



Keweenaw Bay Ojibwa Community College

Annual Security Report 2013

Institutions of higher education that administer Title IV funds are mandated to comply with the Higher Education Act of 1965, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), and the Higher Education Opportunity Act.

Part of the compliance with these regulations is to provide an Annual Security Report to the campus community. This report consists of two basic parts, disclosure of the College's crime statistics for the past three years and disclosures regarding the College's current campus safety and security policies.

The annual security report will be compiled, published and distributed to the campus community by Oct. 1 each year. The notice will be mailed through U.S. mail or e-mailed to all students; interoffice mail will be used for employees.

The report will be posted on the KBOCC website, posted at the Niiwin Akeaa and Library/Science Building, and is available in the Dean of Student Services office.

Notice of the availability of the Annual Security Report is posted in both the College Catalog and the Student Handbook.

KBOCC will not charge staff or students for copies of the Annual Security Report.

Geography of the KBOCC Campus:

The KBOCC President is responsible for building information. Building paperwork, plans, etc. are kept in the President's office.

Crime statistics are reported for KBOCC buildings and property, public property within or adjacent to the campus, and any other locations in which a class or other college activity is regularly held. KBOCC does not have on-campus student housing.

1. KBOCC has several buildings, including the *Niiwin Akeaa Center* (campus building) and five non-campus buildings (any building or property owned or controlled by the College that is used in direct support of, or in relation to, the College's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution). These buildings include:

- KBOCC Niiwin Akeaa Center
(Main Building)
111 Beartown Rd.
Baraga, Mi. 49908
Public property includes the parking lot on the east end of the building between Niwiin Akeaa and the Keweenaw Bay Indian Community Day Care Building and the stretch of Beartown Road in front of the Niiwin Akeaa Center.
- KBOCC Library/Science Center
409 Superior Avenue
Baraga, MI. 49908
- KBOCC Annex
325 Superior Ave.
Baraga, MI. 49908
- KBOCC Woodworking Shop
16364 Ojibwa Industrial Park Rd.
Baraga, MI. 49908
- L'Anse Area Schools
Industrial Education Building
201 N. Fourth St.
L'Anse, MI. 49946
- Keweenaw Bay Indian Community
Community Building
105 Acre Trail
Marquette, MI. 49855

Crime Statistics

Crime Statistics are collected by the Dean of Student Services. Crime Statistics reports originate from and are kept in the Dean's office. The statistics are posted on KBOCC's website each year by October 1. KBOCC is required to provide crime statistics for the past three calendar years. The Dean of Student Services requests and collects statistics from local police agencies and from the Dean of Student Services log of reported campus crimes investigated by the Keweenaw Bay Indian Community (KBIC) Tribal Police. The crime statistic report has been incorporated into this document (pages 4-6) and clarifies the types of crime that must be reported according to the Clery Act.

Crime Statistics

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires college and universities that participate in Title IV student financial aid programs to disclose campus crime statistics and security information. Crime definitions can be found in the FBI Uniform Crimes Reporting Handbook 2004 at the following URL:

http://www.fbi.gov/about-us/cjis/ucr/additional-ucr-publications/ucr_handbook.pdf

The Clery Act mandates that crime statistics be made available for 3 years. KBOCC begun participating in Title IV student financial aid programs in Fall 2010. The College has coordinated with law enforcement agencies to obtain some crime statistics for the past calendar years of 2010– 2012. The statistics provided, and the organizations that the statistics originated from are reported in the tables below. Because KBOCC does not have its own campus security, the college works with local police organizations to handle campus crime.

Addresses for the buildings identified in the crime statistic tables are:

KBOCC Niiwin Akeaa Center
(Main Building)
111 Beartown Rd.
Baraga, MI. 49908

KBOCC Annex/Student Center
325 Superior Ave.
Baraga, MI. 49908

KBOCC Woodworking Shop
16364 Ojibwa Industrial Park Rd.
Baraga, MI. 49908

L'Anse Area Schools Industrial Building
201 N. Fourth St.
L'Anse, MI. 49946

Keweenaw Bay Indian Community
Community Building
105 Acre Trail
Marquette, MI. 49855

KBOCC Library/Science Center
409 Superior Ave.
Baraga, MI. 49908

The U.S. Department of Education Handbook for Campus Crime Reporting identifies public property as "...thoroughfares, streets, sidewalks, and parking facilities that is within the campus, or immediately adjacent to and accessible from the campus." It does not include surrounding property that is not owned or controlled by the institution, including private residences and businesses.

Report to the Education Department

KBOCC will report crime statistics in compliance with the Clery Act via designated web site each fall as stipulated by the Department of Education's Office of Postsecondary Education.

Crime Statistics for Calendar Year 2012*

NOTE: The Keweenaw Bay Indian Community's Community Building in Harvey was added in 2011 because KBOCC courses are now provided in this building.

Type of Offenses	On Campus Niiwin Akeaa Center	Non-Campus Library/ Science Center	Non-Campus Annex/ Student Center	Non-Campus Woodwork Shop	Non-Campus Welding Shop	Non-Campus KBIC Community Bldg-Harvey	Adjacent Public Property	Hate Crime Category**
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	none
Negligent Manslaughter	0	0	0	0	0	0	0	none
Sex offenses-forcible	0	0	0	0	0	0	0	none
Sex offenses-non-forcible	0	0	0	0	0	0	0	none
Robbery	0	0	0	0	0	0	0	none
Burglary	0	0	0	0	0	0	0	none
Aggravated Assault	0	0	0	0	0	0	0	none
Motor Vehicle Theft	0	0	0	0	0	0	0	none
Arson	0	0	0	0	0	0	0	none
<i>Reported only if the offense was a hate crime</i>	<i>Larceny-Theft***</i>	0	0	0	0	0	0	none
	<i>Simple Assault***</i>	0	0	0	0	0	0	none
	<i>Intimidation***</i>	0	0	0	0	0	0	none
	<i>Vandalism, Damage, Destruction of Property***</i>	0	0	0	0	0	0	none
Liquor Law Violation – Arrest	0	0	0	0	0	0	0	n/a
Liquor Law Violation–Campus Disciplinary Action	0	0	0	0	0	0	0	n/a
Drug Abuse Violation – Arrest	0	0	0	0	0	0	0	n/a
Drug Abuse Violation – Campus Disciplinary Action	0	0	0	0	0	0	0	n/a
Weapon Possession – Arrest	0	0	0	0	0	0	0	n/a
Weapon Possession – Campus Disciplinary Action	0	0	0	0	0	0	0	n/a

*Compiled from the Baraga Village Police Department, Baraga County Sheriff's Office, Chocolay Township Police, Keweenaw Bay Tribal Police, L'Anse Police Department, Marquette County Sheriff's Office, Michigan State Police- L'Anse/Calumet Post, Michigan State Police-Negaunee Post, and the KBOCC Student Services Crime Log.

