



## 2022 Annual Security Report

*January 1, 2021 through December 31, 2021*

The Clery Act and the United States Department of Education’s regulations require Title IV participating institutions to publish an annual security report containing safety and security related policy statements and crime statistics and distribute it to all current students and employees.

This report will be distributed to employees and students via KBOCC issued email by October 1 of each year. Records of distribution dates will be maintained by the Dean of Student Services. The report will also be posted on the KBOCC website, at the Niiwin Akeaa Center, KBOCC Library, and Student Lounge at the Wabanung Building.

KBOCC will not charge a fee for copies of the Annual Security Report.

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. 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.

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

### BARAGA, MICHIGAN

KBOCC Niiwin Akeaa Center  
111 Beartown Road  
Baraga, MI 49908

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

### L’ANSE, MICHIGAN

KBOCC Wabanung Location  
770 N. Main St.  
L’Anse, MI 49946

OCC Child Care Center  
615 N. Main St.  
L’Anse, MI 49946

KBOCC Little Eagles  
809 Louis St.  
L’Anse, MI 49946

Crime Statistics for Calendar Year 2021\*

	On Campus Niiwin Akeaa Center	Off-Campus Woodworkin g Shop	On-Campus Wabanung	Off-Campus OCC Childcare	Adjacent Public Property	Hate Crime Category
Aggravated Assault	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Murder/Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Sex offenses- forcible	0	0	0	0	0	0
Sex offenses-non- forcible	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Larceny-Theft***	0	0	0	0	0	0
Simple Assault***	0	0	0	0	0	0
Intimidation***	0	0	0	0	0	0
Vandalism, Damage, Destruction	0	0	0	0	0	0
Liquor Law	0	0	0	0	0	0
Liquor Law Violation –Campus Disciplinary Action	0	0	0	0	0	0
Drug Abuse Violation –Arrest	0	0	0	0	0	0
Drug Abuse Violation – Campus Disciplinary Action	0	0	0	0	0	0
Weapon Possession– Arrest	0	0	0	0	0	0
Weapon Possession – Campus Disciplinary Action	0	0	0	0	0	0

\*Compiled from Keweenaw Bay Indian Community Tribal Police, Michigan State Police, L’Anse Village Police Department, Baraga Village Police Department, and KBOCC Student Services Crime Log.

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

\*\*\*Reported only if considered a “hate crime”

Crime Statistics for Calendar Year 2020\*

	On Campus Niiwin Akeaa Center	Off-Campus Woodworkin g Shop	On-Campus Wabanung	Off-Campus OCC Childcare	Adjacent Public Property	Hate Crime Category
Aggravated Assault	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Murder/Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Sex offenses- forcible	0	0	0	0	0	0
Sex offenses-non- forcible	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Larceny-Theft***	0	0	0	0	0	0
Simple Assault***	0	0	0	0	0	0
Intimidation***	0	0	0	0	0	0
Vandalism, Damage, Destruction	0	0	0	0	0	0
Liquor Law	0	0	0	0	0	0
Liquor Law Violation –Campus Disciplinary Action	0	0	0	0	0	0
Drug Abuse Violation –Arrest	0	0	0	0	0	0
Drug Abuse Violation – Campus Disciplinary Action	0	0	0	0	0	0
Weapon Possession– Arrest	0	0	0	0	0	0
Weapon Possession – Campus Disciplinary Action	0	0	0	0	0	0

\*Compiled from Keweenaw Bay Indian Community Tribal Police, Michigan State Police, Baraga Village Police Department, L’Anse Village Police Department, and 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 2019\*

