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### Appendix:

- Campus Security Authority Policy
- Student Handbook Policies: Includes Alcoholic Beverages - Possession or Use of;
  - Building Security; Drugs: Possession, Use or Sale; Fire Safety; Weapons
- Alcohol and Drug Information Guide – Drug Free School Medical Amnesty Policy
- Campus Emergency Policy
- Fire Alarm Evacuation Policy
- Emergency Response Guidelines Policy
- Sexual Misconduct Policy
- Missing Person Policy
- NMU Ordinances: Includes Dangerous Materials; Fire Building Evacuation;
  - Fireworks, Weapons and Explosives.
About the Annual Security Report
The Jeanne Clery disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly referred to as “The Clery Act”, is a federal statute codified at 20 U.S.C. § 1092(f) that requires all public colleges and universities to:

- Publish an annual report each year by October 1st that contains three years of campus crime statistics and required campus security policy statements.
- Disclose crime statistics for the campus, public areas immediately adjacent to or roads running through the campus, and certain non-campus facilities.
- Provide “timely warning” notices of those crimes that have occurred and pose an ongoing threat to students, employees and guests of the University.
- Provide a means to notify the campus community (NMU ALERT) of an imminent or ongoing threat to safety, security or health.
- Disclose a public crime log for crimes that have occurred on campus or within the patrol jurisdiction of university police.
- Distribute the report. NMU’s Police Department is responsible for preparing and distributing the report. The NMU Police Department works with many other departments and agencies in obtaining the required statistics to complete the report.
- Make the report available. The report is available at www.nmu.edu/2019 Clery and at https://www.nmu.edu/policies and as a paper copy from the NMU Police Department. A paper copy can be obtained from the NMU Police Department at no charge.
- Complete other publicly available record-keeping while maintaining the confidentiality of any victim as allowed under regulation.

All policies referenced in the 2019 Annual Security Report and Fire Safety Report are linked in the Table of Contents above. They are also available directly at www.nmu.edu/policies. A copy of each policy referenced in this report is printed as of September 30, 2019 and retained in the NMU Police Department. Printed copies are available upon request at no charge.
NMU Police Department
This section describes Northern Michigan University’s Police Department, its authority to arrest individuals, and its relationship with other police agencies.

The NMU Police Department is staffed 24 hours a day, seven days a week, 12 months a year. The staff members include highly trained and dedicated law enforcement officers. These officers are responsible for the overall safety of the University community.

The NMU Police Department is located on Sugarloaf Drive (Services Building, Room 102). Non-Emergency: 906-227-2151  Emergency: 911

History, Training, and Interagency Cooperation
The officers at NMU have the same power and authority as other peace and police officers in the State of Michigan. This power was granted by NMU’s Board of Trustees under Public Act 120. In addition, the officers are sworn Deputy Sheriffs for Marquette County.

NMU police officers must have earned a bachelor degree and are required to attend a regional police academy governed by the Michigan Commission on Law Enforcement Standards.

Officers are required to attend mandatory in-service training throughout the year to enable them to perform efficiently and safely. Northern Michigan University’s Police Department works closely with several agencies, including Marquette City, Marquette County Sheriff’s Department, Chocolay Township and the Michigan State Police. The NMU Police Department relies on relationships for support on several levels. In addition to sharing critical information, the NMU Police Department has immediate contact with the Regional Dispatch 911 Center. This arrangement provides immediate access to mutual aid and support from area agencies.

While there are no formal Memorandums of Understanding with Marquette City Police, Marquette County Sheriff’s Department, Chocolay Township or the Michigan State Police regarding the investigation of criminal incidents, The NMU Police Department currently has a formal mutual aid agreement in place with the Marquette County Law Enforcement Agencies.
The University coordinates with local police agencies to identify, monitor and record criminal activity involving students at off-campus locations.

The NMU Police Department monitors off-campus criminal activity that may affect the University community so that it may provide timely warnings and advisories. Although the department does not routinely record statistics on crimes that occur outside its legal jurisdictions, it does collect and publish statistics for select crimes occurring on public property within or immediately adjacent and accessible to the University. In general, prospective students, employees, and visitors to NMU should know that as with any campus, there is crime both on- and off-campus, and that it is important to take reasonable precautions at all times.

The NMU Police Department will actively investigate any information it receives concerning criminal activity, suspicious situations, or involves a member of the campus community. If the University is notified of a situation in which a campus community member is the victim of a crime, the department may issue a Timely Warning or Alert, detailing the incident and providing tips so that other community members may avoid similar incidents.

Our Mission and Values
The NMU Police Department will assist in providing a safe and secure living and learning environment for the University community consistent with the values and mission of the University. The organization is comprised of people of integrity, committed to providing quality service to the University community in an honest, fair, professional and courteous manner.

A partnership will be pursued with the University community based on mutual trust, confidence, commitment and communication to maintain and improve the quality of life and promote the safety and welfare of our campus.

The members of this agency pledge collectively and individually to constantly grow, develop and engage in reassessment to meet the current and future problems and challenges of our University community.

The values of Northern Michigan University’s Police Department embody the department’s philosophy, vision and values. These values serve as a foundation and catalyst upon which the department establishes its policies, strategy, tactics, and its actions. In completing its mission to protect and serve the University community of Northern Michigan University, the department as a whole and each of its members as individuals are responsible for adhering to all the principles and values that make up the law enforcement code of ethics.
Reporting Crime and Other Emergencies

This section describes the general process for reporting a crime and the actions triggered by the report of a crime.

Northern Michigan University encourages the prompt and accurate reporting of all crimes. NMU Police Department is committed to responding to reports of criminal activities or other emergencies occurring on campus or affecting campus life. Accordingly, NMU has developed policies and procedures (reference Emergency Response Policy and Sexual Misconduct Policy) to ensure that:

- Timely warning is issued when certain types of crimes occur
- Campus is aware of the process to report crime
- Campus is aware of the responsibilities of Campus Security Authorities
- Campus is aware of the process for the confidential reporting of crime

Direct Report to the NMU Police Department

Call 911 to directly report criminal incidents, accidents, and other emergencies to the Marquette County Central Dispatch. Non-emergencies can be reported to (906) 227-2151. Individuals may also report incidents in person at the department headquarters located at the Sugar Loaf Avenue Services Building, room 100.