**Hate Crime categories: race, gender, religion, sexual orientation, ethnicity/national origin, disability

***Reported only if considered a "hate crime"

Crime Statistics for Calendar Year 2011*

Type of Offenses	On Campus Niiwin Akeaa Center	Non-Campus Library/ Science Center	Non-Campus Annex/ Student Center	Non-Campus Woodwork Shop	Non-Campus Welding Shop	Adjacent Public Property	Hate Crime** (Category)
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	none
Negligent Manslaughter	0	0	0	0	0	0	none
Sex offenses-forcible	0	0	0	0	0	0	none
Sex offenses-non-forcible	0	0	0	0	0	0	none
Robbery	0	0	0	0	0	0	none
Aggravated Assault	0	0	0	0	0	0	none
Burglary	0	0	0	0	0	0	none
Motor Vehicle Theft	0	0	0	0	0	0	none
Arson	0	0	0	0	0	0	none
Larceny-Theft***	0	0	0	0	0	0	none
Simple Assault***	0	0	0	0	0	0	none
Intimidation***	0	0	0	0	0	0	none
Vandalism, Damage, Destruction of Property***	0	0	0	0	0	0	none
Liquor Law Violation – Arrest	0	0	0	0	0	0	n/a
Liquor Law Violation–Campus Disciplinary Action	0	0	0	0	0	0	n/a
Drug Abuse Violation – Arrest	0	0	0	0	0	0	n/a
Drug Abuse Violation – Campus Disciplinary Action	0	0	0	0	0	0	n/a
Weapon Possession – Arrest	0	0	0	0	0	0	n/a
Weapon Possession – Campus Disciplinary Action	0	0	0	0	0	0	n/a

*Compiled from Michigan State Police, Baraga Village Police Department, L'Anse Police Department, KBOCC Student Services Crime Log – incidents reported to Keweenaw Bay Indian Community Tribal Police

**Hate Crime categories: race, gender, religion, sexual orientation, ethnicity/national origin, disability

***Reported only if considered a "hate crime"

Crime Statistics for Calendar Year 2010*

Type of Offenses	On Campus Niiwin Akeaa Center	Non-Campus Library/ Science Center	Non-Campus Annex/ Student Center	Non-Campus Woodwork Shop	Non-Campus Welding Shop	Adjacent Public Property	Hate Crime** (Category)
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	none
Negligent Manslaughter	0	0	0	0	0	0	none
Sex offenses-forcible	0	0	0	0	0	0	none
Sex offenses-non-forcible	0	0	0	0	0	0	none
Robbery	0	0	0	0	0	0	none
Aggravated Assault	0	0	0	0	0	0	none
Burglary	1	0	0	0	0	0	none
Motor Vehicle Theft	0	0	0	0	0	0	none
Arson	0	0	0	0	0	0	none
Larceny-Theft***	0	0	0	0	0	0	none
Simple Assault***	0	0	0	0	0	0	none
Intimidation***	0	0	0	0	0	0	none
Vandalism, Damage, Destruction of Property****	0	0	0	0	0	0	none
Liquor Law Violation – Arrest	0	0	0	0	0	0	n/a
Liquor Law Violation–Campus Disciplinary Action	0	0	0	0	0	0	n/a
Drug Abuse Violation – Arrest	0	0	0	0	0	0	n/a
Drug Abuse Violation – Campus Disciplinary Action	0	0	0	0	0	0	n/a
Weapon Possession – Arrest	0	0	0	0	0	0	n/a
Weapon Possession – Campus Disciplinary Action	0	0	0	0	0	0	n/a

*Compiled from Michigan State Police, Baraga Village Police Department, L'Anse Police Department, KBOCC Student Services Crime Log – incidents reported to Keweenaw Bay Indian Community Tribal Police

**Hate Crime categories: race, gender, religion, sexual orientation, ethnicity/national origin, disability

***Reported only if considered a "hate crime"

CAMPUS SAFETY AND SECURITY POLICIES

Keweenaw Bay Ojibwa Community College complies with the Higher Education Act, Higher Education Opportunity Act, and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

1. Provide a statement of current campus policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus.

The Dean of Student Services is designated as the Campus Security Authority for KBOCC. Students, staff, guests, and community members are encouraged to contact the Dean of Student Services at (906) 353-4628 to report on-campus criminal offenses, to assist KBOCC in accurately assessing and reflecting campus crime. Individuals also retain the right to contact law enforcement, especially in an emergency situation.

a. Policies for making timely warning reports to members of the campus community regarding the occurrence of Clery Act crimes.

In the event that a situation arises, either on or off campus, that in the judgment of the emergency contact constitutes an ongoing or continuing threat, a campus-wide “timely warning” will be issued. The Dean of Student Services, or other designated emergency contact is responsible for coordinating Timely Warnings.

Timely warnings will be disseminated via e-mail, posted in campus buildings frequented by students and staff, and posted on the KBOCC website.

To ensure the safety of the campus community, a timely warning will be issued to the campus community for on-campus alleged offenses covered under the Clery Act if:

- the allegation is reported to the campus security authority or a law enforcement agency,
- occurs in the designated campus area per Clery Act,
- is considered to represent a serious threat to students and staff.

Factors considered in determining if a crime is considered to be a serious threat include:

- reviewing the nature of the crime – does this appear to be a one-time, isolated incident, vs. a potential recurring crime
- was the perpetrator apprehended?

The CSA may consult with local law enforcement when issuing timely warnings and updated warnings as warranted.

Timely warnings will include:

- date of the warning.
- summary of type of crime reported and where it occurred to warrant the warning. This information is generated from a “Security Office” report and is not a violation of FERPA.

- Recommended strategies to stay safe.

Documentation of Timely Warnings is kept in the Dean of Student Services Office.

b.Policies for preparing the annual disclosure of crime statistics.

The Dean of Student Services compiles the Clery crime statistics information for the campus. The Dean contacts local law enforcement officials in the Baraga County area, Marquette and Negaunee to access statistics on reported offenses, and includes apparently valid offenses that are reported to the Dean as the Campus Security Authority as well. These statistics are summarized and disseminated on campus. The Dean also requests notification if law enforcement are contacted about a crime on campus, especially if the crime poses a threat to students.

Documentation of phone calls and letters sent are kept to show contact has been made with law enforcement authorities.

The Dean of Student Services also makes contact with other staff in the college to ensure that no reported offenses go uncounted.

KBOCC is not required to keep a daily crime log as the campus does not have campus police or security personnel. The Dean of Student Services, as the CSA, does keep a log documenting Clery-reportable offenses that are reported to her office.