	On Campus Niiwin Akeaa Center	Off-Campus Woodworkin g Shop	On-Campus Wabanung	Off-Campus OCC Childcare	Adjacent Public Property	Hate Crime Category
Aggravated Assault	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Murder/Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Sex offenses- forcible	0	0	0	0	0	0
Sex offenses-non- forcible	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Larceny-Theft***	0	0	0	0	0	0
Simple Assault***	0	0	0	0	0	0
Intimidation***	0	0	0	0	0	0
Vandalism, Damage, Destruction	2	0	0	0	0	0
Liquor Law	0	0	0	0	0	0
Liquor Law Violation –Campus Disciplinary Action	0	0	0	0	0	0
Drug Abuse Violation –Arrest	0	0	0	0	0	0
Drug Abuse Violation – Campus Disciplinary Action	0	0	0	0	0	0
Weapon Possession– Arrest	0	0	0	0	0	0
Weapon Possession – Campus Disciplinary Action	0	0	0	0	0	0

\*Compiled from Michigan State Police, Baraga Village Police Department, L’Anse Village Police Department, Baraga County Sheriff’s Department, KBIC Police Department, MI State Police, Marquette County Sheriff’s Department, and KBOCC Student Services Crime Log.

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

\*\*\*Reported only if considered a “hate crime”

## CAMPUS SAFETY AND SECURITY POLICIES

The Dean of Student Services, President, and Maintenance Supervisor are designated as the Campus Security Authority (CSA) for KBOCC. Students, staff, guests, and community members are encouraged to contact the CSA at 906-524-8517 or 906-524-8501 to report on-campus criminal offenses, to assist KBOCC in accurately assessing and reflecting campus crime. Individuals are also encouraged to contact law enforcement, especially in an emergency situation.

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

#### **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 Campus Security Authority (CSA) or other designated emergency contact is responsible for coordinating Timely Warnings.

Timely warnings will be disseminated via e-mail 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;
- It occurs in the designated campus area per Clery Act; and
- It 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; and
- If the perpetrator was apprehended.

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

Timely warnings will include the following:

- 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 Service’s Office.*

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

CSA contacts local law enforcement officials and compiles the Clery crime statistics information for the campus. These statistics are summarized and disseminated on campus. The CSA receives notification from law enforcement if contacted about a crime on campus, especially if the crime poses a threat to students.

Documentation of phone calls, letters and emails sent are kept to show contact has been made with law enforcement authorities. CSA also makes contact with other staff in the college to ensure that no reported offenses go uncounted.

The CSA keeps a log documenting Clery- reportable offenses that are reported to his/her office. 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 that the students and employees should report criminal offenses as 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.**

KBOCC will issue timely warnings to the campus community in the event of violent crimes or emergencies which represent a serious or continuing threat to the campus. The authority to issue a notification rests with:

- KBOCC President—Lori Ann Sherman
- A member of the Board of Regents - if KBOCC President is unavailable
- Dean of Instruction—Megan Haataja
- Dean of Student Services—Amanda Nordstrom
- Maintenance Supervisor—Jeff Mayo

To report a crime dial Keweenaw Bay Indian Community Tribal Police at (906) 353-6626.

If there is an immediate life-threatening danger to the campus community, call 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. Employees are to immediately call the tribal police as needed to assist students and employees whose safety is a concern.

KBOCC has security cameras at the Niiwin Akeaa Center and the Wabanung Center with 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, President and Maintenance Supervisor are 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 Campus Security Authority 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 Keweenaw Bay 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. KBOCC's Dean of Student Services can help refer students to appropriate agencies.

**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 at least once per semester. Fire drills provide an opportunity for students, and employees to practice evacuating and identifying deficiencies and opportunities for improvement. All drills are supervised by the Maintenance Supervisor 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 the Keweenaw Bay Indian Community Tribal Police and what to do during an emergency.

The emergency number (911) for Baraga County is provided in the KBOCC Student Handbook.

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

**prevention of crimes.**

CSA offers crime prevention programs and brochures to students and employees concerning such topics as theft prevention, sexual assault awareness, alcohol abuse, and drug abuse.

CSA works with the Keweenaw Bay Indian Community tribal police in securing appropriate written material and presenting programs.

Students and employees are provided crime awareness and prevention tips through brochures and handouts that are available in the student lounge. Crime prevention presentations can be available upon request by calling the Dean of Instruction at 906-524-8313.

