regarding the outcome of any College investigation or proceeding
- To be given information (along with Complainant) on: the right to file an appeal of the proceeding, any changes that should result from an appeal, and when results/findings become final
- To be free from retaliation by the College, the Complainant, and/or their friends, family and acquaintances within the jurisdiction of the College
- To receive information explaining the College’s responsibility of submitting a confidential report (required by the Clery Act) for the purposes of tracking campus crime statistics
- To be provided with a paper copy of the College’s Non-Discrimination, Harassment and Sexual Misconduct Policy

To have these Rights and options reviewed in more detail, individuals are encouraged to contact the College’s Title IX Coordinator:

Martricia Farrell, Director of College Compliance and Ethic  
 Title IX/Civil Rights Coordinator  
 1375 S. Clare Ave, Harrison, MI 48625  
 Office: Harrison Campus Main Building, Business Office Suite, Room 205  
 2600 S. Summerton Rd., Mt. Pleasant, MI 48858  
 Office: Liberal Arts & Business, Room 168C (inside Library and Learning Services)  
 (989) 386-6622, Ext. 394  
[mfarrell@midmich.edu](mailto:mfarrell@midmich.edu)

## Part IV: Education, Prevention, and Resources

### Education

Mid disallows acts of Prohibited Conduct (acts of discrimination, harassment, and sexual misconduct). To avert these acts, the College brings comprehensive educational and prevention awareness programs to the campus community. These programs are intended to stop acts of discrimination, harassment, and sexual misconduct, including acts of sexual assault, dating violence, domestic violence and stalking, before they occur. Our educational opportunities promote positive and healthy behaviors that foster healthy, mutually-respectful relationships and sexuality, encourage safe bystander intervention and seek to change behavior and social norms. These programs are made available to all new incoming students and new employees through online training modules (primary prevention). Additionally, each semester all enrolled students are provided information and access to online modules that address topics related to discrimination, harassment and sexual misconduct and bystander and risk reduction. Further, each July all Mid employees are required to complete compliance training which includes modules on VAWA (Violence Against Women Act) and workplace sexual harassment. Additionally, throughout the year, Human Resources, Office of College Compliance & Ethics and Student Wellness and Equality offer ongoing awareness and prevention campaigns and activities to students, faculty and staff.

These endeavors:

- Identify prohibited conduct in acts of discrimination, harassment and sexual misconduct including domestic violence, dating violence, sexual assault and stalking



- Define what behaviors constitute discrimination, harassment and sexual misconduct including domestic violence, dating violence, sexual assault and stalking
- Define what behaviors and actions constitute consent to sexual activity in Michigan and the definition of consent, used by Mid
- Provide safe and positive options for bystander intervention that may be carried out by an individual to intervene or prevent harm when there is a risk of crimes of violence
- Provide information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks, and increase empowerment for victims; to promote safety and help individuals and communities address conditions that facilitate violence
- Examine reporting obligations, options, and rights to report; including how and whom to report discrimination, harassment, sexual misconduct and/or violence on campus; preferences to report to local law enforcement

### Bystander Intervention Strategies

Bystanders can play a critical role in the prevention of sexual and relationship violence. They are the members of the campus community who observe violence or witness the conditions that perpetuate violence, are not directly involved, but have the choice to intervene, speak up, or act. At any given point in time, all members of the Mid community could be bystanders and would have an important role in preventing acts of discrimination, harassment and sexual misconduct when exposed to such situations. Being an active bystander can include:

- Speaking out against statements, attitudes, or behaviors that may perpetuate a culture endorsing violence as acceptable or inevitable
- Naming and stopping situations that could lead to acts of discrimination, harassment, or sexual misconduct
- Stepping in during a high-risk incident whether by disruption, distraction, speaking up, or calling for help so others can step in
- Supporting and believing others when they feel uncomfortable or hurt
- Helping others respond to problematic situations

***Being an active bystander does not mean that one should risk their own personal safety.*** There is a choice of appropriate actions depending on the bystander and the situation at hand. It is good to be aware of the situation, interpret if the situation requires intervention, assume responsibility for intervening and in what way, and determine how to effectively help. This could mean leaving the situation and seeking outside help.

### Risk Reduction Strategies

Recognizing that only abusers are responsible for their actions and with no intent to blame the victim, below are some strategies to reduce one's risk of falling victim to acts of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network)

- Be aware of your surroundings. Knowing where you are and who is around you may help you find a way of escaping a bad situation
- Try to avoid isolated areas. Obviously, it is more difficult to get help if no one is around
- Walk with purpose. Even if you don't know where you are going, walk confidently and act like you do
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be
- Make sure your cell phone is with you and charged.

- Don't allow yourself to be isolated with someone you do not know or someone you do not trust
- When using a headset, avoid putting earphones in both ears so that you can be more audibly aware of your surroundings, especially when walking alone
- Be careful about posting your location. Many social media sites use geolocation to publicly share your location
- Don't leave your drink unattended and do not accept drinks from people you do not know or trust
- Watch out for your friends, and vice versa
- If you suspect that you or a friend has been drugged, contact local law enforcement immediately—  
Call 9-1-1!

### Recommended Procedures for Victims of Sexual Misconduct

An individual who has been the victim of sexual misconduct including acts of domestic violence, dating violence, sexual assault, stalking or any other form of sexual misconduct is encouraged to immediately report the incident to the College's Title IX Coordinator or designee or to local law enforcement with responding jurisdiction. The following information is provided by the College as a general guideline:

- Delayed reporting may limit the College's ability to investigate and remedy the misconduct under this or other College Policies.
- Mid strongly encourages the victim(s) of sexual misconduct to report the incident to law enforcement but recognizes that it is the victim's choice and the victim has the right to decline police involvement. Mid will assist a victim in notifying local law enforcement if they so choose.
- Meet with the College's Title IX Coordinator who can provide a victim with a list of their rights, including information on interim supportive measures. The College can provide such assistance as: changes to academic matters, modes of transportation, working situations, protective measures such as separating the parties, placing limitations on contact between the parties, making alternate class placement, workplace arrangements, increased security, or monitoring of certain areas of campus. These measures are offered regardless of whether or not a victim chooses to report the matter to law enforcement or participate in the College's judicial process.
- The College can provide a victim with institutional and community information on external counseling, health, victim advocacy, mental health, legal assistance, visa and immigration assistance, student financial aid, and other services available to them.
- Consider obtaining a restraining order/personal protection order or similar lawful orders issued by a criminal court or family court. The College's Title IX Coordinator can provide information on how to file for a restraining order/personal protection order.
- Victims of violent crimes are encouraged to preserve evidence by making sure that the crime scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a Protection Order from the Court.
- Victims of sexual violence/assault, domestic violence, or dating violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and if necessary, a rape examination has been performed. Clothes should not be changed.
- Victims are encouraged to seek immediate medical attention and/or a forensic examination at a local hospital. This specialized examination includes a compilation of medical history, a physical examination, treatment for injury, emergency contraception, and preventive treatment for sexually transmitted infections.
- Victims of sexual assault may choose to obtain a sexual assault forensic exam (commonly referred to as a rape kit) through a Sexual Assault Nurse Examiner (SANE). The SANE Nurses have received specialized training in treating victims of sexual assault and are generally on-call 24 hours

a day. They not only examine a victim as a health professional, but they approach their work with specialized sensitivity and knowledge. They assess, document, and preserve evidence for the legal aspects, should the victim choose to file a criminal complaint. SANE personnel can provide the victim with additional information such as counseling care or follow-up testing, such as HIV.

- In instances of harassment or stalking, evidence is more likely to be in the form of letters, emails, text messages, etc., rather than bodily evidence. It is still necessary to take steps to preserve data in these instances, as well
- If a victim reports an act of misconduct to a College Responsible Employee, they are obligated to refer the matter to the College's Title IX Coordinator for review, regardless of the Complainant's desire to file criminal charges or to participate in the College's judicial process. The Title IX Coordinator is a Campus Security Authority, and in that function, will report the disclosed incident to Security Operations and Systems, eliminating any personally identifiable information about the parties involved. This information will be reviewed and a determination will be made of the need to include the incident in the College's Daily Crime Log and Annual Security Report (pursuant to Clery Act requirements).

### Confidential Resources and Support

The College encourages individuals who have experienced acts of criminal or sexual violence to report the conduct to the College's Title IX Coordinator, Campus Security, or local law enforcement. However, the College understands that there are many barriers to reporting, both individual and societal. Not every individual will choose to make a formal report but still may need someone to speak with in confidentiality who is not required to report the incident to the College's Title IX Coordinator. For such individuals, the College offers limited Counseling through the Office of Counseling and Wellness Services.

The Director of Counseling and Wellness Services is a professional counselor and is subject to legal confidentiality. This prohibits the release of information without an individual's express consent, except as required by law. If someone makes a report of criminal or sexual violence to the College's confidential resource, the individual will be provided with options and information on the steps of submitting a voluntary, confidential report to the Clery Compliance Officer. This Report permits the Clery Compliance Officer to determine if the incident should be reported among the crime statistics in the Annual Security Report. Personal information is NOT disclosed in the crime statistics.

Information on Mid's Counseling and Wellness Services may be obtained by contacting:

Amy Campbell, Director of Counseling and Wellness Services  
Mt. Pleasant Campus: 2600 S. Summerton Rd., Mt. Pleasant, MI 48858  
Harrison Campus: 1375 S. Clare Ave., Harrison, MI 48625  
[aacampbell@midmich.edu](mailto:aacampbell@midmich.edu)  
989-773-6622, Extension 256

The College's counseling services are limited. In an effort to support an individual's rights to speak with someone confidentially in confidence, the College maintains a [Community Assistance Resource page](#). Information housed on the page includes, but is not limited to:

- Counseling Services, Domestic Violence support, Food Pantries, Housing/Shelter/Utilities, Legal Services, Mental Health/Crisis, Sexual Assault, Substance Abuse, Suicide Prevention, Veterans Affairs and Transportation.
- For a comprehensive list of additional resources available in the area, please contact 2-1-1; simply dial 211, toll free calls at (888) 635-4211, or visit their [website](#) .

Individuals who wish to remain anonymous and have experienced acts of criminal or sexual violence on any of Mid's campus locations, at college-sponsored activities or events, or off campus where the perpetrator is a member of the campus community are encouraged to consider submitting an anonymous report through the [MidCares reporting page](#). Submission of an anonymous report permits the Clery Compliance Officer to determine if the incident should be reported among the crime statistics in this Annual Security Report.

## Part V: Commonly Asked Questions and Answers Surrounding Sexual Misconduct

### What Should I Do If I Believe I May Be A Victim?

Call 9-1-1 in the midst of any kind of emergency, immediate harm, or threat of harm.

As a victim of sexual violence, domestic violence, dating violence, or stalking, victims are encouraged to seek immediate assistance from police and healthcare providers for their physical, emotional and medical care. Ultimately, it is the choice of the victim whether to notify police and/or seek medical attention. The College's Title IX Coordinator can assist the victim in notifying the police, if desired. A delay in reporting may limit the College's ability to investigate and remedy the effects.

#### *Contact Information for Local Law Enforcement*

##### **Harrison Campus**

Clare County Sheriff's Department  
255 W. Main St., Harrison, MI 48625  
(989) 539-7166

##### **Mt. Pleasant Campus**

Isabella County Sheriff's Department  
207 Court St., Mt. Pleasant, MI 48858  
(989) 772-5911

For incidents occurring at off-campus events or activities, please contact 911 or contact the law enforcement agency with responding jurisdiction.

#### *Contact Information for the College's Title IX Coordinator*

Martricia Farrell, Director of College Compliance and Ethic  
Title IX/Civil Rights Coordinator  
1375 S. Clare Ave, Harrison, MI 48625  
Office: Harrison Campus Main Building, Business Office Suite, Room 205  
2600 S. Summerton Rd., Mt. Pleasant, MI 48858  
Office: Liberal Arts & Business, Room 168C (inside Library and Learning Services)  
(989) 386-6622, Ext. 394  
[mfarrell@midmich.edu](mailto:mfarrell@midmich.edu)

#### **Local Hospitals**

MidMichigan Medical Center – Clare  
703 N. McEwan St  
Clare, MI 48617  
(989) 802-5000

McLaren Central Michigan

1221 South Drive  
Mt. Pleasant, MI 48858  
(989) 772-6700

### Should I Preserve Evidence?

It is important to take steps to collect and preserve evidence, as it may be necessary for proof of the crime or in obtaining a protection order. Victims of sexual violence/assault, domestic violence, or dating violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination has been performed. Clothes should not be changed. When necessitated, seek immediate medical attention at a local hospital and take a full change of clothing for use after the medical exam. In instances of stalking, evidence is more likely to be in the form of letters, e-mails, text messages, etc., rather than physical indications. However, it is still necessary to take steps to preserve evidence in these situations, as well.