Crime statistics are reported for the offenses identified below. The definitions of these crimes are identified by the Federal Bureau of Investigation's Uniform Crime Reporting List.

Murder/Non-negligent Manslaughter

Negligent Manslaughter

Forcible Sex Offenses

Non-forcible Sex Offenses

Robbery

Aggravated Assault

Motor Vehicle Theft

Arson

The statistics will also show if any of the above crimes were considered a "hate crime" - the victim was targeted because of race, gender, religion, sexual orientation, ethnicity/national origin, or disability.

Additional "hate crime" statistics will be compiled for the following offenses:

Larceny-Theft

Simple Assault

Intimidation

Vandalism, Damage, Destruction of Property

Statistics will also be compiled for campus arrests and referrals due to liquor law violations, drug abuse violations, and weapons violations.

If two or more offenses are committed during a single incident, KBOCC will utilize the FBI's UCR hierarchy rule and reflect the most serious offense in the crime statistics. The exception to this rule is arson – this offense must be counted each time, and all hate crime offenses must be counted.

For purposes of reporting crime statistics, KBOCC will not distinguish between a crime and an attempted crime.

No personal identifiers will be used in statistical reports – only the type of offense that was committed or attempted.

c. A list of title of each person or organization to whom students and employees should report criminal offenses described in the law for the purpose of making timely warning reports and the annual statistical disclosure. This statement must also disclose whether the institution has any institutional policies or procedures that allow victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual security report.

To report a crime dial Tribal Police at (906) 353-6626.

Any person who becomes aware of an emergency situation on campus should contact Denise Cadeau immediately at (906) 353-4628, or Lynn Aho at (906) 353-4618. In the event of extreme situations, the President should be notified.

If there is an immediate life-threatening danger to the campus community, the emergency contact number for Baraga County is 911.

KBOCC does not have an anonymous reporting policy for crime statistics.

2. Provide a statement of current policies concerning:

- a. Security of and access to campus facilities, including campus residences; and**
- b. Security considerations used in the maintenance of campus facilities.**

Business hours for campus buildings vary, depending on course schedules. Typically, KBOCC buildings are closed and locked by the last employee leaving the building. There should always be at least one employee present if a building is open.

If a student has a safety concern, he or she can bring this to the attention of any KBOCC employee on site.

KBOCC has security cameras at the Niiwin Akeaa Center and postings to inform the public that the premises are monitored to minimize potential threats against others or property.

3. Provide a statement of current policies concerning campus law enforcement, including:
a. The law enforcement authority of campus security personnel.

KBOCC does not have a campus security office. The Dean of Student Services is designated as the Campus Security Authority for the college and coordinates services in conjunction with KBIC Tribal Police and other local law enforcement agencies.

b. The working relationship of campus security personnel with state and local law enforcement agencies, including whether the institution has agreements with such agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses.

KBOCC does not have a memorandum of understanding with any law enforcement agency, but the Dean of Student Services consults with the Tribal Police Chief on crime reporting, policies, and coordinating emergency situations. KBOCC relies primarily on the Keweenaw Bay Indian Community Tribal Police to patrol the KBOCC campus as a part of their routine patrol of tribal buildings, programs, and facilities on the L'Anse Reservation. Other law enforcement agencies may also be contacted as well, including the 911 dispatch, which is administered by the Michigan State Police, and dispatches to the local law enforcement agencies, including the Tribal Police. KBOCC staff will work with local law enforcement when a campus crime is being investigated.

c. Policies which encourage accurate and prompt reporting of all crimes to campus police and the appropriate law enforcement agencies.

Students and employees are encouraged to report all criminal acts on campus promptly to Tribal Police.

d. A description of procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

KBOCC does not employ either pastoral or professional counselors who are bound by confidentiality.

4. Provide a statement that describes the type and frequency of programs designed to inform students and employees about campus security procedures and practices to encourage students and employees to be responsible for their own security and the security of others.

KBOCC conducts a fire drill once per semester. Fire drills provide an opportunity for students, staff and faculty to practice evacuating and identifying deficiencies and opportunities for improvement. All drills are supervised by the Fire Drill Coordinator and documented on the College's Fire Drill Report form.

During the required orientation for all new students, students are provided information on safety and security, crime statistics, how to contact Tribal Police and what to do during an emergency, and more.

The KBOCC Resource Guide is a publication made available to all students. The emergency

number (911) for Baraga County is provided in the KBOCC Student Resource guide.

Safety and security workshops can be arranged upon request by calling the Dean of Student Services at 906-353-4628.

5. Provide a description of programs designed to inform students and employees about the prevention of crimes.

Proposed-Pending Board Approval

Student Services offers crime prevention programs and brochures to faculty, staff and students concerning such topics as theft prevention, sexual assault awareness, alcohol abuse and drug abuse.

Student Services will work with local law enforcement officials in securing appropriate written material, presenting programs and developing regulations to implement this responsibility.

The Keweenaw Bay Indian Community's OVW program provides presentations each Fall and Spring semester to students and employees on the following topics: Domestic Violence, Sexual Assault, Dating Violence and Stalking, Impact of Violence on Children, Services to Victims of Crime, and Violent Crime Defined.

Crime prevention presentations are also available upon request by calling the Dean of Student Services at 906-353-4628.

6. Provide a statement of policy concerning the monitoring and recording, through local police agencies, of criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution, including student organization with off-campus housing facilities.

Coordination with local law enforcement is not applicable since no student organizations have off-campus facilities.

7. Provide a statement of policy regarding the possession, use and sale of alcoholic beverages and enforcement of state underage drinking laws and;

8. Provide a statement of policy regarding the possession, use and sale of illegal drugs and enforcement of federal and state drug laws.

KBOCC complies with the Drug Free Workplace Act of 1988 and the Drug Free Schools and Communities Act Amendments of 1991.

It is the policy of Keweenaw Bay Ojibwa Community College that students, staff, and visitors on campus or participating at a college sanctioned event are alcohol and drug free. The following behaviors constitute a violation of this policy:

- Use, possession or distribution of alcohol.
- Use or possession of any controlled substance without a prescription.
- Distribution of any controlled substance or drugs.
- Reporting to campus or to a campus-sponsored activity while under the influence of alcohol or drugs.

- Use of tobacco, other than for ceremonial purposes, in campus buildings or in no-smoking zones outdoors.

Any violation of this policy will result in disciplinary action (consistent with Tribal, State, and Federal law), and may include expulsion or termination of employment and/or referral for prosecution. Visitors who violate this policy may be mandated to leave the premises. Law enforcement may also be contacted, if warranted.

KBOCC reserves the right to contact parents of any student under the age of 21 who violates the KBOCC Drug Free Environment Policy per October 1998 reauthorization of the Higher Education Act.