Dispatchers are available 24 hours a day to answer calls. In response to a call, the NMU Police Department will dispatch an officer to take the incident report. All criminal reports filed are forwarded to the Prosecutor’s office and the NMU Dean of Students office for review and potential action. The NMU Police Department will investigate a report when deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Dean of Students Office.

All individuals have the right to report crime to any appropriate law enforcement authority including on-campus and local police. NMU Police Department personnel will assist any student in notifying these authorities if a student requests assistance.

Reporting all crimes to the NMU Police Department ensures that the department receives the necessary information to assess the crimes for a potential Timely Warning if there is an ongoing or serious threat to the University community and for annual statistical reporting. The Emergency Response Policy and plans (detailed later in this report) include the use of the Timely Warning Notice and NMU Emergency Alert system.

Blue Light Emergency Phones

NMU began a proactive program with the installation of “Code Blue” emergency telephones that provide two-way communications from the phone site direct to the NMU Police Department allowing immediate response by patrols. The phones are located strategically throughout campus at different locations. The NMU Police Department officers physically inspect the emergency phones each week and report any malfunctions to telephone services for repair. A map of the Blue Light Phones is available at https://www.nmu.edu/campusmap.
Confidential Reporting Procedures
The victim of a crime who does not want to pursue action within the University system or the criminal justice system may still want to consider making a confidential report. Any campus security authority can file a report with the NMU Police Department on the details of the incident without revealing the identity of the victim. The purpose of a confidential report is to comply with the request to keep the matter confidential while taking steps to ensure the future safety of the victim and the University community. With this information, the University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the University community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Title IX requires that all reported incidents of sexual assaults must be investigated by the University and the University must take all necessary steps to remedy the situation.

Even if victims do not want the complaint pursued through the student conduct program or the courts, the University must still investigate and respond to comply with Title IX. If the victim/survivor requests confidentiality or asks that the complaint not be pursued, the Title IX coordinator will take all reasonable steps to investigate and respond to the complaint consistent with this request.

Confidential Reporting Procedures Specific to Counselors
As a result of the negotiated rulemaking process that followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to define those considered to be campus security authorities. Campus “Pastoral Counselors” and Campus “Professional Counselors,” when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. However, NMU policy (ref. Sexual Misconduct Policy) encourages Counselors to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

Counselors are defined as:
● Pastoral Counselor: An employee of an institution who is associated with a religious order or denomination and recognized by that religious order or denomination as someone who provides confidential counseling, and who is functioning within the scope of that recognition as a pastoral counselor.
● Professional Counselor: An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her employee’s license or certification.
Campus Security Authorities

Campus Security Authority is a Clery Act-specific term that describes the campus personnel who have specific responsibilities to take action when receiving notice of a crime. This section identifies who is a Campus Security Authority and what action must be taken when information about a crime is received.

Campus Security Authorities include four groups of individuals and organizations associated with an institution:

- Any individual or individuals who have responsibility for campus security but who do not constitute a campus or a campus security department (e.g. an individual who is responsible for monitoring the entrance into institutional property).
- Individuals who provide security at a campus parking kiosk, monitor access into a campus facility, and act as event security or escort students around campus after dark.
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

Anyone with significant responsibility for students and campus activities is a campus security authority. A list of all Campus Security Authorities is on Page 45 of this report.

Campus Security Authorities (CSA) Responsibilities

Campus Security Authorities (CSA) are required to report any good-faith allegation of a Clery Act crime to the NMU Police Department. A Campus Security Authority is not responsible for determining authoritatively whether a crime took place; that is the function of law enforcement personnel. A campus security authority should not try to apprehend the alleged perpetrator of the crime; that too is the responsibility of law enforcement. It is also not a CSA’s responsibility to try to convince a victim to contact law enforcement if the victim chooses not to do so.
Right of Written Notice
The University’s Sexual Misconduct Policy requires that each person reporting dating violence, domestic violence, sexual assault, or stalking will receive a written notification of the services that are available both on-campus and off-campus in the local community. These services are specifically listed in the Sexual Misconduct Policy. Each person reporting will also be provided written notice of the interim measures that are available, including the availability of changes to academic, living, transportation, and working situations, regardless of whether the report is made to law enforcement or a campus security authority. For certain types of crime, including reports of sexual misconduct, both the complainant and the accused will receive written notice of the final disposition of the investigation.

Emergency Response and Evacuation Procedures
This section details the procedure that NMU uses to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees or visitors on campus. Specifically, NMU will use the Timely Warning Notice Procedures to determine when an emergency or dangerous situation is present and the NMU Emergency ALERT system to notify campus. NMU will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing the notification will, in the professional judgment of the Chief of Police or Deputy Chief of Police of the NMU Police Department, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.
Timely Warning Notice Procedures
The NMU Police Department, in conjunction with other departments on campus, issues warnings to notify community members about certain crimes in and around our community. Members of the community who know of a crime or other serious incident should report that as soon as possible to the NMU Police Department so that a warning can be issued if warranted.

Timely Warning Notices are issued whenever a crime or series of crimes on campus, or in some instances the surrounding communities, is considered to pose a serious or possible on-going threat to the university community. Timely Warnings are typically issued for Type I crimes and those considered Clery Act reportable. For example, a timely warning would be issued for the following crime classifications: major incidents of arson, criminal homicide, motor vehicle thefts, and robbery. Incidents of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and information once reported to the NMU Police Department. Warnings may also be posted for other crime classifications, as deemed necessary. The NMU Police Department reviews information that is reported to the campus police by members of the community, by campus security authorities, and by the local police to determine if a reported crime poses a serious or on-going threat to members of the university community. The NMU Police Chief or Deputy Chief reviews all reports to determine if there is the possibility of an ongoing threat to the community and if the distribution of a Timely Warning Notice is warranted. Updates to the campus community about any particular case resulting in a Timely Warning Notice may be distributed via mass email or text alert.