**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 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, employees, and visitors on campus or participating at a college sanctioned event are alcohol and drug free. It is the responsibility of all students and employees to be aware of the policy, laws, and sanctions.*

The following behaviors constitute a violation of this policy:

- Consumption, possession, distribution, sale, or exchange of any alcoholic beverages or alcohol-based products on college property.
- Use of tobacco, (other than for ceremonial purposes) other than in a designated smoking area.
- Use of e-cigarettes or vaporizers other than in a designated smoking area.
- Use, possession, sale, distribution, exchange, or manufacture of any illicit drug, including marijuana.
- Possession of drug paraphernalia.
- Reporting to campus or to a campus-sponsored activity while under the influence of alcohol, marijuana, illicit drugs, or abuse of a prescription drug.
- Reporting to campus or campus-sponsored activity with a noticeable odor of alcohol or marijuana.

Persons taking prescription drugs or over-the-counter medication are responsible for ensuring that they take such medication in a way that does not put them or others at risk while on college property, or while driving a college owned or privately-owned vehicle while involved in college activities or business.

Any violation of this policy will result in disciplinary action (consistent with Federal, State, and Tribal law), and may include expulsion or termination of employment and/or referral for a rehabilitation program or



prosecution. Visitors who violate this policy may be mandated to leave the premises. Law enforcement may also be contacted, if warranted.

**8. 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.**

A copy of KBOCC’s Drug and Alcohol Abuse Prevention policy will be distributed annually to each employee and student. New employees and new students will receive the information during orientation. Records of distribution dates will be maintained by the Human Resources (for employees) and Records office (for students) who receive notification. The information will also be distributed to current students and employees via KBOCC issued email.

**9. 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 or 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.

**10. Provide a statement of policy regarding your institution’s emergency response and evacuation procedures.**

Keweenaw Bay Ojibwa Community College maintains emergency procedures for each of its buildings. The procedures are reviewed and updated at least every three years or as needed to accommodate changes in buildings, personnel, or regulations. The policy is summarized in the *Student Handbook*, page 23:

**EMERGENCY PROCEDURES**

Emergency procedures are essential to maintain a safe environment for students, employees, community, and property. Maintenance Supervisor is responsible for coordinating emergency procedures that are essential.

1. Emergency Drills
2. Emergency Notification and Evacuation

**Emergency Drills:** Evacuations and lockdown drills provide an opportunity to test emergency systems and to allow students, staff, and faculty to practice evacuation and lockdown procedures.

1. Emergency evacuation and lockdown drills will be scheduled by the Maintenance Supervisor at least once per semester.
2. Campus Security Authority will assist with assigned duties to ensure the safety of students and staff.
3. Students will report to the appropriate evacuation meeting location so faculty can account for them using their class rosters.

**Emergency Notification and Evacuation:** If there is an immediate threat to the health or safety of students on campus, staff, faculty, and students will be contacted via the emergency alert system. Emergency warnings will also be made available on the KBOCC homepage.

1. Timely warnings will be issued for on-campus offenses and other potential threats.
2. In the event of an emergency closure, all students will be notified via TV6 closure announcement.
3. Once the nature of the event and the level of danger has been determined, students will go to the appropriate meeting locations listed below.

**EVACUATION MEETING LOCATIONS FOR EACH BUILDING**

<b>Building</b>	<b>Evacuation Meeting Location</b>
Niiwin Akeaa 111 Beartown Road, Baraga	Southeast parking lot towards the daycare building
Wabanung Campus 770 N. Main Street, L’Anse	Student Services parking lot on the east side. Downstairs parking lot on the north side
Migiziinsag Lois Ave., L’Anse	End of driveway
KBOCC Daycare 615 North Main Street, L’Anse	Student Services parking lot across the street

**Sex Offense Policy, Procedures and Programs**

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

Keweenaw Bay Indian Community’s Office of Violence Against Women (OVW) provides presentations on stalking, domestic violence, dating violence, rape, rape acquaintance, sexual assault and other sex offenses annually to all members of the KBOCC community. In addition, OVW supplies KBOCC with displays, brochures, pamphlets, and other educational materials.