### Should I Seek Medical Attention?

Victims of sexual assault are strongly encouraged to seek medical attention. It is important to be examined for injuries. Information on counseling services, pregnancy, and STDs will also be provided. An additional important reason to seek medical attention is to collect any physical evidence for any criminal investigation, if pursued. Evidence may be collected up to five (5) days after the assault through a sexual assault evidence collection kit, but evidence is best collected within a six (6) hour window of time. Additionally, some assailants use drugs to render their victim, helpless. If a victim of sexual assault believes that they may have been drugged, seeking medical attention from a local hospital is strongly encouraged. Blood or urine tests may detect drugs in the system and should be completed as soon as possible. Some drugs can only be detected within 12 hours of ingestion.

### Where Can I Go for a Sexual Assault Evidence Collection Kit?

Most emergency rooms offer a sexual assault evidence collection kit, but the staff may recommend that the exam be performed by a Sexual Assault Nurse Examiner (SANE). SANE personnel have received specialized training in the collection of evidence, testing, and treatment. They address their work with specialized sensitivity and knowledge. Currently, the following hospital has such specialized nursing available:

Isabella County SANE Program  
McLaren Central Michigan Hospital  
1221 South Drive  
Mount Pleasant, MI 48858  
(989) 772-6777

Alternate SANE service locations can be obtained by contacting (800) 656-HOPE.

### How Much Does an Exam Cost?

In Michigan, the SAFE Response Program of the Crime Victim Services Commission ensures that sexual assault victims are never directly billed for a medical forensic exam. The SAFE Response Program will pay for the exam whether or not the victim chooses to report the assault to local law enforcement. If the victim has medical insurance which would cover the cost of the exam, SAFE Response legislation requires that the victim's insurance be used to pay for the exam unless the victim believes that billing the insurance would substantially interfere with their personal privacy or safety. For additional information or questions about payment, contact: Crime Victim Services Commission, SAFE Response (517) 334-SAFE (7233).



### If I Seek Medical Assistance, Will I Have to File a Police Report?

Many hospital policies require that sexual assaults be reported to the Police. However, being treated at an emergency department or having sexual assault evidence collected does not mean that you must talk to the Police. You can choose not to speak with them. If you are unsure about participating in the criminal process, having the sexual assault evidence collection kit completed will assist you in keeping your options open. The Kit cannot be released to the Police without your consent.

### What Reporting Options Are Available to Victims of Sexual Misconduct?

You have the right to report acts of discrimination, harassment, and sexual misconduct to the College's Title IX Coordinator, as well as local law enforcement for acts of sexual misconduct and/or crimes of violence. If you report the incident to both the College and Police, it is possible that two separate investigations will take place simultaneously. The outcome of a Police investigation does not influence the College's investigation. The police investigation is a criminal investigation, while the College's investigation is administrative.

### What Happens If I File A Complaint with the Police?

If you file a police report you will be interviewed by an officer or detective who will conduct an investigation into the situation. After completing the investigation, the officer or detective will turn the information over to the Prosecuting Attorney who will review the report and decide whether or not to bring criminal charges against the perpetrator. If charges are brought, the matter will proceed through the Court system and you may be required to testify. The Prosecutor will provide you with information on the criminal justice process, as well as your rights as a victim.

### What Happens If I File A Complaint with the College?

The matter will be reviewed by the Title IX Coordinator to determine which College policy/policies have jurisdiction and the matter would be adjudicated according to that particular policy. It is the responsibility of the Title IX Coordinator to handle oversight of the investigation and also to provide resource information and interim supportive measures to the involved parties

### What If I Tell an Employee of the College?

Certain employees of the College (i.e. Campus Security, members of Security Operations and Systems, Campus Security Authorities) are considered Responsible Employees and are obligated to report any incidents of sexual misconduct to the Title IX Coordinator. If you disclose an incident of sexual misconduct to College employees (as mentioned above), it will be reported to the Title IX Coordinator. Upon receiving a third-party report, the Coordinator will generally contact the victim via e-mail to provide information, resources and any options available through the College.

### What If I Want To Speak To Someone in Confidence?

The College understands that there are many barriers to reporting, both individual and societal. Not every individual will choose to make a formal report but still may need someone to speak with in confidentiality who is not required to report the incident the College's Title IX Coordinator. For such individuals, the College offers limited Counseling through the Office of Counseling and Wellness Services and contracted counselors.

The Director of Counseling and Wellness Services is a professional counselor and is subject to legal confidentiality. This prohibits the release of information without an individual's express consent, except as required by law. When deemed appropriate, the College encourages employed and contracted professional counselors to inform their clients of their option to submit a confidential report. The purpose of a

confidential report is to adhere to an individual's choice to keep the matter private while still taking steps to ensure the safety of the individual and the campus community.

### Is There Any On-Campus Confidential Resources Available?

Information on Mid's Counseling and Wellness Services may be obtained by contacting:

Amy Campbell, Director of Counseling and Wellness Services  
Mt. Pleasant Campus: 2600 S. Summerton Rd., Mt. Pleasant, MI 48858  
Harrison Campus: 1375 S. Clare Ave., Harrison, MI 48625  
[aacampbell@midmich.edu](mailto:aacampbell@midmich.edu)  
989-773-6622, Extension 256

The College's counseling services are limited. In an effort to support an individual's rights to speak with someone confidentially in confidence, the College maintains a [Community Assistance Resource page](#).

### If I File a Complaint, Will My Name Be Released?

The College will make reasonable and appropriate efforts to protect an individual's privacy and confidentiality when conducting an investigation and resolving a Complaint, except as otherwise required by law. Should a Complainant request confidentiality or ask that a Complaint not be investigated, the request will be considered. However, the College cannot guarantee that said request will be honored. In limited circumstances, the College reserves the right to investigate despite a Complainant's request for confidentiality. This exception would be in circumstances involving serious or repeated conduct or where the Respondent may pose a continuing threat to the campus community.