9. Provide a description of any drug or alcohol abuse education programs as required under Section 120(a) through (d) of HEA. For the purpose of meeting this requirement, an institution may cross-reference the materials it uses to comply with Section 120(a) through (d) of HEA.

Students and staff are sent the KBOCC drug and alcohol policy on an annual basis.

Information about alcohol and drug prevention is available on the student services information table and is also incorporated into some student activities.

Information about drug / alcohol prevention and intervention programs is available in the KBOCC Student Resource Guide and is also available in the Dean of Student Services office.

10. Provide a statement that the institution will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime of offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

KBOCC will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the college against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, KBOCC will provide the results of the disciplinary hearing to the victim's next of kin if so requested.

11. Provide a statement of policy regarding your institution's emergency response and evacuation procedures.

EMERGENCY RESPONSE

Any person who becomes aware of an emergency situation on campus should contact the primary emergency contact person, Denise M. Cadeau immediately at (906) 353-4628, or Lynn Aho, the secondary contact, at (906) 353-4618. In the event of extreme situations, the President should be notified.

If there is an immediate life-threatening danger to the campus community, the emergency contact number for Baraga County is 911.

The Dean of Student Services, or other designated emergency contact is responsible for coordinating Emergency Notifications.

If there is an immediate threat to the health or safety of students or employees on campus, both staff and the student body will be contacted via telephone or e-mail address for emergencies. It is recommended that students and staff check their e-mail daily for this purpose. Emergency warnings will also be made available on the main campus number: (906) 353-4600. If students or employees cannot access e-mail from home, those individuals can register a phone number with the Dean of Student Services office for use in case of emergency.

Other potential threats to the campus community will be posted throughout the campus and disseminated to students and staff as well.

If a campus threat may endanger the larger community, KBOCC staff will work with the KBIC Tribal Police to disseminate information accordingly.

EMERGENCY TELEPHONE NUMBERS

EMERGENCY CALLS	911
AMBULANCE – non-emergency	353-6196
ELECTRICAL	1-800-562-7128
FIRE	911
GAS	1-800-562-9734
	1-800-624-2019 EXT 18
HOSPITAL	524-3300
KBIC MAINTENANCE	353-4617
	353-2626

POLICE DEPARTMENTS

Regional Dispatch	(906) 337-2211
Keweenaw Bay Indian Community Tribal Police	(906) 353-6626
Baraga County Sheriff	(906) 524-6177
Baraga Village Police	(906) 353-7181
L’Anse Village Police ((906) 524-6950
Michigan State Police	(906) 524-6162

EVACUATIONS

An evacuation may involve only one room or the entire College complex. The authority to evacuate the entire complex for an immediate emergency rests with the Dean of Student Services or President. Any employee observing or having knowledge of a situation which poses immediate danger to patrons and employees must take steps to remove persons from the danger.

The area to evacuate is determined by the nature of the event and the level of danger. Notification to evacuate is one of the most critical parts of a successful evacuation.

Once evacuation is required, all department chairs will be notified and will provide assistance for the evacuation. Cooperation of all employees in directing egress will be coordinated by the emergency contact person.

The emergency contact person will:

1. Confirm that there is a dangerous situation or legitimate emergency. This will include assessing information from the reporter, and possibly consulting with local law enforcement.
2. Declare the emergent situation and notify all department chairs if the situation requires a notification, or an evacuation..

If the emergency requires evacuation:

3. The Emergency Contact Person will secure assistance from outside support as needed, i.e. law enforcement or fire assistance.
4. The Emergency Contact Person will inform department chairs if there are any unsafe exits to avoid in the evacuation process.
5. Department chairs will contact the staff in their respective departments that are currently on-site and facilitate evacuation through the nearest, safe emergency exit. One of the Deans or a designated staff member will contact classes in session and inform instructors of any unsafe exits.
6. Each instructor will secure the class roster and escort students from their respective classes to the nearest, safe emergency exit to evacuate.
7. Above mentioned staff will secure assistance for any injured or special needs persons.
8. The post evacuation meeting place is on the southeast side of the parking lot between KBOCC Niiwin Akeaa and the KBIC Day Care.
9. Each staff member will ensure that all persons in their departments are accounted for; instructors will ensure that all students that were in attendance during class are accounted for.
10. The Emergency Contact Person will enlist the assistance of other staff to assist with emergency notification procedures as warranted.
11. The administrator who initiated the evacuation will be responsible for completing the incident report after order is restored.

Practice Evacuations

Practice evacuations will be conducted at least twice a year. These will be documented and kept with this policy in the Dean of Student Services office. Employees should

report to East end of the parking lot if immediate evacuation is required. Each evacuation team leader will account for their assigned personnel.

Schedule the test of the system with a primary focus for the test, i.e. phone emergency notification, coordination of officials, etc.

1. Publicize the emergency response and evacuation test to the campus and the larger communities.
2. Documentation of the test will include:
 - a. The location of the test.
 - b. The date that the test was held.
 - c. The beginning and ending time of the test.
 - d. A description of the exercise.
 - e. Statement if the test was announced or unannounced.
 - f. Documentation of the test will be kept for seven years.

Sex Offense Policy, Procedures and Programs

a. A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and nonforcible sex offenses;

Proposed-Pending Board Approval

The Keweenaw Bay Indian Community's OVW program provides presentations each Fall and Spring semester to students and employees on rape, acquaintance rape, and sex offenses.

Sex offense awareness and prevention presentations are also available upon request by calling the Dean of Student Services at 906-353-4628.

Materials covering sex offense awareness and prevention are available at Student Services.

b. Procedures students should follow if a sex offense occurs, including:

- **Procedures concerning who should be contacted;**
- **The importance of preserving evidence for the proof of a criminal offense; and**
- **To whom the alleged offense should be reported.**

c. Information on a student's option to notify appropriate law enforcement authorities, including:

- **On-campus and local police; and**
- **A statement that institutional personnel *will* assist the student in notifying these authorities, if the student requests the assistance of these personnel.**

For *b* & *c* see Sexual Assault Policy below.

d.Notification to students of existing on- and off-campus counseling, mental health or other student services for victims of sex offenses.

KBOCC does not currently provide counseling. Off-campus counselors for mental health or victims of sex offenses can be found in the Student Resource Guide under the heading "Counseling."

e.Notification to students that the institution will change a victim's academic and living situations after an alleged sex offense, and the options for those changes if those changes are requested by the victim and are reasonably available.

Proposed-Pending Board Approval

Assistance is available in changing academic situations after an alleged sexual assault if requested by the victim and if such changes are reasonably available. KBOCC does not have on-campus living quarters. The Dean of Student Services will assist the victim in making these changes.

f.Procedures for campus disciplinary action in cases of an alleged sex offense, *including a clear statement that:*

i. The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and

ii. Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding that is brought alleging a sex offense. Compliance with this paragraph does not constitute a violation of the *Family Educational Rights and Privacy Act (FERPA)*. For the purpose of this paragraph, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex offense and any sanction that is imposed against the accused.