NMU Emergency ALERT
NMU Emergency ALERT is a means to notify the campus community of an imminent or ongoing threat to safety, security, or health (all hazards) of students or employees on campus. Upon confirmation by the Chief or Deputy Chief of the NMU Police Department that an emergency or dangerous situation is present, an alert notification the alert system will be disseminated without any delay with the goal of notifying as many people as possible, as rapidly as possible, taking into account the safety of the campus community. The alert content will be determined by the Chief or Deputy Chief of the NMU Police Department and will include a description of the emergency and recommended action. Alerts may be issued for, but are not limited to, active shooter, tornado, and dangerous chemical release.

Dissemination of Alerts may include any or all of the following:
The University community should be prepared to take self-protection measures appropriate to the emergency, such as, but not limited to, shelter-in-place or evacuation, depending upon the circumstances or incident.

**Emergency Evacuation Procedures**
The Northern Michigan University Police Department tests the emergency response and evacuation procedures on at least an annual basis. Generally, tests are not announced. New students are informed of NMU’s emergency response and evacuation procedures at orientation, as well as in required residence hall meetings. All tests are documented by the NMU Police Department, including the time, date, and location of the test, and whether it was announced or unannounced.

Evacuation drills are coordinated by the NMU Police Department and the NMU Office of Housing and Residence Life. The frequency is determined by Michigan law. Students learn the location of the emergency exits in residence buildings and receive guidance about the direction they should travel when exiting each facility for a short-term building evacuation and guidance about where they should assemble. The NMU Police Department does not tell residents in advance about the designated locations for evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the emergency.

The purpose of these evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At NMU, evacuation drills are used as a way to educate and train occupants on fire-safety issues specific to their building. During the drill, occupants “practice” drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. The process also provides the University an opportunity to test the operation of the fire alarm system components.

Evacuation drills are monitored by the NMU Police Department and the University’s housing staff to evaluate egress and behavioral patterns. Reports are prepared by participating departments that identify deficient equipment so that repairs can be made immediately. Recommendations for improvements also are submitted to the appropriate departments/offices for consideration of its emergency response and evacuation procedures.
For all buildings, including residence halls, evacuation routes and procedures are posted. These include:

1. When a fire alarm sounds, all personnel must evacuate the building immediately.
2. When evacuating, personnel must move away from the exit doors.
3. With the exception of fire department personnel and the NMU Police Department officers, no one is allowed to re-enter the building until notification has been given by a representative of the NMU Police Department.
4. If the fire alarm is silenced, this is not an indicator that it is safe to re-enter the building.
5. The NMU Police Department has the responsibility to determine that the building has been evacuated and when it is safe to re-enter. The officers will coordinate with maintenance, custodial and fire department personnel, as required.

Shelter-in-place

If an incident occurs and the building or areas become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors. Thus, to “shelter-in-place” means to make a shelter of the building one is in. In a longer-term emergency, this location can be made even safer and more comfortable with a few adjustments until it is safe to go outside.

If an incident occurs and the building is not damaged, stay in an interior room until told it is safe to exit. If a building is damaged, take any personal belongings (purse, wallet, Wildcat Express Card, ID, etc.) and follow the evacuation procedures for the building (close the door, proceed to the nearest exit and use the stairs instead of the elevators). After evacuation, quickly seek shelter at the nearest University building. If police or fire department personnel are on the scene, follow their directions.

A shelter-in-place notification may come from several sources, including the NMU Police Department, housing staff members and other University employees utilizing the University’s emergency communications tools.

The basic steps of “shelter-in-place” will generally remain the same. Should the need ever arise; follow these steps (unless instructed otherwise by local emergency personnel):

- Stay inside. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene; locate a room to shelter inside. Ideally, the room will be an interior room at ground level without windows or with few windows. Large groups of people may need to use several rooms.
- Close and lock all windows and close exterior doors. Turn off air conditioners, heaters and fans. Close vents to ventilation systems you are able to. (University staff will turn off the ventilation as quickly as possible).
- Make a list of the people with you and ask someone to call and provide the list to the NMU Police Department so officers know where you are sheltering. If only students are present, one of the students should call and provide the list.
- Turn on a computer, radio, or TV and listen for further instructions.
- Make yourself comfortable.
Prevention and Education Programs
This section provides information about the type and frequency of programs designed to inform students and employees about campus security, crime prevention including sexual assault prevention, and alcohol and other drug abuse prevention. Northern Michigan University has a comprehensive Sexual Misconduct Policy that includes an overview of sexual misconduct, prevention programs and the procedure to follow if a sex offense occurs. The full policy is included in the appendix to this security report.

Crime Prevention Education and Awareness Programming Overview
Northern Michigan University places a high priority on maintaining a safe and secure campus for all students, faculty, staff, and visitors. Members of the University community learn about campus security procedures and crime prevention through programs presented across the University.

The NMU Police Department’s crime prevention programming uses a layered approach including patrolling campus, crime prevention education and training, educating the community, and conducting building and area security surveys. This approach reduces criminal opportunities and encourages community members to take responsibility for their own and others’ safety.

New employees and students first learn basic prevention and awareness information during their respective orientations. Returning students review bystander intervention through an annual online sexual misconduct awareness module. In addition to this mandatory training, ongoing programming addresses sexual violence, domestic violence, and drug and alcohol awareness education.

In addition, the NMU Police Department’s personnel provides training to students, faculty, staff and guests on personal safety, drug, and alcohol safety, workplace violence, home and building security and new student orientation programs. The office is responsible for the Victim/Witness Advocacy Services and liaisons with University services, surrounding community services offices and representatives of the criminal justice system.

The NMU Police Department conducts frequent security surveys of campus buildings and facilities and prepares reports of any deficiencies for the responsible departments and the University Facilities Department. The office also maintains a daily police log of crimes reported. The daily crime and fire log is available online at the NMU Police Department’s website. A printed daily log is also maintained in the department and is available for public review at the University dispatch office during business hours.

Safety and education programming is initiated by several groups across campus. Other than the NMU Police Department, those offering regular programming include the Health Promotion Office, Housing and Residence Life, the Dean of Students Office, and the Office of the President.
**The Student’s Responsibility**

The cooperation and involvement of the students in a campus safety program is absolutely necessary. Students must assume responsibility for their own personal safety and the security of their personal belongings by taking simple, common sense precautions. Any student – male or female – may feel more comfortable using the Safe Walk Service when walking on campus late at night.