### Can I Bring a Support Person With Me During the Investigation?

Yes! Both the Complainant and Respondent may have an Advisor present at any meeting or proceeding. The Advisor may be anyone, including a union representative from the Complainant's or Respondent's collective bargaining unit, an attorney, or in cases of the sexual misconduct, a Sexual Assault Victim's Advocate. Depending on the Policy with adjudication oversight, the Advisor's role will vary.

### Under the College's Campus Non-Discrimination, Harassment and Sexual Misconduct Policy, What Rights Do I Have?

During the investigation and through the resolution of a Complaint, both the Complainant and the Respondent shall have certain rights, which include:

- Equal opportunity to present witnesses and other relevant evidence
- Equal opportunity to review statements or any evidence provided by the other party
- Equal opportunity to review and comment on information that is independently developed by the Investigator through the investigation process
- To be accompanied to any related meeting or proceeding by an Advisor. The Advisor may be anyone, including a union representative from the Complainant's or Respondent's collective bargaining unit, an attorney, or in cases of the sexual misconduct, a Sexual Assault Victim's Advocate. An Advisor may not be a person with relevant information to the allegations whom may be interviewed by the Investigator during the investigation. The Advisor may not answer questions for the Complainant or Respondent regarding the subject matter of the investigation. The Advisor may observe and consult with the Complainant or Respondent and take appropriate action to ensure that the investigation does not violate policies or collective bargaining agreements.
- Comparable and timely access to all information considered when resolving the Complaint

## What Are the Possible Outcomes of an Investigation and How Would I Be Notified of Outcomes?

After concluding the investigation, the Investigator will submit the information to the Decision-Maker assigned to the case for review and final determination. The Parties will simultaneously be notified, in writing, of the results. If a finding of responsible is issued, the College will take any necessary steps to end the misconduct and prevent the reoccurrence of said misconduct. Corrective action will be taken as appropriate.

A list of sanctions that could be imposed based on the severity of the incident (ranking low to high) include: verbal warning, written warning, college No Contact Order, classroom/work reassignment, probation, social probation (limiting or removal from student group's social activities, sports, etc.), community service, restitution, recommendation for external counseling, implementation of behavioral/improvement contract, program attendance/interview, internal professional development, loss of college computer use and/or network, suspension, revocation of degree, expulsion or termination.

## What If I Do Not Agree With the Outcome?

When notified of the Final Determination/outcome, the Respondent and the Complainant will also receive instructions for filing an Appeal. This appeal petition must be submitted in writing to the Title IX Coordinator within five (5) business days of receiving the written Final Determination. The original findings and sanctions are considered reasonable and appropriate, so disagreement with the finding is not a basis for an Appeal. Therefore, the only grounds for Appeal are as follows:

- A procedural (or substantive) error occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.).
- A consideration of new evidence, unavailable during the original hearing or investigation that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed are substantially disproportionate to the severity of the violation.

## What If I Am Retaliated Against for Filing a Complaint?

Anyone who believes that they have been the victim of retaliation for opposing discriminatory behavior, reporting sexual misconduct, or participating/cooperating in an investigation, should immediately contact the Title IX Coordinator. Any person found to have retaliated against a person for engaging in protected activity will be in Policy violation and will be subject to disciplinary action.

## How Do I know If I am Victim Of A Crime of Violence?

### *Dating Violence*

Can be physical, sexual, verbal or emotional. Ask yourself the following questions:

- Does your partner insult or make fun of you?
- Is your partner jealous when you want to see your family, friends or be in certain social situations?
- Does your partner constantly text or send you messages to keep an eye on you?
- Has your partner ever thrown things, hit, kicked, shoved, strangled or grabbed you?
- Has your partner posted sexual photos of you online without your permission?
- Has your partner forced you to have sex or perform sexual acts when you didn't want to?

### *Domestic Violence*

Is a pattern of assaultive and coercive behaviors that adults or adolescents use to control their intimate partners. These behaviors include physical, sexual, and psychological attacks as well as economic threats. Ask yourself the following questions:

- Has your partner discouraged you from taking classes or seeking employment?
- Does your partner limit your access to money, the phone, or the car?
- Does your partner tell you that no one would ever want you if you left them?
- Does your partner sometimes act like two different people?
- Has your partner ever hit, choked, pushed, bitten, or slapped you?

### *Stalking*

Is a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested; an act that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed or molested. Ask yourself the following questions:

- Has someone been repeatedly following you?
- Has someone been repeatedly and unwantedly approaching or confronting you in a public place or on private property, despite requests to stop?
- Has someone unwantedly been appearing at your place of employment, despite requests to stop?
- Has someone unwantedly been contacting you by phone; sending e-mails, text messages?

*(The above is a sampling of questions and are not intended to be the sole determining factors for identifying dating violence, domestic violence, sexual violence or stalking)*

If you answered yes to any of the above questions or are frightened about something in your relationship and want to learn more, the following confidential information and help is available:

- National Domestic Violence Hotline (800) 799-SAFE (7233); TYY (800) 787-3224; additional information is available by visiting [National Domestic Violence](#) website.
- National Teen Dating Abuse Hotline (866) 331-9474; TYY (866) 331-8453; Text Love is to 22522; or by visiting [Love is Respect](#) .
- RAINN National Sexual Assault Hotline (800) 656-HOPE (4673); or by visiting [RAINN](#)
- Rise Advocacy for Clare and Isabella Counties (844) 349-6177; or by visiting [Rise Advocacy](#)
- Shelter House for Gladwin and Midland Counties (877) 216-6383 or by visiting [Shelter House](#)

### *I've Heard Mention of a Personal Protection Order. Where Can I Lean More?*

A Personal Protection Order (PPO) is a document that is obtained through the Court. It orders someone to stop threats or violence against you. A PPO can help protect you from someone who is threatening, harassing, or hurting you. You may petition the Court for a PPO if you have a reasonable fear for your personal safety. There are three types of Personal Protection Orders: Domestic Relationship, Non-Domestic (Stalking), and Non-Domestic (Sexual Assault). For information, paperwork, or assistance in obtaining a PPO, please visit [Michigan Legal Help](#) . Assistance can also be provided by contacting sexual assault or domestic violence service providers, such as Women's Aid (Clare and Isabella Counties) or Shelter House (Gladwin and Midland Counties).