The KBOCC Student Code of Conduct, found in the Student Handbook contains the procedures for campus disciplinary action. Sex offenses, unwanted sexual behavior, and violations of federal, state or local law are strictly prohibited. Any member of the College community may file charges against any student for misconduct. Charges shall be prepared in writing and directed to the Dean of Student Services. Any charge should be submitted as soon as possible after the event takes place. Both the accused and the accuser are entitled to the same opportunities to have others present during a disciplinary proceeding and both must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense (see "Disciplinary Hearing" and "Hearing Decision" sections of the Student Code of Conduct).

g.Sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape or other forcible or non-forcible sex offenses.

Sanctions imposed for disciplinary purposes by the College against the perpetrators of sexual assault may include suspension or expulsion from the College. (see "Serious Violations" section of the Student Code of Conduct).

Sex Offenders Registry Information

The State of Michigan and the Keweenaw Bay Indian Community both maintain Sex Offender Registry Systems which monitor the whereabouts of sex offenders who have been convicted of serious offenses.

Information on accessing either the Michigan Sex Offender's Registry or the KBIC Tribe and Territory Sex Offender Registry System (TTSORS) is available in the Dean of Student Services Office. Inquiries are confidential.

The URL to access the Michigan Sex Offenders Registry is:

<http://www.mipsor.state.mi.us/>

The URL to access the Keweenaw Bay Indian Community's TTSORS system is:

<http://kbic.nsopw.gov/>

Smoking Policy

Keweenaw Bay Ojibwa Community College complies with all applicable Federal, State, and local regulations regarding smoking in either the workplace or academic buildings in order to provide an environment that promotes the well-being of its students and employees.

SMOKING IS PROHIBITED INSIDE ALL TRIBAL COLLEGE FACILITIES. The NO SMOKING POLICY applies to students, employees, and visitors while on the premises. Everyone is expected to exercise common courtesy and respect the needs and sensitivities of others with regard to the smoking policy. Smoking is prohibited near the main building entrance. The gazebo is designated as an outdoor smoking area for the main building. Violation of this policy will result in disciplinary action.

Missing Student Notification Procedures

Although not mandated for KBOCC due to the lack of on-campus housing, KBOCC does have a missing student notification procedure.

If it appears that a student is "missing", the Dean of Student Services or another staff member will attempt to contact the emergency contact on the student's application. (It is recommended that students be aware of their emergency contacts and update as necessary.)

If it is determined that a student is "missing", KBOCC staff will contact local law enforcement within 24 hours. KBOCC staff are also mandated to contact the parent or guardian within 24 hours if the missing student is an unemancipated minor. KBOCC staff will also attempt to contact parents of a missing student under the age of 21 unless the student directly opts out of this contact.

KBOCC staff will work with local law enforcement in attempts to locate any missing student.

Annual Fire Safety Report

Because KBOCC provides no on-campus housing for students, we are not required to distribute an annual fire safety report and maintain a fire log.

SEXUAL ASSAULT POLICY

SEXUAL ASSAULT

If a student has been sexually assaulted, he or she can file a complaint and/or seek support and assistance from the Dean of Student Services. The Dean or other personnel can assist a student in attaining medical attention, contacting law enforcement authorities, and connecting with VOCA (victims of crimes assistance) or other support programs.

NOTE: Collection of evidence of an assault is best done in a timely manner. Showering, douching, or washing clothes can destroy evidence.

For purposes of this policy, a sexual assault is defined as:

1. Any of the following acts are considered a sexual assault if they are directed at a person without his or her consent:
 - Sexual intercourse, sodomy, or sexual penetration
 - Intentional touching of a person's intimate parts, even through clothing
 - Forcing a person to touch another's intimate parts.

COMPLAINT PROCEDURE

Students have the right to contact law enforcement at any time to file a complaint.

Students can also file sexual assault complaints in the Dean of Student Services Office. The Dean will initiate the investigation, and can also provide assistance, support, and resources. All formal complaints by students must be submitted in writing using KBOCC's official Student Complaint Form.

If the complainant requests to resolve the situation in an informal manner, the Dean will attempt to resolve the complaint in the least disruptive manner possible.

Formal complaints will begin with formal written charges. Along with the specific violations, the formal charges will include potential disciplinary sanctions or corrective actions and a date for either a Conduct Meeting or a Disciplinary Hearing. A Disciplinary Hearing will be held when suspension or expulsion may be appropriate sanctions. The date will be set no sooner than five working days after the charges are delivered to the student.

Both the alleged complainant and alleged may be accompanied by a hearing advisor of their choosing. (see "Disciplinary Hearing" section of Student Code of Conduct).

Sanctions will be applied according to the severity of the violation (see “Sanctions” section of the Student Code of Conduct).

Sanctions for an alleged perpetrator who has been found to have violated KBOCC’s sexual assault may range from a mandated intervention to expulsion and/or report to law enforcement.

Both the complainant and the alleged perpetrator have the right to be informed of the outcome of any disciplinary proceedings (see “Hearing Decision” of the Student Code of Conduct). In the event that the complainant is deceased as a result of the offense, the next of kin shall be given the outcome of the disciplinary proceeding, if requested.

An appeal can be made to the Appeals Committee for a hearing. The decision of the Appeals Committee is final(see “Appeals Process” section of the Student Code of Conduct).

Student complaints, summaries and sanctions from Student Code of Conduct Violation Proceedings are housed in the Dean of Student Services Office.

FREEDOM FROM REPRISAL

Persons who harass or intimidate another person for making a complaint will be in violation of the Student Code of Conduct or Staff Handbook and may be sanctioned for this behavior.

CONFIDENTIALITY

The confidentiality of both the complainant and the alleged offender will be respected insofar as it doesn’t interfere with KBOCC’s legal obligations or ability to investigate the charge and sanction violators.

COOPERATION

All members of the campus community are expected to provide full and truthful cooperation during an investigative procedure to ensure the safety and well-being of the whole campus community.