Valuable items such as stereos, cameras, and televisions should be marked with engraving instruments provided by the University Police at no charge. Bicycles should be registered with the University Police and be secured with a sturdy lock. Bicycle registration is free and can be done online in a matter of minutes.

Students with vehicles must park in the assigned areas. Unoccupied vehicles should be kept locked at all times. Valuables should be locked in the trunk. Students should report any suspicious-looking individuals whom they feel do not belong in their residence halls or any unusual incidents in and around residence halls to Residence Life staff or the University Police. The same holds true for classroom settings and other areas of campus.

**Weapons**

**Weapons on Campus are Prohibited.**

“Weapon” shall mean and include any rifle, shotgun, handgun, or other lethal or dangerous device which is capable of casting a projectile by explosion, air, gas, bow, crossbow, or mechanical means, irrespective of whether such rifle, shotgun, handgun, or other device is loaded or otherwise ready for use. For a complete definition refer to Ordinance 22.00 Weapons and Explosives Ordinance on page 148.

**Crime Reduction Tips**

**Residential Safety:**
- Lock your room or apartment whenever you leave and when you are sleeping.
- Do not prop card reader doors.
- Call 227-2151 if you see someone in the building who does not belong.
- Do not allow strangers to follow you into the building.

**Workplace Safety:**
- Keep personal items (purses, book bags) locked up.
- Secure the work area when no one is in it.
- Report suspicious people in the workplace area to the police.

**Protecting Your Property:**
- Record the serial numbers of your valuables.
- Engrave valuables with a unique identifying number or sequence of letters and numbers.
- Register your bike with the NMU Police Department.
- Consider installing anti-theft or alarm devices on your vehicle.
- Do not leave textbooks, purses, phones or book bags unattended.
- Do no leave laptop computers unattended.
How to be an Active Bystander
Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” Bystanders that are actively engaged in the prevention of violence help NMU report a culture of community accountability.

If you or someone else in immediate danger, call 906-227-2151 or 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in the document for support in health, counseling, or with legal assistance.

Risk Reduction
The following are some strategies to reduce one’s risk of sexual assault or harassment:

- **Be Aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you do not know where you are going, act like you do.
- **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, go with your gut. If you see something suspicious, contact law enforcement immediately.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- Make sure your **cell phone is with you** and charged and that you have cab money.
- **Do not allow yourself to be isolated** with someone you do not trust or someone you do not know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Do not leave your drink unattended** while talking, dancing, using the restroom or making a phone call. If you have left your drink alone, just get a new one.
- **Do not accept drinks from people you do not know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it
yourself. At parties, do not drink from the punch bowl or other large, common open containers.

- **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.

- **If you suspect you or a friend has been drugged, contact law enforcement immediately (906-227-2151 on campus or 911).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

If you need out of an uncomfortable or scary situation, here are some things you can try:

- **Remember that being in this situation is not your fault.** You did not do anything wrong. It is the person who is making you uncomfortable that is to blame.

- **Be true to yourself.** Do not feel obligated to do anything you do not want to do. “I don’t want to” is always a good enough reason. Do what feels right for you and what you are comfortable with.

- **Have a code word with your friends or family** so that if you do not feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends and family can then come to get you or make up an excuse for you to leave.

- **Lie.** If you do not want to hurt the person’s feelings, it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else you need to be, etc.

- **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help? Is there an emergency phone nearby?

- **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

**Crime Prevention Education and Awareness Programming**

**Rape Aggression Defense** is a program of realistic, self-defense tactics and techniques. The RAD System is a comprehensive course for women that begins with awareness, prevention, risk reduction and avoidance and progresses to the basics of hands-on defense training. RAD is taught by certified RAD Instructors and is dedicated to teaching women defensive concepts and techniques against various types of assault by utilizing easy, effective, and proven self-defense/martial arts tactics.

**Operation Identification** is a program that is a system for marking personal property. Students engrave their driver’s license on the item and keep a permanent record of their property. Operation Identification has been proven to reduce thefts in communities where the program has been implemented.

**General Orientation Program** encourages both parents and students to be responsible for their own security and the security of others. The orientation packets include materials describing
the resources available on campus to learn about crime prevention, as well as an introduction to the programs available for addressing risk on campus.

Specialized Orientation Programs include Army ROTC and athletics orientation. These orientation programs address sexual misconduct, sexual assault law in Michigan, bystander intervention, and the repercussion for misconduct at NMU.

Other programming may be offered less frequently than annually. The following is a list of programs, presentations and events for the 2018 calendar year.

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<tr>
<th>Jan - Dec 2018 Programs</th>
<th>Attendance</th>
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<tr>
<td>1/10/2018 International Student Orientation</td>
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<tr>
<td>1/11/2018 New/Transfer/HS Student/Parent Orientation</td>
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<tr>
<td>2/9/2018 Condom Carnival-Sexual Assault/Alcohol Awareness</td>
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<tr>
<td>2/13/2018 Wildcat Wellness Fair-Alcohol Awareness/Impaired Driving/Distracted Driving/Sexual Assault</td>
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<td>2/18/2018 Gwinn Wellness Fair-Impaired Driving</td>
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<td>3/16/2018 Alcohol/Sexual Assault Awareness DARTS Program</td>
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<tr>
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<td>6/13/2018 Freshman Orientation-Parents Safety/Policy/CSC</td>
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Sexual Misconduct Policy
Northern Michigan University is committed to maintaining a safe learning and working environment – one free from dating violence, domestic violence, sexual assault, sexual harassment, sex discrimination, stalking, voyeurism, and any other behavior of a sexual nature that is non-consensual, collectively referred to as sexual misconduct. The University affirms the values of mutual respect, responsibility, and dignity for all members of the community. Sexual misconduct undermines NMU’s mission and violates the rights of our students, faculty, and staff. It is expressly prohibited. Retaliation against reporting sexual assault is also prohibited. Northern Michigan University’s Sexual Misconduct Policy is linked in this report and is available at www.nmu.edu/policies under Sexual Misconduct. It includes:

- A description of the programs to address sexual assault, dating violence, domestic violence, and other non-consensual behavior of a sexual nature;
- The 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 conduct should be reported;
- Information on a student’s option to notify appropriate law enforcement authorities, including on-campus and local police and information about how to obtain assistance in notifying these authorities;
- How to contact on-campus and off-campus counseling, mental health and other services for victims of sex offenses;
- How to obtain changes to academic or living situations after a reported sexual offense, called “interim measures;”
- Procedures for campus disciplinary action in cases of reported sex offense;
- Information about the reporter and respondent rights to have others present during a disciplinary proceeding and the right of both the reporter and respondent to be informed of the outcome of disciplinary proceedings; and
- The sanctions that NMU may impose following the final determination regarding sexual misconduct.