Offense awareness and prevention presentations can be available upon request by calling the Dean of Instruction at 906-524-8313.

**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 authorities, if the student requests the assistance of these personnel.

\*\* For *b* & *c* see Sexual Harassment and Assault Policy below.

## **SEXUAL HARASSMENT AND ASSAULT POLICY**

KBOCC will not tolerate sexual harassment of any nature or sexual assault. Anyone who sexually harasses or assaults others on campus will be subject to disciplinary action. KBOCC will assist victims of a sexual offense in changing their academic arrangements and Student Services can assist with referrals to help in changing living arrangements.

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 or sexually offensive 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 with the following conditions:

- 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; or
- Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive educational environment.

### **a. Reporting Sexual Harassment and Title IX**

Title IX is a federal civil rights law passed as part of the Education Amendments of 1972. This law protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance.

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

Title IX applies to any institution receiving federal financial assistance from the Department of Education, including state and local educational agencies. Educational programs and activities that receive federal funds from the Department of Education must operate in a nondiscriminatory manner. Also, a recipient may not retaliate against any person for opposing an unlawful educational practice or policy, or because a person made charges, testified or participated in any complaint action under Title IX.

### **b. Definitions:**

KBOCC uses the United States Department of Justice definitions, which are:

#### ***SEXUAL HARASSMENT***

It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

Although the law does not prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer, or another student.

Examples of this harassment include, and are not limited to:

- persistent requests for a date
- unwelcome requests for sexual favors or acts
- continued expression of sexual interest after being informed that the interest is unwelcome
- unwelcome physical contact
- posters, photos, cartoons in the workplace or public place that are demeaning or offensive
- unwelcome visual contact, such as leering or staring at another person
- comments or statements that are demeaning humiliating, suggestive, insulting, vulgar, or lewd
- failure to provide assistance that is usual under same or similar circumstances
- retaliation, retribution, or reprisals in any form or manner for complaints about harassment or requests that harassing conducts stop, or for assisting a person with a complaint of harassment
- physical interference with job performance
- preferential treatment for submitting to sexual conduct
- harassment by non-employees such as visitors or vendors

## ***DISCRIMINATION***

Discrimination is conduct of any nature that denies an individual the opportunity to participate in or benefit from the college's program or activity, or otherwise adversely affects a term or condition of an individual's employment, education, or living environment, because of the individual's age, race, color, ancestry, national origin, religion, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex,

sexual orientation, marital or family status, pregnancy, pregnancy-related conditions, physical or mental disability, gender, perceived gender, gender identity, genetic information or political ideas.

### ***SEXUAL MISCONDUCT***

Sexual Misconduct is a form of sexual harassment and refers to sexual offenses including but not limited to rape, sexual assault, sexual battery, sexual exploitation, sexual coercion and any other forms of non-consensual sexual activity. Sexual misconduct can be committed by strangers, acquaintances and family members, as well as casual and long-term dating partners. Sexual assault includes, but is not limited to, attempted or unwanted sexual activity, such as sexual touching and fondling. This includes the touching of an unwilling person's intimate parts (defined as genitalia, groin, breast or buttock, or clothing covering them), or forcing an unwilling person to touch another's intimate parts.

### ***CONSENT***

Consent must be informed, freely given and mutual. If coercion, intimidation, threats or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent: this includes impairment or incapacitation due to alcohol or drug consumption or being asleep or unconscious. Inducement of incapacitation of another with the intent to affect the ability of an individual to consent or refuse to consent to sexual contact almost always, if not always, negates consent. Silence does not necessarily constitute consent. Whether a person has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

### ***SEXUAL EXPLOITATION***

Sexual Exploitation includes, but is not limited to, prostituting another person, non-consensual visual or audio recording of sexual activity, non-consensual distribution, including electronic distribution, of photos images or information of an individual's sexual activity or intimate body parts, non-consensual voyeurism, coercing someone against their will to engage in sexual activity, or knowingly transmitting a sexually transmitted disease (STD) without disclosing STD status.

### ***STALKING***

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others, or to suffer emotional distress. Stalking may include repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method.