SEXUAL HARASSMENT POLICY

Keweenaw Bay Ojibwa Community College will not tolerate sexual harassment of any nature. Anyone who sexually harasses others on-campus or acting in the capacity of a student or employee representative of KBOCC will be subject to disciplinary action which may include up to expulsion for a student, up to dismissal for an employee and may include a report to law enforcement.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is defined as: inappropriate comments about a person’s gender, clothing, or body; sexist comments of a general or individual nature; physical conduct such as inappropriate touching; unwelcome sexual advances; requests for sexual favors; verbal abuse disguised as humor; obscene gestures; exposure to obscene media which do not contribute to work or education; or solicitation of sex through implicit or explicit promises of rewards or threats of punishment by

an employee, faculty member or student when:

- Submission to such conduct or communication is made a condition, explicitly or implicitly, to obtain educational services.
- Submission to or rejection of such conduct is used as a factor in decisions affecting the student's grades.
 - Such conduct has the purpose or effect of creating an intimidating, hostile or offensive educational environment.
 -

The following behaviors are deemed to be harassment without the complainant communicating that the behavior is unwelcome:

- physical conduct such as inappropriate touching
- unwelcome sexual advances
- requests for sexual favors
- solicitation of sex through implicit or explicit promises of rewards or threats of punishment

The following behaviors are deemed to be harassment if a complainant has communicated verbally or in writing to an alleged harasser that the following behaviors are unwelcome, and the alleged harasser continues with the unwanted behavior:

- inappropriate comments about a person's gender, clothing, or body
- sexist comments of a general or individual nature
- verbal abuse disguised as humor
- obscene gestures
- exposure to obscene media which do not contribute to work or education
- any other behavior directed towards the complainant that he or she finds offensive

If a student is uncomfortable addressing unwelcome behavior, he or she can consult with the Dean of Student Services for guidance.

COMPLAINT PROCEDURE

Students have the right to contact law enforcement to file a complaint if they feel threatened or harassed.

Students can also file complaints of sexual harassment in the Dean of Student Services Office. The Dean will initiate the investigation, and can also provide assistance, support, and resources. All formal complaints by students must be submitted in writing using KBOCC's official Student Complaint Form.

If the complainant requests to resolve the situation in an informal manner, the Dean will attempt to resolve the situation in the least disruptive manner possible.

Formal complaints will begin with formal written charges. Along with the specific violations, the formal charges will include potential disciplinary sanctions or corrective actions and a date for

either a Conduct Meeting or a Disciplinary Hearing. A Disciplinary Hearing will be held when suspension or expulsion may be appropriate sanctions. The date will be set no sooner than five working days after the charges are delivered to the student.

Both the alleged complainant and the alleged perpetrator may be accompanied by a hearing advisor of their choosing.

Sanctions will be applied according to the severity of the violation (see “Sanctions” section of the Student Code of Conduct).

Sanctions for an alleged perpetrator who has been found to have violated KBOCC’s sexual harassment policy may range from a mandated intervention to expulsion and/or report to law enforcement.

Both the complainant and the alleged perpetrator have the right to be informed of the outcome of any disciplinary proceedings (see “Hearing Decision” of the Student Code of Conduct). In the event that the complainant is deceased as a result of the offense, the next of kin shall be given the outcome of the disciplinary proceeding, if requested.

An appeal can be made to the Appeals Committee for a hearing. The decision of the Appeals Committee is final(see “Appeals Process” section of the Student Code of Conduct).

Student complaints, summaries and sanctions from Student Code of Conduct Violation Proceedings are housed in the Dean of Student Services Office.

THIRD PARTY HARRASSMENT

If a KBOCC student or employee is harassed by a third-party alleged offender, meaning the individual is not an employee or student of the school, i.e. a visitor or contractor, he or she are encouraged to bring the complaint to the Dean of Student Services office. The third-party individual is not governed by KBOCC policies and regulations, but the Dean can take corrective action to alleviate the harassment situation.

FREEDOM FROM REPRISAL

Persons who harass or intimidate another person for making a complaint will be in violation of the Student Code of Conduct or Staff Handbook and may be sanctioned for this behavior.

CONFIDENTIALITY

The confidentiality of both the complainant and the alleged offender will be respected insofar as it doesn’t interfere with KBOCC’s legal obligations or ability to investigate the charge and sanction violators.

COOPERATION

All members of the campus community are expected to provide full and truthful cooperation during an investigative procedure to ensure the safety and well-being of the whole campus community.

STUDENT CODE OF CONDUCT POLICY***Proposed-Pending Board Approval***

Keweenaw Bay Ojibwa Community College (KBOCC) integrates traditional Ojibwa values into all its programs. The Student Code of Conduct finds its foundation in the seven sacred grandfather teachings which are wisdom, love, respect, bravery, honesty, humility, and truth. Students are expected to behave in a manner that demonstrates behavior consistent with these teachings in all interactions with the College and broader communities and strive to include them in their daily lives.

The Student Code of Conduct exists to help KBOCC maintain a safe and positive environment conducive to learning and to help promote student growth.

While at the College or any college-sponsored activity, all members of the college community have the right to be treated with respect and consideration. Threatening or insulting behavior will not be tolerated. Threatening behavior should be reported to an instructor or administrator as soon as possible.

CODE VIOLATIONS**Academic Conduct**

Problems with conduct in specific courses are usually addressed by instructors in accordance with the course syllabus. More serious or repeated violations may also result in a disciplinary referral.

Academic Integrity

Cheating, or the unauthorized use or exchange of information by students in meeting academic standards, will include, but are not limited to the following:

- Plagiarism.*
- Copying another's work during an examination.
- Using unauthorized notes or aids during an examination.
- Taking an examination for another student.
- Collaboration with any other person during a test without instructor authorization.
- Obtaining or attempting to obtain an unreleased test
- Submitting research and assignments prepared by others or with unauthorized aid.
- A student who intentionally assists another in the act of cheating or plagiarism may be subject to disciplinary action as well.

* Plagiarism is representing another person's words or ideas as one's own without proper attribution or credit. Other people's words or ideas must be given adequate documentation. Plagiarizing is considered a form of cheating.

Classroom Conduct

Conduct that undermines the academic success of students during classroom or other instruction is prohibited and includes, but is not limited to, the following:

- Initiating or participating in inappropriate conduct that disrupts classroom activities.
- Using any device that causes disturbance inside or outside the classroom during instruction, i.e. cell phones, texting, etc.
- Continuing to engage in inappropriate interaction with the instructor and/or to classmates after student has been directed to stop adverse behavior.

Student Conduct

In any college facility or while participating in any college activity, the following behaviors are considered violations and will result in disciplinary action:

General Code of Conduct Violations

- Failure to comply with the directives of college officials including, but not limited to, faculty or administrators acting in the performance of their duties.
- Violation of published college policies, rules or regulations.
- Violation or attempted violation of local ordinances, federal or state laws.
- Attempts to commit acts prohibited by this code, or encouraging others to commit acts prohibited by this code will be punished to the same extent as if one had committed the prohibited act.
- Intentionally or recklessly interfering with college or college-sponsored activities.
- Gambling at college-sponsored activities except as permitted by law.