Alcohol and Drug Policies – Drug-Free Schools and Communities Act Amendments of 1989
This section complies with the Drug-Free Schools and Communities Act Amendments of 1989. Northern Michigan University has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

The program includes annual distribution in writing to each employee and to each enrolled student the following:

- Standards of conduct for students and employees
- A description of associated and legal sanctions
- A description of associated health risks
- A description of available services and treatment options

Alcohol and other drug issues have received much attention nationally and locally. Many students, faculty and staff have worked together over the years to prevent substance abuse at
Northern Michigan University. We think our efforts have contributed to a healthy living-learning community and have assisted individuals in need. Drug-Free Schools Biennial Review is available for review.

Northern Michigan University is committed to preventing substance abuse by:
- Encouraging a campus environment where healthful lifestyle choices are made by students, faculty and staff.
- Expecting acceptance of responsibility for one’s own choices and behavior.
- Striving to balance the rights of individuals and those of the university community.
- Encouraging chemical-free activities and supporting those who choose not to use alcohol and other drugs.
- Enforcing university, local and state codes, ordinances and statutes, which govern alcohol and other drug use.

The Northern Michigan University Student Handbook (http://www.nmu.edu/handbook) prohibits the use, possession, sale or consumption of alcoholic beverages by students in any building or on any property owned or controlled by NMU (except under terms and conditions established by the president or designee) and states that no student shall illegally possess, use or have under his/her control any other controlled substance in any building or on property owned or controlled by the University.

Failure to abide by these regulations may lead to any of the following sanctions: (1) warning, (2) warning probation, (3) disciplinary probation, (4) suspension or (5) expulsion. Special conditions may be attached to the penalty including, but not limited to, parental notification of the violation and mandatory participation in an alcohol or other drug education program.

Health Risks Associated with Alcohol and Other Drug Use
Regular use of alcohol and other drugs (including marijuana, stimulants, depressants, cocaine, anabolic steroids, opiates, hallucinogens) may lead to:
- psychological and/or physical dependence
- impaired learning ability, memory, ability to solve complex problems
- inability to perform sexually, infertility problems
- increased risk of sexually transmitted diseases (including AIDS)
- complications due to the combination of prescription medication and other drugs/alcohol
- death, coma or toxic reactions, especially when combining alcohol with any other drug, including over-the-counter medicine or prescriptions
- guilt/regret over activities performed while under the influence of alcohol/drugs, i.e., regretting sexual encounters, fighting, risk-taking, legal difficulties
- organic damage to brain, cardiovascular system, liver, etc.
- increased risk of cancer
- fetal Alcohol Syndrome, birth or genetic defects
- psychosis (hallucinations, loss of contact with reality, extreme changes in personality)
● other physiological, psychological or interpersonal problems

**Substance Abuse Resources**

**On Campus**
Dean of Students Office (University Center) 906-227-1700  
Employee Assistance Service 906-227-2330  
Counseling and Consultation Services (3405 Hedgcock) 906-227-2981

**Marquette Area**
Alcoholic Treatment Center (24-hour helpline) 800-260-4014  
Alcoholics and Narcotics (24-hour helpline) 906-228-2611 Alcoholics  
Anonymous 906-249-4430  
Aspen Breeze Treatment Center 906-226-2527  
Bell Behavioral Services 906-249-9002  
Drug Abuse Treatment Center (24-hour helpline) 800-259-7115  
Great Lakes Recovery Centers 906-228-7611  
Outpatient services 906-228-6545  
Youth residential 906-228-4692

**Alcoholic Beverages**
Northern Michigan University seeks to encourage and sustain an academic environment that both respects individual freedom and promotes the health, safety and welfare of all members of its community. In keeping with these objectives, the University has established policy and guidelines governing the possession, use, sale and consumption of alcoholic beverages on the University campus that conform to the laws of Michigan. Underage possession and/or consumption of alcoholic beverages and public intoxication are not permitted. Northern Michigan University enforces Michigan underage drinking laws. Intentionally or knowingly selling, or intentionally or knowingly furnishing alcoholic beverages to persons under age 21, or to persons obviously inebriated, is not permitted. Legal consumption and possession of alcoholic beverages is limited to designated locations. The complete policy and guidelines concerning alcoholic beverages is published in Northern Michigan University’s policy and procedure database (www.nmu.edu/policies).

**Illegal Drugs**
The University does not condone the illegal possession, use, sale or distribution of marijuana, hallucinogens, narcotics or any other illegal drugs by anyone on campus property. Northern Michigan University enforces both Federal and Michigan drug laws. Any individual known to be possessing, using, or distributing such drug is subject to campus disciplinary action(s) and criminal arrest, imprisonment, and/or fine according to state and federal law.

Northern Michigan University complies with the **Drug-Free Schools and Communities Act Amendments of 1989**. Information regarding the Act can be found at www.nmu.edu/druginformationguide and outlines NMU's expectations and procedures for students, faculty and staff.
Drug and Alcohol Abuse Education and Awareness
Consistent with its educational mission, the University also assists its members in finding alternatives to alcoholic beverages by promoting social interaction and stress reduction, and it provides services and resources for community members who experience alcohol-related difficulties. Keeping informed is an important step in developing a healthy lifestyle and in knowing how to cope with problems as they arise.

Northern Michigan University provides useful and informative prevention education programs throughout the year in both residential and academic settings. The NMU Police Department conducts regular programming nearly 30 times a year. In addition, the NMU Health Promotion Office on campus provides education as well.

The University conducts the early intervention education program through the Dean of Students Office for students who violate the University’s alcohol and other drug policies. The goal of the program is to help students reduce the risk of any type of alcohol or drug-related problems at any point of their lives. The program uses self-assessment to help students identify changes that can reduce the risk of alcohol or other drug-related health problems.