## How Can I Help a Friend Who Has Been A Victim of Violence?

There are many ways to help a friend that has been a victim of sexual violence, domestic violence, dating violence, or stalking. The most valuable help that you can provide to them is your presence. Be with them and be a good listener. Educate yourself and those around you on the warning signs of these various acts of violence and the resources that are available in your community. To learn about resources in your community visit the [Michigan Department of Health and Human Services](#) .

Do not pass judgment; strive to understand what they are saying and going through; be supportive, remind them that they are not responsible for the abuse; inform them of options available and assure them that you will protect their privacy and help them no matter what their decision is.

## Any Advice On How to Avoid Becoming a Victim of Violence?

To help reduce one's risk of becoming a victim to violence, there are useful things to remember:

- Let friends and/or family members know where you are going, who you will be out with, and what time you will return
- Be aware of your surroundings. Know where you are and who is around you.
- Have a cell phone with you and make sure it is charged
- Take care of your friends and ask that they take care of you. If you arrive at an event together, be sure you leave the event together
- Take a matured responsibility for your alcohol intake and recognize that it lowers your sexual inhibitions. It may make you vulnerable to someone who views a drunk person as a “sexual opportunity”
- Tell a sexual aggressor, “NO,” --clearly and firmly
- Try to remove yourself from the physical presence of a sexual aggressor
- Find someone nearby and ask for help
- Trust your instincts. If a situation feels unsafe or uncomfortable, remove yourself
- In an emergency call 9-1-1!

## Part VI: State of Michigan Crimes and Definitions

The definitions provided earlier within this document regarding sexual assault, domestic violence, dating violence, and stalking are broad and meant to help address the College's administrative judicial processes. They are not intended to mirror the legal system. However, these acts of misconduct may also be violations of Michigan Law and subject to prosecution. Below, for reference, are some of Michigan's crimes and definitions as they relate to sexual assault, domestic violence, dating violence, and stalking. Reference information is also provided for Michigan's Personal Protection Orders as well as Sexual Assault Victims Access to Justice.

### Domestic Violence (includes dating violence) – MCL § 750.81

Domestic Violence = assault or assault and battery of:

- 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
- a resident or former resident of his or her household

“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 two individuals in a business or social context. (M.C.L. § 750.81(7)).

### Aggravated Domestic Violence (includes dating violence) – MCL § 750.81a

Assaults any of the following individuals, without a weapon, and inflicts serious or aggravated injury (without intent to commit murder or inflict great bodily harm less than murder):

- 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

### Sexual Assault = Criminal Sexual Conduct – MCL § 750.520a

“Sexual contact” includes the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for:

- Revenge.
- To inflict humiliation.
- Out of anger.

"Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emission of semen is not required.

"Victim" means the person alleging to have been subjected to criminal sexual conduct.

Criminal Sexual Conduct First Degree – MCL § 750.520b

Criminal Sexual Conduct Second Degree - MCL § 750.520c

Criminal Sexual Conduct Third Degree - MCL § 750.520d

Criminal Sexual Conduct Fourth Degree - MCL § 750.520e

### Consent

In Michigan, consent is not an element of criminal sexual conduct that prosecutors are required to disprove beyond a reasonable doubt. Rather, consent is an affirmative defense available for defendants who are charged with committing criminal sexual conduct under some of the provided circumstances. For example, consent may be used to negate the elements of ‘force or coercion’ under MCL 750.520b(1)(d)(ii); however, it is not available for criminal sexual conduct occurring “under circumstances involving the commission of any other felony” as provided in MCL 750.520b(1)(c) .

Michigan’s standard criminal jury instructions state that [a] person consents to a sexual act by agreeing to it freely and willingly, without being forced or coerced. It is not necessary to show that the complainant resisted the defendant to prove that this crime was committed. Nor is it necessary to show that complainant did anything to lessen the damage to him/herself. (MI Crim JI 20.27) Therefore, consent is likely to be defined as a free and willing agreement to engage in a sexual act, provided without force or coercion, between individuals who are of sufficient age and are not mentally incapable, mentally disabled, mentally incapacitated or physically helpless.

### Stalking – MCL § 750.411h

(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 individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

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

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

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

#### [Aggravated Stalking – MCL § 750.411i](#)

(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) “Credible threat” means a threat to kill another individual or a threat to inflict physical injury upon another individual that is made in any manner or in any context that causes the individual hearing or receiving the threat to reasonably fear for his or her safety or the safety of another individual.

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

(d) “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.

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

(f) “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.

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

An individual who engages in stalking is guilty of aggravated stalking if the violation involves any of the following circumstances:

- (a) At least 1 of the actions constituting the offense is in violation of a restraining order and the individual has received actual notice of that restraining order or at least 1 of the actions is in violation of an injunction or preliminary injunction.
- (b) At least 1 of the actions constituting the offense is in violation of a condition of probation, a condition of parole, a condition of pretrial release, or a condition of release on bond pending appeal.
- (c) The course of conduct includes the making of 1 or more credible threats against the victim, a member of the victim's family, or another individual living in the same household as the victim.
- (d) The individual has been previously convicted of a violation of this section or section 411h.

#### Personal Protection Order - MCL § 600.2950

Personal protection order; restraining or enjoining spouse, former spouse, individual with child in common, individual in dating relationship, or person residing or having resided in same household from certain conduct; respondent required to carry concealed weapon; omitting address of residence from documents; issuance, contents, effectiveness, duration, and service of personal protection order; entering order into law enforcement information network; notice; failure to comply with order; false statement to court; enforcement; respondent less than 18 years of age; ownership interest in animal; definitions.

Section 2950:

(1) Except as otherwise provided in subsections (26) and (27), by commencing an independent action to obtain relief under this section, by joining a claim to an action, or by filing a motion in an action in which the petitioner and the individual to be restrained or enjoined are parties, an individual may petition the family division of circuit court to enter a personal protection order to restrain or enjoin a spouse, a former spouse, an individual with whom he or she has had a child in common, an individual with whom he or she has or has had a dating relationship, or an individual residing or having resided in the same household as the petitioner from doing 1 or more of the following:

- (a) Entering onto premises.
- (b) Assaulting, attacking, beating, molesting, or wounding a named individual.
- (c) Threatening to kill or physically injure a named individual.