### ***DATING VIOLENCE***

Dating Violence is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim. This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website. For purposes of this definition, "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.

## ***DOMESTIC VIOLENCE***

Domestic Violence includes crimes of violence committed against a victim by: (i) a current or former spouse; (ii) a person with whom the victim shares a child; (iii) a person who is or has cohabitated with the victim as a spouse; (iv) a person similarly situated to a spouse of the victim; or (v) any other person against whom the victim is protected under New Jersey domestic and family violence laws. It is important to recognize that emotional, verbal, and economic abuse are part of the web of domestic violence and can exist without the presence of physical abuse.

## ***RETALIATION***

Retaliation means any adverse action taken by a member of the College faculty, staff, or student body against any individual on the basis of such individual's participation in an investigation, hearing, or inquiry by the college or an Appropriate Authority

## ***BULLYING***

Bullying is any intentional electronic, written, verbal or physical act, or a series of acts that is severe, persistent or pervasive; and has the effect of doing any of the following: (i) substantially interfering with a student's education; (ii) creating a threatening environment; or (iii) substantially disrupting the orderly operation of the College.

## ***HAZING***

Any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student or that willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any registered student organization.

## **Title IX at Keweenaw Bay Ojibwa Community College**

Consistent with Title IX of the Education Amendments of 1972, e (KBOCC) does not discriminate against students, faculty or staff based on sex in any of its programs or activities, including but not limited to educational programs, employment, and admission. Sexual harassment, including sexual violence, is a kind of sex discrimination and is prohibited by Title IX and by the College.

KBOCC also complies with Michigan laws that protect individuals from discrimination on the basis of sexual orientation, as well as on the basis of gender identity. Questions or concerns about possible discrimination based on sexual orientation and/or gender identity under state law may also be directed to a School or Unit Title IX Coordinator, or to the College's Title IX Office. The College is committed to responding promptly and effectively when it learns of any form of possible discrimination based on sex. The College responds to reports of sexual harassment, including sexual violence, as part of its efforts to stop the harassment and prevent the recurrence of possible sex discrimination. An individual who has questions or concerns regarding possible discrimination based on sex should contact Char Spruce, the College's Title IX Officer. An individual also may contact the U.S. Department of Education, Office for Civil Rights ("OCR").

KBOCC's Title IX Coordinator can be reached at:

Name: Char Spruce

Office: Rm 402

Address: 770 N. Main St. L'Anse, MI 49946

Email: [CSpruce@kbocc.edu](mailto:CSpruce@kbocc.edu)

Phone: 906-524-8402

## ***DISCRIMINATION, HARASSMENT AND SEXUAL MISCONDUCT REPORTING PROCEDURE SCOPE/JURISDICTION/APPLICATION***

This reporting procedure applies to allegations of discrimination, harassment, and retaliation that take place on Keweenaw Bay Ojibwa Community College property or at College-sponsored events, regardless of their location. This procedure may also apply to allegations of discrimination, harassment, and retaliation that occur in sponsored off-campus events or educational activities or to actions Online when the Title IX Coordinator or Co-coordinator determines that the off-campus or Online conduct could have an on-campus impact or impact on the educational mission of the College. Such impact includes:

- Any action that constitutes a criminal offense as defined by federal, state, or local law;
- Any situation where it appears that the respondent may present a danger or threat to the health or safety of self or others;
- Any situation that significantly impinges upon the rights, property, or achievements of others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests of the College.

## ***REPORTING RESPONSIBILITIES***

College employees who are aware of or witness discrimination, harassment, sexual misconduct, or retaliation against any student or students are required to promptly report to the Title IX Coordinator or Co-coordinator unless prohibited by confidentiality (see below). Any student who is aware of or who witnesses discrimination, harassment, sexual misconduct, or retaliation is encouraged to promptly report to the Title IX Coordinator or Co-coordinator.