Additional programs on a variety of health, wellness and social issues are offered by the Health Promotion Office. A variety of departments sponsor workshops and lectures on alcohol- and drug-related issues to support and encourage healthy, productive lifestyles. These programs are made available through:

- NMU Police Department (906) 227-2151
- Student Counseling & Consultation Services (906)-227-2980
- Housing and Residence Life (906)-227-2620
- University Health Center (906)-227-2355
- Substance Abuse and Violence Education Support Services (906)-227-1455

Alcohol and Drug Abuse Education and Awareness Programs
New Student Orientation Presentations - The Dean of Students and the NMU Police Department do a presentation as part of a Campus Health and Safety Presentation where students are introduced to a variety of talking points. Students are introduced to the fact that NOT all students drink and information is shared on the percentage that have reported not drinking in past surveys.

Late-night at the PEIF Event - This event has been held the Friday before classes start each fall semester for the last 14 years as part of the University’s Welcome Weekend activities. This is an alcohol-free event that uses breathalyzers to insure that each participant has not consumed any alcohol prior to entering. The event is intended to provide a safe place for students to enjoy a wide range of campus/off-campus recreational activities, be introduced to and try out
the facilities and meet new friends in an alcohol-free environment. The event is promoted and partially funded by student groups including the ASNMU student government finance committee and the campus Greek community.

**Residence Hall Director/Residence Assistant Training** - This activity occurs once a year in the summer usually in late July or early August. The focus of this session is to be acquainted with the staff, introduce them to services on campus, and inform them how to reach out for consultations in situations involving alcohol, drugs, or crime.

**Hospitality Program/Bar and Beverage Management Class** – This once-a-year class invites the Health Promotion Office and the NMU Police Department to be part of an extensive educational process regarding the challenges of working with the consumer product alcohol. The students are provided insight into the impact of drinking and driving, the difficulty in determining the intoxication levels of their patrons and the outcomes of short- and long-term drinking on their patrons, their staffs and the families.

**First Year Experience Tutorial (Required) for incoming students**
Information is available online to incoming freshman students for sexual assault and addressing the role that alcohol can play when these crimes are being committed and safe bystander intervention. This includes an introduction to the University’s [Medical Amnesty Policy](#).

**Fitness and Well-Being Classes (HP200)** – The Health Promotion Office provides educational support for the “Substance Abuse” chapter. Each class provides an overview to the Health Promotion Office, an introduction to the role that alcohol can play on campus, an interactive activity with a post-activity discussion and finally an introduction to campus and community resources.

**Alcohol, AIDS, Acquaintance Rape Awareness Week**
Generally scheduled for the last week in October, the Health Promotion Office plans and partners with other offices and student groups to provide campus-wide activities. The events are designed to raise awareness of and/or bring focus to health and safety topics related to alcohol and other drug risk, AIDS, and sexual violence.

**Safe Holiday Campaign**
In early December the NMU Police Department and the Health Promotion Office schedules events to raise awareness about the risk of impaired driving and other party related concerns.

**Safer Break Week**
Two weeks prior to spring break in late February, students are challenged to contemplate healthier and safer choices during their time away from campus.
Wildcat Wellness Fair
This fair provides opportunities for campus departments, student groups and community-based service providers to share a range of health and safety related booths, displays and activities including a variety of physical screenings.

Access to Campus Facilities and Residence Halls
Exterior door access for the University’s residence halls and the Woodland Park apartments is controlled with an IP-based door access control technology tailored specifically for universities. This system allows Housing and Residence Life Office staff to manage exterior door access electronically.

Housing and Residence Life works diligently to provide a secure environment for residents while minimizing any inconveniences. Residents are encouraged to keep their room doors locked, keep exit doors secured, escort their guests at all times, and report any unusual circumstances to hall staff or the NMU Police Department immediately. Residents are held accountable for their guest’s actions.

The NMU Police Department and the Residence Life staff are jointly responsible for the development of procedure and programs to promote the greatest possible safety and security of the residences halls. Educational programs emphasizing security and what residents can do to protect themselves are provided by Residence Life, University Police and other on- and off-campus services.

Most other campus facilities are open during weekday business hours. An automated card access system controls access after business hours. University members with questions about the system should contact the NMU Police Department at (906) 227-2151.

Daily Crime Log
The NMU Police Department maintains a Daily Crime Log. The Daily Crime Log is available for public inspection at the department’s office located in room 102 of the Services Building or at www.nmu.edu/publicsafety/activity-log.

The Daily Crime Log includes the nature, date, time and general location of each crime reported to the department, as well as the disposition of the complaint, if this information is known at the time the log is created. The department posts specific incidents in the Daily Crime Log within two business days of receiving a report of an incident and reserves the right to exclude reports from the log in certain circumstances as allowed by law.

Safe Walk Service
The NMU Police Department provides escort services campus-wide during the hours of darkness. Student lot guards, when on duty, provide this service; otherwise, department patrol officers will make the transport when requested.
Security Surveys
Security surveys are conducted on a regular basis with members of the University community. The primary goal of these surveys is to identify areas of the physical campus that may present vulnerabilities to safety. The department works with the appropriate facilities office to address concerns noted in the surveys.

Concealed Weapons Permit
Campus visitors with a weapon and a CCW / Carry Concealed Weapon permit must register and store the weapon at the NMU Police Department.

Sex Offender Registration
The “Campus Sex Crimes Prevention Act” of 2000, which amends the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act, requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. In the State of Michigan, convicted sex offenders must register with the Sex Offender and Crimes against Minors Registry maintained by the State Police.

The Sex Offenders Registration Act, MCL 28.721et seq., directs the Michigan State Police to develop and maintain a public registry and provides guidelines on the type of offender information available to the public. The registration requirements of the Sex Offenders Registration Act are intended to provide the people of this state with an appropriate, comprehensive, and effective means to monitor those persons who pose such a potential danger.

Information concerning registered sex offenders may be viewed at:
www.michigan.gov/msp/0,4643,7-123-1878_24961---,00.html

Missing Person Policy
It is the policy of Northern Michigan University to actively investigate any report of a missing person(s) as defined below. There is no waiting period before the commencement of an investigation and procedures will be governed by federal, state and local laws. Report a missing person to the NMU Police Department.