- (d) Removing minor children from the individual having legal custody of the children, except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction. (e) Purchasing or possessing a firearm.
- (f) Interfering with petitioner's efforts to remove petitioner's children or personal property from premises that are solely owned or leased by the individual to be restrained or enjoined.
- (g) Interfering with petitioner at petitioner's place of employment or education or engaging in conduct that impairs petitioner's employment or educational relationship or environment.
- (h) If the petitioner is a minor who has been the victim of sexual assault, as that term is defined in section 2950a, by the respondent and if the petitioner is enrolled in a public or nonpublic school that operates any of grades K to 12, attending school in the same building as the petitioner.
- (i) Having access to information in records concerning a minor child of both petitioner and respondent that will inform respondent about the address or telephone number of petitioner and petitioner's minor child or about petitioner's employment address.
- (j) Engaging in conduct that is prohibited under section 411h or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.
- (k) Any of the following with the intent to cause the petitioner mental distress or to exert control over the petitioner with respect to an animal in which the petitioner has an ownership interest:
- (i) Injuring, killing, torturing, neglecting, or threatening to injure, kill, torture, or neglect the animal. A restraining order that enjoins conduct under this subparagraph does not prohibit the lawful killing or other use of the animal as described in section 50(11) of the Michigan penal code, 1931 PA 328, MCL 750.50.
  - (ii) Removing the animal from the petitioner's possession.
  - (iii) Retaining or obtaining possession of the animal.
- (l) Any other specific act or conduct that imposes upon or interferes with personal liberty or that causes a reasonable apprehension of violence.
- (2) If the respondent is a person who is issued a license to carry a concealed weapon and is required to carry a weapon as a condition of his or her employment, a police officer licensed or certified by the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, a sheriff, a deputy sheriff or a member of the Michigan department of state police, a local corrections officer, department of corrections employee, or a federal law enforcement officer who carries a firearm during the normal course of his or her employment, the petitioner shall notify the court of the respondent's occupation before issuance of the personal protection order. This subsection does not apply to a petitioner who does not know the respondent's occupation.
- (3) A petitioner may omit his or her address of residence from documents filed with the court under this section. If a petitioner omits his or her address of residence, the petitioner shall provide the court with a mailing address.
- (4) The court shall issue a personal protection order under this section if the court determines that there is reasonable cause to believe that the individual to be restrained or enjoined may commit 1 or more of the acts listed in subsection (1). In determining whether reasonable cause exists, the court shall consider all of the following:
- (a) Testimony, documents, or other evidence offered in support of the request for a personal protection order.
  - (b) Whether the individual to be restrained or enjoined has previously committed or threatened to commit 1 or more of the acts listed in subsection (1).

(5) A court shall not issue a personal protection order that restrains or enjoins conduct described in subsection (1)(a) if all of the following apply:

- (a) The individual to be restrained or enjoined is not the spouse of the moving party.
- (b) The individual to be restrained or enjoined or the parent, guardian, or custodian of the minor to be restrained or enjoined has a property interest in the premises.
- (c) The moving party or the parent, guardian, or custodian of a minor petitioner has no property interest in the premises.

(6) A court shall not refuse to issue a personal protection order solely because of the absence of any of the following:

- (a) A police report.
- (b) A medical report.
- (c) A report or finding of an administrative agency.
- (d) Physical signs of abuse or violence.

(7) If the court refuses to grant a personal protection order, it shall state immediately in writing the specific reasons it refused to issue a personal protection order. If a hearing is held, the court shall also immediately state on the record the specific reasons it refuses to issue a personal protection order.

(8) A court shall not issue a mutual personal protection order. Correlative separate personal protection orders are prohibited unless both parties have properly petitioned the court under subsection (1).

(9) A personal protection order is effective and immediately enforceable anywhere in this state after being signed by a judge. Upon service, a personal protection order may also be enforced by another state, an Indian tribe, or a territory of the United States.

(10) The issuing court shall designate a law enforcement agency that is responsible for entering a personal protection order into the law enforcement information network as provided by the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.

(11) A personal protection order must include all of the following, to the extent practicable in a single form:

(a) A statement that the personal protection order has been entered to restrain or enjoin conduct listed in the order and that violation of the personal protection order will subject the individual restrained or enjoined to 1 or more of the following:

- (i) If the respondent is 17 years of age or older, immediate arrest and the civil and criminal contempt powers of the court and, if he or she is found guilty of criminal contempt, imprisonment for not more than 93 days and a fine of not more than \$500.00.
- (ii) If the respondent is less than 17 years of age, immediate apprehension or being taken into custody and the dispositional alternatives listed in section 18 of chapter XIII A of the probate code of 1939, 1939 PA 288, MCL 712A.18.
- (iii) If the respondent violates the personal protection order in a jurisdiction other than this state, the enforcement procedures and penalties of the state, Indian tribe, or United States territory under whose jurisdiction the violation occurred.

(b) A statement that the personal protection order is effective and immediately enforceable anywhere in this state after being signed by a judge and that, upon service, a personal protection order also may be enforced by another state, an Indian tribe, or a territory of the United States.

- (c) A statement listing the type or types of conduct enjoined.
- (d) An expiration date stated clearly on the face of the order.
- (e) A statement that the personal protection order is enforceable anywhere in this state by any law enforcement agency.
- (f) The name of the law enforcement agency designated by the court to enter the personal protection order into the law enforcement information network.
- (g) For ex parte orders, a statement that the individual restrained or enjoined may file a motion to modify or rescind the personal protection order and request a hearing within 14 days after the individual restrained or enjoined has been served or has received actual notice of the order and that motion forms and filing instructions are available from the clerk of the court.

(12) A court shall issue an ex parte personal protection order without written or oral notice to the individual restrained or enjoined or his or her attorney if it clearly appears from specific facts shown by a verified complaint, written motion, or affidavit that immediate and irreparable injury, loss, or damage will result from the delay required to effectuate notice or that the notice will itself precipitate adverse action before a personal protection order can be issued.

(13) A personal protection order issued under subsection (12) is valid for not less than 182 days. The individual restrained or enjoined may file a motion to modify or rescind the personal protection order and request a hearing under the Michigan court rules. A motion to modify or rescind the personal protection order must be filed within 14 days after the order is served or after the individual restrained or enjoined has received actual notice of the personal protection order unless good cause is shown for filing the motion after the 14 days have elapsed.