Alcohol & Drug Use

- Use, possession or distribution of alcohol or drugs.
- Use or possession of any controlled substance without a prescription; distribution of any controlled substance.
- Reporting to campus or to a campus-sponsored activity while under the influence of alcohol or drugs.
- Use of tobacco, other than for ceremonial purposes, in campus buildings or in no-smoking zones outdoors.

Building Safety

- Unauthorized presence in or use of college premises, facilities or property or refusing to depart upon direction by authorized persons.
- Unauthorized or fraudulent use of college facilities, telephone system, mail system, or computer system.
- Intentionally or recklessly activating a fire alarm without cause; damaging fire safety equipment or initiating a false report of fire or other emergency.
- Unauthorized possession or copying of KBOCC keys.

- Theft, attempted theft, unauthorized borrowing or use of college public, or private property; unauthorized use of a college service.
- Deliberate damage to college, public, or private property.

Copyright Infringement

Students are subject to civil and criminal liabilities for these actions.

- Unauthorized distribution of copyrighted material.
- Unauthorized file sharing that results in copyright infringement.

Fraudulent Behavior

- Knowingly furnishing false information to college personnel.
- Intentionally passing of an insufficient funds check or fraudulent money order in payment of any financial obligation to the college.
- Forgery, unauthorized alteration or unauthorized use of any college document or instrument of identification.
- Falsely claiming to represent the college or a student organization of the college.

Threatening Behavior

- Intentionally, recklessly or negligently causing physical harm or mental duress through verbal abuse or harassment to another.
- Criminal sexual behavior (see Sexual Harassment and Sexual Assault Policies in this Handbook).
- Use or possession of weapons unless authorized by the college.

Sanctions

The College may impose the following sanctions for Code of Conduct Violations:

A. Warning

Written notice to the offender that continuation or repetition of the wrongful conduct, within a period of time stated in the warning, may be cause for more severe disciplinary action.

B. Intervention/Corrective Action

Intervention or corrective action may be required of the student to improve the student's behavior and/or to re-establish positive relationships within the college community.

An

C. Disciplinary Probation

Exclusion from participation in privileges or extracurricular university activities as set forth in the notice of disciplinary probation for a specified period of time.

D. Restitution

for or replacement of damaged or stolen goods.

Payment

E. Suspension

Exclusion from classes and/or other privileges or activities as set forth in the notice of suspension for a definite period of time.

F. Expulsion

Termination of student status for an indefinite period. The conditions for readmission, if any is permitted, shall be stated in the order of expulsion.

G. Referral to Law Enforcement

Criminal offenses will be reported to the appropriate police agency, as will serious or persistent threatening or harassing behavior.

Serious Violations

Suspension or expulsion may be applied as sanctions for repeated lesser offenses or for the following types of serious Code of Conduct violations:

- Intentional or reckless disruption of college functions and processes
- Violence or credible threat of violence
- Sexual misconduct
- Theft
- Fraud
- Flagrant cheating
- Deliberate damage to property
- Possession of unauthorized weapons on campus
- Possession of alcohol or illegal drugs on campus
- Other criminal activity

STUDENT CODE OF CONDUCT VIOLATION PROCEDURES

In an emergency or for criminal activity, call 911 Emergency Services or Keweenaw Bay Indian Community Tribal Police, 353-6626, immediately!

Filing Procedures

Code of Conduct violations should be reported to the Dean of Student Services. Notify the Dean of Student Services as soon as possible. This notification need not be in writing. Notification should be within five working days of the incident or misconduct. Later reports may be acted upon or not at the Dean's discretion.

Disciplinary Action

Informal Resolution: Because of the cultural values of our close-knit community, informal

resolution is the most desirable route. However, when institutional sanctions may be appropriate, a formal procedure is required. The goal of disciplinary action is to guide students toward self-correction of their behavior. Sanctions will be applied toward that goal as well as to maintain a safe and positive learning environment. Informal resolution will consist of a meeting between the Dean of Student Services (or the Dean's designee) and the student or students involved. The Dean of Student Services (or designee) will attempt to reach a mutual resolution with appropriate parties within five (5) days of notification. If an informal resolution is not achieved or not appropriate, then the Dean will carry out formal procedures. Formal procedures are required to impose institutional sanctions. A student always has the right to refuse the informal process and proceed with formal procedures.

If informal resolution is rejected by one or both parties or if a student does not respond to notice of need for an Informal Resolution meeting or fails to attend the meeting, formal procedures will be initiated.

Informal resolutions are not part of a student's permanent record.

Formal Procedures:

If informal resolution is not achieved, formal written charges indicating the specific violations are presented by the Dean of Student Services to the student charged with a Code of Conduct violation within 10 working days after the receipt of the complaint. All procedures for serious violations will begin with formal written charges. Along with the specific violations, the formal charges will include potential disciplinary sanctions or corrective actions and a date for either a Conduct Meeting or a Disciplinary Hearing. A Disciplinary Hearing will be held when suspension or expulsion may be appropriate sanctions. The date will be set no sooner than five working days after the charges are delivered to the student.

The Dean of Student Services will determine which type of meeting is appropriate. Students may waive a Disciplinary Hearing if they prefer to resolve the matter in a Conduct Meeting; however, they may not reverse the waiver after the Conduct Meeting has been held.

All formal complaints by students must be submitted in writing using KBOCC's official Student Complaint Form.

All disciplinary reports by faculty and staff must be submitted in writing using KBOCC's official Disciplinary Report Form. Disciplinary Reports will be maintained in the Dean of Student Services file.

Conduct Meeting: A Conduct Meeting consists of a formal discussion between the student who has been charged with a violation and the Dean of Student Services (or the Dean's designee) with the purpose of reaching an resolution on the charges. No witnesses are called and the meeting is private. At the conclusion of the meeting, the student may accept or deny responsibility for the violations stated in the written charges. If the student accepts responsibility for the charges, the Dean of Student Services imposes appropriate sanctions.

A student who cannot attend the Conduct Meeting scheduled for consideration of his/her case must submit a written statement to the Dean of Student Services stating the reasons for the conflict and requesting a new Conduct Meeting date. This statement must be presented to the Dean of Student Services within two working days before the beginning of the Conduct Meeting. Rescheduling requests will be granted at the discretion of the Dean of Student Services. Only one change of Conduct Meeting date and time may be granted.

If the student charged or complainant fails to appear at the Conduct Meeting without good cause, the Conduct Meeting shall nevertheless proceed. If a charged student fails to attend a scheduled Conduct Meeting or fails to request rescheduling of a Conduct Meeting the student shall be deemed to have denied responsibility for the alleged violation, but will have forfeited the opportunity to present any information on her/his behalf. No student shall be found to have violated the Code solely because the student failed to appear at his/her scheduled Conduct Meeting.

If the student denies responsibility, the Dean will determine whether to dismiss the case, acquit the student, impose sanctions for lesser charges, or proceed to a Disciplinary Hearing.