A missing person is defined as a “person affiliated with the University being a student, faculty or staff member” or any other person last seen on the property of Northern Michigan University
Sexual Misconduct Awareness
Northern Michigan University utilizes a range of training to promote awareness, risk reduction, and prevention programming in an effort to reduce the risk of sexual misconduct. Sexual misconduct includes any of the following acts: sexual assault, sexual harassment, stalking, dating violence, voyeurism, sex discrimination, domestic violence, and any other conduct of a sexual nature that is non-consensual.

Northern Michigan University provides online training to employees on preventing harassment, discrimination, and sexual violence, and how to report it through LawRoom. Campus Clarity provides training to all incoming first-year students and transfer students on the same topics. Returning students are provided a modified version of the Campus Clarity module each year following their first year at Northern. Programs and other training offered throughout the year covers bystander intervention, prevention and risk reduction awareness, including training on institutional policies on sex/gender discrimination and sexual and/or relationship misconduct.

Crime Definitions
- **Murder and Non-Negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another.
- **Manslaughter by Negligence** is defined as the killing of another person through gross negligence.

- **Sexual Assault - SAPAC Definition**: SAPAC defines sexual assault as any form of unwanted sexual contact obtained without consent and/or obtained through the use of force, threat of force, intimidation, or coercion.

- **Sexual Assault – State of Michigan Definition**: There are four degrees of Criminal Sexual Conduct (CSC) under Michigan law and they cover a range of sexual contact and
levels of force or intimidation. Survivor resistance is not a factor in assessing CSC and the law is gender neutral. Marital rape has also been illegal in Michigan since 1988.

a) First Degree Criminal Sexual Conduct
   1. Sexual Penetration (sexual intercourse, cunnilingus, fellatio, anal intercourse, any other intrusion of a body part or an object into genital or anal openings); and
   2. One of the following circumstances:
      a. Victim under 13
      b. Victim 14, 15, or 16 and one of the following
         i. member of the same household
         ii. related by blood or affinity
         iii. assailant in position of authority over victim
      c. Occurs during commission of another felony
      d. Assailant is aided by another person, and one of the following:
         i. victim incapacity *(victim is mentally incapable, mentally incapacitated, and/or physically helpless – see definitions of these below)
         ii. assailant uses force or coercion
      e. Weapon involved
      f. Force or coercion and personal injury (bodily injury, disfigurement, mental anguish, chronic pain, pregnancy, disease, or loss or impairment of a sexual or reproductive organ)
      g. Personal injury and victim incapacity
      h. Victim incapacity and one of the following:
         i. related by blood or marriage
         ii. assailant in position of authority over victim

Punishable by up to life imprisonment.

b) Second Degree Criminal Sexual Conduct
   1. Sexual Conduct (intentional touching of intimate parts or clothing covering intimate parts, for the purpose of sexual arousal or gratification) and
   2. Any of the circumstances listed for 1st degree CSC

Punishable by up to 15 years imprisonment.

c) Third Degree Criminal Sexual Conduct
   1. Penetration (see definition under CSC 1) and
   2. One of the following circumstances:
      a. Victim 13, 14, or 15
      b. Force or coercion
      c. Victim incapacity

Punishable by up to 15 years imprisonment.

d) Fourth Degree Criminal Sexual Conduct
   1. Sexual Contact (see definition under CSC 2), and
2. One of the following circumstances
   a. Force or coercion
   b. Victim incapacity
   c. Assailant is employed by department of corrections in which victim is incarcerated

Punishable by up to 2 years imprisonment and/or fine of $500.00

*Mentally Incapable* – a mental disease or defect makes the victim incapable of understanding the nature of his/her conduct.

*Mentally incapacitated* – victim is temporarily incapable of appraising or controlling his/her conduct due to the influence of a narcotic, anesthetic or other substance administered without consent or due to any other act committed upon the victim without consent.

**Physically helpless** – victim is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to act.

- **Sexual Assault (Sex Offenses)** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
  a) **Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
  b) **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  c) **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  d) **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

- **Robbery** is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

- **Aggravated Assault** is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

- **Burglary** is the unlawful entry of a structure to commit a felony or a theft.

- **Motor Vehicle Theft** is the theft or attempted theft of a motor vehicle.

- **Arson** is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

- **Hate Crimes** is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.
  a) **Race** is a performed negative attitude towards a group of persons who possess common physical characteristics, e.g., color of skin, and/or hair; facial features, etc.,
genetically transmitted by descent and heredity which distinguish them as distinct
division of humankind, e.g., Asians, blacks or African Americans, whites.

b) Religion is a performed negative opinion or attitude toward a group of persons who
share the same religious beliefs regarding the origin and purpose of the universe and the
existence or nonexistence of a supreme being, e.g., Catholics Jews, Protestants, atheists.
c) Sexual Orientation is a performed negative opinion or attitude toward a group of
persons based on their actual or perceived sexual orientation.
d) Gender is a performed negative opinion or attitude toward a person or group of
persons based on their actual or perceived gender, e.g., male or female.
e) Gender Identity is a performed negative opinion or attitude toward a person or group
of persons based on their actual or perceived gender identity, e.g., bias against
transgender or gender non-conforming individuals.
f) Ethnicity is a performed negative opinion or attitude toward a group of people whose
members identify with each other, through a common heritage, often consisting of a
common language, common culture (often including a shared religion) and/or ideology
that stresses common ancestry.
g) National Origin is a performed negative opinion or attitude toward a group of people
based on their actual or perceived country of birth.
h) Disability is a performed negative opinion or attitude toward a group of persons
based on their physical or mental impairments, whether such disability is temporary or
permanent, congenital or acquired by heredity, accident, injury, advance age or illness.