(14) Except as otherwise provided in this subsection, the court shall schedule a hearing on a motion to modify or rescind the ex parte personal protection order within 14 days after the motion is filed. If the respondent is a person described in subsection (2) and the personal protection order prohibits him or her from purchasing or possessing a firearm, the court shall schedule a hearing on the motion to modify or rescind the ex parte personal protection order within 5 days after the motion is filed.

(15) The clerk of the court that issues a personal protection order shall do all of the following immediately upon issuance and without requiring a proof of service on the individual restrained or enjoined:

- (a) File a true copy of the personal protection order with the law enforcement agency designated by the court in the personal protection order.
- (b) Provide the petitioner with 2 or more true copies of the personal protection order.
- (c) If the respondent is identified in the pleadings as a law enforcement officer, notify the officer's employing law enforcement agency, if known, about the existence of the personal protection order.
- (d) If the personal protection order prohibits the respondent from purchasing or possessing a firearm, notify the county clerk of the respondent's county of residence about the existence and contents of the personal protection order.
- (e) If the respondent is identified in the pleadings as a department of corrections employee, notify the state department of corrections about the existence of the personal protection order.
- (f) If the respondent is identified in the pleadings as being a person who may have access to information concerning the petitioner or a child of the petitioner or respondent and that information is contained in friend of the court records, notify the friend of the court for the county in which the information is located about the existence of the personal protection order.

(16) The clerk of the court shall inform the petitioner that he or she may take a true copy of the personal protection order to the law enforcement agency designated by the court under subsection (10) to be immediately entered into the law enforcement information network.

(17) The law enforcement agency that receives a true copy of a personal protection order under subsection (15) or (16) shall immediately and without requiring proof of service enter the personal protection order into the law enforcement information network as provided by the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.

(18) A personal protection order issued under this section must be served personally or by registered or certified mail, return receipt requested, delivery restricted to the addressee at the last known address or addresses of the individual restrained or enjoined or by any other manner allowed by the Michigan court rules. If the individual restrained or enjoined has not been served, a law enforcement officer or clerk of the court who knows that a personal protection order exists may, at any time, serve the individual restrained or enjoined with a true copy of the order or advise the individual restrained or enjoined of the existence of the personal protection order, the specific conduct enjoined, the penalties for violating the order, and where the individual restrained or enjoined may obtain a copy of the order. If the respondent is less than 18 years of age, the parent, guardian, or custodian of the individual must also be served personally or by registered or certified mail, return receipt requested, delivery restricted to the addressee at the last known address or addresses of the parent, guardian, or custodian. A proof of service or proof of oral notice must be filed with the clerk of the court issuing the personal protection order. This subsection does not prohibit the immediate effectiveness of a personal protection order or its immediate enforcement under subsections (21) and (22).

(19) The clerk of the court that issued the personal protection order shall immediately notify the law enforcement agency that received the personal protection order under subsection (15) or (16) if either of the following occurs:

- (a) The clerk of the court receives proof that the individual restrained or enjoined has been served.
- (b) The personal protection order is rescinded, modified, or extended by court order.

(20) The law enforcement agency that receives information under subsection (19) shall enter the information or cause the information to be entered into the law enforcement information network as provided by the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.

(21) Subject to subsection (22), a personal protection order is immediately enforceable anywhere in this state by any law enforcement agency that has received a true copy of the order, is shown a copy of it, or has verified its existence on the law enforcement information network as provided by the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.

(22) If the individual restrained or enjoined has not been served, a law enforcement agency or officer responding to a call alleging a violation of a personal protection order shall serve the individual restrained or enjoined with a true copy of the order or advise the individual restrained or enjoined of the existence of the personal protection order, the specific conduct enjoined, the penalties for violating the order, and where the individual restrained or enjoined may obtain a copy of the order. The law enforcement officer shall enforce the personal protection order and immediately enter or cause to be entered into the law enforcement information network that the individual restrained or enjoined has actual notice of the personal protection order. The law enforcement officer also shall file a proof of service or proof of oral notice with the clerk of the court issuing the personal protection order. If the individual restrained or enjoined has not received notice of the personal protection order, the individual restrained or enjoined must be given an opportunity to comply with the personal protection order before the law enforcement officer makes a custodial arrest



for violation of the personal protection order. The failure to immediately comply with the personal protection order is grounds for an immediate custodial arrest. This subsection does not preclude an arrest under section 15 or 15a of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.15 and 764.15a, or a proceeding under section 14 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.14.

(23) An individual who is 17 years of age or older and who refuses or fails to comply with a personal protection order under this section is subject to the criminal contempt powers of the court and, if found guilty, must be imprisoned for not more than 93 days and may be fined not more than \$500.00. An individual who is less than 17 years of age and who refuses or fails to comply with a personal protection order issued under this section is subject to the dispositional alternatives listed in section 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18. The criminal penalty provided under this section may be imposed in addition to a penalty that may be imposed for another criminal offense arising from the same conduct.

(24) An individual who knowingly and intentionally makes a false statement to the court in support of his or her petition for a personal protection order is subject to the contempt powers of the court.

(25) A personal protection order issued under this section is also enforceable under section 15b of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.15b, and chapter 17.

(26) A court shall not issue a personal protection order that restrains or enjoins conduct described in subsection (1) if any of the following apply:

- (a) The respondent is the unemancipated minor child of the petitioner.
- (b) The petitioner is the unemancipated minor child of the respondent.
- (c) The respondent is a minor child less than 10 years of age.

(27) If the respondent is less than 18 years of age, issuance of a personal protection order under this section is subject to chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.

(28) A personal protection order that is issued before March 1, 1999 is not invalid on the ground that it does not comply with 1 or more of the requirements added by 1998 PA 477.

(29) For purposes of subsection (1)(k), a petitioner has an ownership interest in an animal if 1 or more of the following are applicable:

- (a) The petitioner has a right of property in the animal.
- (b) The petitioner keeps or harbors the animal.
- (c) The animal is in the petitioner's care.
- (d) The petitioner permits the animal to remain on or about premises occupied by the petitioner.