All initial contacts will be treated with the maximum possible privacy: specific information on any complaint received by any party will be reported to the Title IX Coordinator, but, subject to the College's obligation to investigate and redress violations, every reasonable effort will be made to maintain the privacy of those initiating a report of a complaint. In all cases, the College will give consideration to the complainant with respect to how the complaint is pursued but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when an alleged victim chooses not to initiate or participate in a formal complaint.

College employees who experience, are aware of or witness discrimination, harassment, sexual misconduct or retaliation against any employee or employees should report such activity to the Administration Office.

## ***COMPLAINT RESOLUTION PROCESS***

Keweenaw Bay Ojibwa Community College will respond to every alleged violation of this procedure received by the Title IX Coordinator or Title IX Co-coordinator. This section outlines ways in which offenses can be reported by individuals choosing to pursue complaint options.

## ***CONFIDENTIALITY AND REPORTING OF OFFENSES***

Keweenaw Bay Ojibwa Community College will make every effort to safeguard the identities of individuals who seek help and/or report discrimination, harassment, and/or retaliation. While steps are taken to protect the privacy of victims, the College may need to investigate an incident and take action once an allegation is known, whether or not the reporting individual chooses to pursue a complaint. Remember full confidentiality can only be offered by counseling services and/or a Health Professional.

When a report is made, personally identifiable information (name of victim, name of respondent, etc.) may be initially withheld in cases where the victim is hesitant to come forward. Subsequently, campus officials may need additional information. The College Title IX Coordinator or Co-coordinator will conduct an initial inquiry, looking for any sign of pattern, predation, violence, or threat. When such exists, institutional action may be required in an effort to ensure campus safety. No employee should ever promise absolute confidentiality except those as described in the section on Confidential Reporting. Reports may be private, but not confidential, as described below in the section on Confidential Reporting. Reports to Public Safety and Security, the local police and/or Title IX officials do not obligate the complainant to file any criminal or College conduct charges.

Deliberately false and/or malicious accusations of discrimination, harassment, or retaliation, as opposed to complaints which, even if erroneous, are made in good faith, are just as serious an offense as discrimination, harassment, or retaliation and will be subject to appropriate disciplinary action.

### **b. Responding to Sexual Assault:**

It is imperative that a victim of sexual assault understand that if he or she reports the assault, the information will be treated with the greatest confidentiality, sensitivity, and respect. At no time will the identity of the victim be released to the public or to the media.

It is critical that the victim understand the importance of preserving evidence of the crime to assist with investigation and prosecution. When there is an incident involving one of these crimes, an advocate at the local crisis center can help with treatment options and the criminal justice process.

Victims of sexual assault are encouraged to contact law enforcement to file a complaint when they feel threatened or harassed.

Response staff and emergency services are made available through:

- The Keweenaw Bay Indian Community Office on Violence against Women (OVW) at 353-4599 (a 24-hour Helpline)
- The Victims of Crime Assistance (VOCA) office at 353-4533.
- Baraga County Shelter Home at 524-7078.

Services are available for victims of domestic violence, dating violence, sexual assault, and stalking. Student Services is also available as a resource for referrals.

### ***OPTIONS AVAILABLE TO VICTIM/SURVIVOR***

If a victim/survivor chooses to share information regarding a suspected sexual misconduct incident the following department is a confidential resource. Unless they feel a duty to warn, when they believe there is a threat of intent to harm self or others, child abuse or elder abuse. **Please be aware that these staff members are termed confidential resources.** The following protocol will be followed:

- **THIS IS A CONFIDENTIAL RESOURCE.** Health professionals and Counselors have the privilege of confidentiality. This means that the information regarding sexual misconduct that is shared with a mental



health professional and/or a counselor cannot be shared with others without written permission unless the victim/survivor is under 18 years of age.