Disciplinary Hearing: A Disciplinary Hearing is a formal hearing of evidence on charges of a Code of Conduct violation by a panel convened by the Dean of Student Services and including at least one faculty member, one staff member, and one administrator. The Dean will preside over the hearing and present a summary of the charges and prior proceedings.

The parties involved may:

- Be present at the hearing
- Be accompanied by a hearing advisor of their choosing
- Call witnesses and question their own witnesses
- Present spoken, documentary, or physical evidence_

The parties may not:

- Present information not directly relevant to the charges
- Call character witnesses
- Question witnesses they have not called
- Be represented by another person

The hearing advisor may confer and give advice to the student quietly and without disruption. The advisor may not participate directly in the hearing, for example, the advisor may not question witnesses or present evidence.

A student who cannot attend the Disciplinary Hearing scheduled for consideration of his/her case must submit a written statement to the Dean of Student Services stating the reasons for the conflict and requesting a new hearing date. This statement must be presented to the Dean of Student Services not fewer than two working days before the beginning of the hearing. Rescheduling

requests will be granted at the discretion of the Dean of Student Services. Only one change of hearing date and time may be granted.

If the student charged or complainant fails to appear at the hearing without good cause, the hearing shall nevertheless proceed. If a charged student fails to attend a scheduled Disciplinary Hearing or fails to request rescheduling of the Disciplinary Hearing the student shall be deemed to have denied responsibility for the alleged violation, but will have forfeited the opportunity to present any information and/or witnesses on her/his behalf. No student shall be found to have violated the Code solely because the student failed to appear at his/her scheduled Disciplinary Hearing. If a student fails to appear at the hearing, the student may explain the failure to appear in writing within 10 days to the Dean of Students. Written documentation supporting the cause of absence must be included. The Dean shall determine the validity of any excuse. The Dean will notify the student within 10 days whether the formal hearing may be rescheduled.

Hearing Decision

- A. The decision of the hearing panel will be based solely upon information introduced at the disciplinary hearing and must be based upon a preponderance of the evidence. Preponderance of evidence is defined as evidence that would convince a reasonable person that more likely than not the violation occurred.
- B. A decision will be made by majority vote during private deliberation after the close of the disciplinary hearing.
- C. If the hearing panel determines that the student has committed the violation(s), it shall, after a review of any disciplinary record the student may have, impose one, or a combination of, the disciplinary sanctions enumerated above.
- D. Within 10 working days of the Disciplinary Hearing, the Dean of Student Services will send notification of the decision to the charged student, including the sanction (s) imposed and the appeal process. The complainant will receive similar notification.
- E. At the conclusion of the disciplinary hearing, the hearing panel will submit the written decision including the reasons for the decisions and the reasons for sanctions imposed to the Dean of Student Services.

Appeals Process

Requesting an Appeal

- A. A decision reached by the hearing panel or a sanction imposed may be appealed by the charged student(s) or complainant(s) to the Appeals Committee within seven (7) working days of the decision. Such appeals shall be in writing and shall be delivered to the Dean of Students or designee.

- B. Appeals received from the complainant or the charged student will be forwarded to the other party involved within one working day of the appeal being received in order to allow the other party an opportunity to provide a written response.
- C. A request for an appeal must be submitted in writing using KBOCC's Student Appeal Form.

Grounds for Requesting an Appeal

Appeals must be based on the issue of substantive or procedural errors which were committed during the disciplinary hearing process. The student must demonstrate that one or more of the following criteria has merit:

- a. New and relevant evidence not known at the time of the original hearing.
- b. A procedural error which substantially affected the outcome of the hearing.
- c. The sanction is excessive.

If there is adequate reason to believe that one or more of the grounds for appeal has merit, an appeal meeting may be scheduled with the Dean of Student Services.

The Dean of Student Services will review the appeal request and notify the student in writing if the appeal hearing will be held or not.

If a hearing will be held, the decision made by the Appeals Committee is final.

Failure to file an appeal or request an extension by the deadline stated in the decision letter constitutes a waiver of any right to appeal.

Appeals Committee

The appeals committee is the basic unit responsible for student conduct appeals in response to student disciplinary and academic dishonesty problems. The Appeals Committee is composed of the Dean of Instruction and two other members of faculty or staff, which will be chosen to ensure no conflicts of interest occur. If the Dean of Instruction was part of the Disciplinary Committee or has a conflict of interest with the situation, the President will appoint the three members of the Appeals Committee.

Appeals Committee Procedures Regarding Appeals

1. The Dean of Student Services shall provide an appeals packet to the Appeals Committee. The packet must contain the following documents:

- a. the original complaint filed by the complainant;
- b. the documents accepted by the hearing panel at its hearing;
- c. the written request for an appeal explaining the grounds for appeal; and
- d. any written response by the non-appealing party.

2. The Appeals Committee shall base its findings and recommendations to uphold or overturn the result of a disciplinary hearing on the written statement of appeal, and the appeal packet prepared by the Dean of Student Services for the hearing panel.

At its discretion, the Appeals Committee may schedule a hearing and allow oral statements. The Appeals Committee may determine the presenters and the amount of time allowed for each statement.

3. Determination of Appeal

Within fifteen (15) days of the date of the receipt of the appeal packet from the Dean of Student Services, the Appeals Committee shall take one of the following actions:

- a. Dismissal or remand of the case because there were such procedural irregularities at the hearing that one or both parties were clearly denied a fair hearing;
- b. Dismissal or remand of the case because:
 - there were erroneous findings of fact; or
 - there were findings of fact clearly insufficient to support the complaint.
- c. Lowering or increasing the sanction imposed based on a finding that the recommended sanction is either unreasonably harsh or inadequate;
- d. If there is significant new information regarding the allegation(s) discovered between the conclusion of the original hearing decision and the time of the appeal, remanding the case to the original hearing panel.
- e. Upholding the findings and recommended sanctions, if any, of the hearing panel.

The Dean of Student Services shall notify the complainant and the charged student in writing of the Appeals Committee final decision.

Student's Disciplinary Records

A formal disciplinary report or complaint results in the creation of a disciplinary file in the name of the charged student. The outcome is kept in the Dean of Student Services student file.

Freedom From Reprisal

Persons who harass or intimidate another person for making a complaint will be in violation of the Student Code of Conduct or Staff Handbook and may be sanctioned for this behavior.

Confidentiality

The confidentiality of both the complainant and the alleged offender will be respected insofar as it doesn't interfere with KBOCC's legal obligations or ability to investigate the charge and sanction violators.

Cooperation

All members of the campus community are expected to provide full and truthful cooperation during an investigative procedure to ensure the safety and well-being of the whole campus community.

This report was prepared by Denise M. Cadeau, Dean of Student Services.