(30) As used in this section:

- (a) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.
- (b) "Federal law enforcement officer" means an officer or agent employed by a law enforcement agency of the United States government whose primary responsibility is the enforcement of laws of the United States.
- (c) "Neglect" means that term as defined in section 50 of the Michigan penal code, 1931 PA 328, MCL 750.50.
- (d) "Personal protection order" means an injunctive order issued by the family division of circuit court restraining or enjoining activity and individuals listed in subsection (1).

## Crime Victim's Rights Act (Excerpt) - MCL § 780.756

Notice to be given victim; consultation with prosecuting attorney; persons to be informed of victim's current address and telephone number.

Sec. 6.

(1) Not later than 7 days after the defendant's arraignment for a crime, but not less than 24 hours before a preliminary examination, the prosecuting attorney shall give to each victim a written notice in plain English of each of the following:

- (a) A brief statement of the procedural steps in the processing of a criminal case.
- (b) A specific list of the rights and procedures under this article.
- (c) A convenient means for the victim to notify the prosecuting attorney that the victim chooses to exercise his or her rights under this article.
- (d) Details and eligibility requirements for compensation from the crime victim services commission under 1976 PA 223, MCL 18.351 to 18.368.
- (e) Suggested procedures if the victim is subjected to threats or intimidation.
- (f) The person to contact for further information.

(2) If the victim requests, the prosecuting attorney shall give the victim notice of any scheduled court proceedings and any changes in that schedule.

(3) Before finalizing any negotiation that may result in a dismissal, plea or sentence bargain, or pretrial diversion, the prosecuting attorney shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the victim's views about the disposition of the prosecution for the crime, including the victim's views about dismissal, plea or sentence negotiations, and pretrial diversion programs.

(4) A victim who receives a notice under subsection (1) and who chooses to receive any notice or exercise any right under this article shall keep the following persons informed of the victim's current address and telephone number:

- (a) The prosecuting attorney, until final disposition or completion of the appellate process, whichever occurs later.
- (b) The department of corrections or the sheriff, as the prosecuting attorney directs, if the defendant is imprisoned.
- (c) The department of human services or county juvenile agency, as the prosecuting attorney directs, if the defendant is held in a juvenile facility.
- (d) The hospital or facility, as the prosecuting attorney directs, if the defendant is hospitalized in or admitted to a hospital or a facility.

## Sexual Assault Victim's Access to Justice Act 319 of 2014 MCL § 752.952

Definitions. Sec. 2. As used in this act:

- (a) "Forensic laboratory" means a DNA laboratory that has received formal recognition that it meets or exceeds a list of standards, including the FBI director's quality assurance standards, to perform specific tests, established by a nonprofit professional association of persons actively involved in forensic science that is nationally recognized within the forensic community in accordance with the provisions of the federal DNA identification act, 42 USC 14132, or subsequent laws.

(b) "Investigating law enforcement agency" means the local, county, or state law enforcement agency with the primary responsibility for investigating an alleged sexual assault offense case and includes the employees of that agency. Investigating law enforcement agency includes a law enforcement agency of a community college or university if that law enforcement agency of a community college or university is responsible for collecting sexual assault evidence.

(c) "Law enforcement agency" means the local, county, or state law enforcement agency and includes the employees of that agency. Law enforcement agency includes a law enforcement agency of a community college or university.

(d) "Sexual assault evidence kit" means that term as defined in section 21527 of the public health code, 1978 PA 368, MCL 333.21527.

(e) "Sexual assault offense" means a violation or attempted violation of sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g.

(f) "Sexual assault victim" means an individual subjected to a sexual assault offense and, for the purposes of making communications and receiving notices under this act, a person designated by the sexual assault victim under section 4.

### Information and notice to be provided to sexual assault victim- MCL § 752.953

#### Sec. 3.

(1) Within 24 hours after the initial contact between a sexual assault victim and the investigating law enforcement agency, that investigating law enforcement agency shall give the sexual assault victim a written copy of, or access to, the following information:

(a) Contact information for a local community-based sexual assault services program, if available.

(b) Notice that he or she can have a sexual assault evidence kit administered and that he or she cannot be billed for this examination as provided in section 5a of 1976 PA 223, MCL 18.355a.

(c) Notice that he or she may choose to have a sexual assault evidence kit administered without being required to participate in the criminal justice system or cooperate with law enforcement as provided in section 5a of 1976 PA 223, MCL 18.355a.

(d) Notice of the right to request information under sections 5 and 6.

(e) Notice of the right to request a personal protection order as provided in section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

(2) The information and notice provided under subsection (1) shall also include the notice required under the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834.

(3) The Michigan domestic and sexual violence prevention and treatment board, in consultation with law enforcement, shall develop a sample notice card for sexual assault victims. The card shall be made available electronically to Michigan law enforcement agencies no later than June 30, 2015.

(4) Beginning not later than September 30, 2015, law enforcement agencies shall provide sexual assault victims with the information required in subsection (1).

### Release of sexual assault kit evidence MCL § 752.933

#### Sec. 3.

(1) A health care facility that has obtained written consent to release sexual assault kit evidence shall notify the investigating law enforcement agency, if known, or the law enforcement agency having jurisdiction in that portion of the local unit of government in which the medical facility is located of that fact within 24 hours after obtaining that consent.

(2) A health care facility that has not obtained written consent to release any sexual assault kit evidence shall inform the individual from whom sexual assault kit evidence was obtained of its sexual assault kit evidence storage policy. The information provided under this subsection shall include a statement of the period for which that evidence will be stored before it is destroyed and how the individual can have the evidence released to the investigating law enforcement agency at a later date. Any sexual assault kit evidence that is not released to a law enforcement agency under this section shall be stored for a minimum of 1 year before it is destroyed.

## Part VII: Conclusion

To instill a culture of awareness and responsibility, Mid Michigan College encourages all individuals of the campus community to report acts of discrimination, harassment, or sexual misconduct that they observe or become aware of. Mid is dedicated to maintaining an environment where every member of the campus community can feel secure, valued, and encouraged to succeed. Through both, its Title IX Sexual Harassment Policy and this Non-Discrimination, Harassment, and Sexual Misconduct Policy, the College has a venue for determining when these expectations have been violated.

If you see something, sense something, say something!

If you have any questions regarding this Policy, wish to file a Report, or obtain a paper copy, please contact the College's Title IX Coordinator listed within this document.