- Sexual assault is a physical and psychological trauma, which necessitates the medical and emotional evaluation of the victim/survivor.
- Any victim/survivor of sexual misconduct will be triaged into an immediate appointment with an available counselor.
- If the sexual misconduct occurred in the remote past, the victim/survivor may be seen at a scheduled appointment, unless there is a request for an immediate appointment.
- If an incident occurs after hours on campus, it would be reported to security. **Security will then inform the victim/survivor of options available to them.**
- The victim/survivor will be treated with respect, support, and consideration for the emotional stress that she/he may be experiencing.
- The mental health professional will work together with the victim/survivor throughout the journey toward healing and regaining the power that may feel lost as a result of the assault.
- If the victim/survivor goes to Counseling Services and has not already been evaluated by a medical professional, the victim/survivor will be strongly encouraged and educated about the medical assessment and treatment options available at KBIC Health Clinic or Baraga County Memorial Hospital.
- If the victim/survivor chooses to have forensic evidence collected ("Rape Kit"), such evidence must be collected by a legally sanctioned and specially trained Sexual Assault Nurse Examiner (SANE). This evidence is vitally important should the victim/survivor ever decide to take legal action against the perpetrator; however the collection of evidence does not require the victim/survivor to submit a formal report.
- The victim/survivor will decide what other resources of support she/he wishes to accept but will be educated by the Behavioral Health Department of Keweenaw Bay Ojibwa Community College's Sexual Misconduct Policy and the options and support available. The importance of Health Services and Counseling Services in the healing process of this trauma will be emphasized. The victim/survivor will be reminded of the confidential nature/privilege of these individuals.
- The victim/survivor will decide on a reporting course of action. The victim/survivor will hear Counseling professionals describe all reporting options, **including the option not to report.**
- The victim/survivor can discuss the situation with any confidential resource before making a decision about reporting.
- Decisions surrounding reporting are controlled by the victim/survivor when she/he is seeking help and services from confidential resources. If the victim/survivor shares information with reporting resources, these individuals are legally obligated to report the event to the Office of Public Safety and Security and the Title IX Coordinator.

If a victim/survivor chooses to share information regarding a suspected sexual misconduct incident with the TITLE IX COORDINATOR, ADMINISTRATIVE STAFF MEMBER, FACULTY MEMBER, SUPPORT STAFF. **Please be aware that these staff members are termed reporting resources.** The following protocol will be followed:

- **THE STAFF MENTIONED ABOVE ARE REPORTING RESOURCES.** Reporting resources are legally required to report allegations of sexual misconduct to the Title IX Coordinator or Title IX Co-Coordinator's Office.
- Sexual assault is a physical and psychological trauma, which necessitates the medical and emotional evaluation of the victim/survivor. Keweenaw Bay Ojibwa Community College staff should always encourage the victim/survivor to seek the services of Health and Counseling.
- The victim/survivor will be treated with respect, support and consideration for the emotional stress that she/he may be experiencing.

- The supportive response a victim/survivor receives from any reporting member of listed departments can be of great value in the healing process. How a victim/survivor is first received can deeply influence the healing process.
- Staff members are required by law to report an allegation of sexual misconduct to the Office of Public Safety and Security, the victim/survivor can decline to discuss or disclose any information that she or he is uncomfortable sharing. What this means is that when contacted by the Office of Public Safety and Security (or legal authorities) the victim/survivor may refuse to respond to questions or provide information. The victim/survivor always controls the amount of information she or he will share
- The victim/survivor will be provided with confidential support options. (Counseling Services).

**COMPLAINTS AND REPORTS SHOULD BE MADE AS SOON AS POSSIBLE AFTER AN INCIDENT.**

If the incident is an assault, seek immediate medical attention. Do not change clothing, shower, bathe, brush teeth or douche. Delay the above and going to the bathroom (if possible) until you are examined as this preserves evidence of the assault. Medical attention should be accessed at a local hospital.

<b>Hospital Name</b>	<b>Phone Number</b>	<b>Location</b>
Baraga County Memorial Hospital	906-524-6111	L’Anse
Portage Health System	906-483-1100	Hancock
UP Health System-Bell	906-486-4431	Ishpeming

**Sanctions:**

Sanctions will be applied according to the severity of the violation. (Refer to KBOCC Operations Manual’s Student Handbook (Annex B), Faculty Handbook (Annex C) or Staff Handbook (Annex D) for specific range of sanctions.

*This report was prepared by the Dean of Student Services, September 28, 2022.*