- Larceny-Theft is the unlawful taking, carrying, leading or riding away of property from
  the possession or constructive possession of another.
- Constructive possession is the condition in which a person does not have physical
custody or possession, but is in a position to exercise dominion or control over a thing.
- Simple Assault is an unlawful physical attack by one person upon another where neither
  the offender displays a weapon, nor the victim suffers obvious severe or aggravated
bodily injury involving apparent broken bones, loss of teeth, possible internal injury,
severe laceration, or loss of consciousness.
- Intimidation is to unlawfully place another person in reasonable fear of bodily harm
  through the use of threatening words and/or other conduct, but without displaying a
weapon or subjecting the victim to actual physical attack.
- Destruction/Damage/Vandalism of Property is to willfully or maliciously destroy,
damage, deface, or otherwise injure real or personal property without the consent of the
owner or the person having custody or control of it.
- Dating Violence is defined as violence committed by a person who is or has been in a
social relationship of a romantic or intimate nature with the victim. The existence of
such a relationship shall be determined based on the reporting party’s statement and
with consideration of the length of the relationship, and the frequency of interaction
between the persons involved in the relationship.
- Domestic Violence is defined as a felony or misdemeanor crime of violence committed-
  - By a current or former spouse or intimate partner of the victim;
  - By a person with whom the victim shares a child in common;
• By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
• By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
• Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to
  • Fear for the person’s safety or the safety of others; or
  • Suffer substantial emotional distress.
• Course of Conduct means two or more acts, including, but not limited to, acts in which the stalker directly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
• Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
• Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
• Arrest for Clery Act purposes is defined as persons processed by arrest, citation or summons.
• Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.
• Weapons: Carrying, Possessing, Etc., is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.
• Drug Abuse Violations are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.
• Liquor Law Violations are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.
Northern Michigan University Crime Statistics

The following chart contains the number of reported crimes on campus required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act -Formerly known as the Crime Awareness and Campus Security Act of 1990. Recent amendments to the Clery Act require the University to specifically indicate whether reports involve dating violence, domestic violence, and/or stalking as well as any reports that include gender identity or national origin as a bias.

### Criminal Offenses on Campus

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**Hate Crimes – On Campus Student Housing Facilities**

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**Hate Crimes – Noncampus**

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### Hate Crimes – Public Property

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### VAWA Offenses – On Campus

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### VAWA Offenses – On Campus Student Housing Facilities

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### Arrests – On Campus

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<th>Reported 2017</th>
<th>Reported 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weapons Violations</td>
<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>Drug Violations</td>
<td>3</td>
<td>1</td>
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</tr>
<tr>
<td>Liquor Violations</td>
<td>1</td>
<td>3</td>
<td>0</td>
</tr>
</tbody>
</table>

**Unfounded Crimes**

If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is “unfounded”. Only sworn or commissioned law enforcement personnel may unfound a crime.

<table>
<thead>
<tr>
<th></th>
<th>Reported 2016</th>
<th>Reported 2017</th>
<th>Reported 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Unfounded Crimes</td>
<td>4</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>
Northern Michigan University
Higher Education Opportunity Act
2018 Fire Safety Annual Compliance Report

Building Fire Safety Systems
University buildings are equipped with various safety systems. Fire Safety Systems include suppression and audible notification systems.

Description of Residence Hall Fire Safety Systems
Each residence hall room and common areas, except laundry rooms and mechanical rooms, are monitored with addressable photoelectric sensors (smoke detectors). Laundry rooms and mechanical rooms are monitored with addressable heat sensors. All detectors have been installed per appropriate codes and are networked using a dedicated copper backbone cable to a local annunciation panel located in each residence hall lobby. A residence hall room smoke detector that goes into alarm will also cause an alarm in the resident director’s apartment, in the appropriate resident adviser’s room and at The NMU Police Department. The fire detection system in each residence hall is networked using dedicated copper cable and/or fiber optic cable to the NMU Police Department office, where it is continuously monitored.

Residence hall rooms, bathrooms, and common areas are covered by a wet pipe fire suppression system. The attic spaces in the four recently renovated residence halls – Magers, Meyland, Van Antwerp, Hunt, and Woodland Park – are protected with a dry pipe system. The fire suppression system is monitored locally and centrally in the same manner as the fire/smoke detection system.

Fire Alarms
Every time any building fire alarm sounds, the building shall be immediately evacuated, regardless of what may have caused the alarm.

Activated Fire Alarms,
Notification to the NMU Police Department
For on-campus buildings (Stateside buildings, Recreational buildings, Auxiliary Services, Resident halls, and Woodland Apts.) whenever a fire alarm system is activated, a signal is received at the NMU Police Department Dispatch Center. The NMU Police Department Personnel are immediately dispatched to respond and quickly determine the cause of the alarm.

Residence Hall Fire Drills
Fire drills are conducted each semester in each residence hall. All rooms are searched to insure there is full evacuation. Anyone who does not promptly evacuate is referred to the Dean of Students for disciplinary action.
Number of Fire Drills Held - 2018
NMU follows Michigan’s Bureau of Fire Services, Fire Division, Postsecondary Educational Institutions Instructional Staff Training, and Fire Drills & Reporting Requirements. Two fire drills were held in each of the residence halls, including, Hunt, Magers, Meyland, Spalding, Spooner, Van Antwerp, West, Maple East, Maple West, Cedar East, Cedar West, Birch East, and Birch West during the academic year and one is conducted in any dormitory that is occupied in the summer academic period.

Evacuation Procedures
Residence hall students - A flier / building diagram is posted on the back of every residence hall room door that states:

<table>
<thead>
<tr>
<th>FIRE ALARM INSTRUCTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prepare to leave your room immediately, but feel your room door before opening it.</td>
</tr>
<tr>
<td>If your room door is hot to the touch and you are above the 1st floor, stay in your room (you are safer there):</td>
</tr>
<tr>
<td>Seal off cracks with towels or blankets (wet if possible) around the door to your room.</td>
</tr>
<tr>
<td>Stay near your window and let emergency personnel know where you are by signaling from your window and/or call the NMU Police 911.</td>
</tr>
<tr>
<td>Emergency personnel will let you know what to do and will provide you with assistance.</td>
</tr>
<tr>
<td>If your room door is hot and you are on the 1st floor you can leave your room through your window if it is safe to do so.</td>
</tr>
<tr>
<td>If your room door is cool, open your door cautiously. Be prepared to close it quickly if smoke or heat comes in:</td>
</tr>
<tr>
<td>If the hall is clear, leave your room immediately, making sure your room door is closed and leave the building by the most direct route.</td>
</tr>
<tr>
<td>If the most direct route is blocked by fire, intense smoke or emergency personnel, use another exit.</td>
</tr>
<tr>
<td>If both routes are blocked, return to your room (see procedure above).</td>
</tr>
<tr>
<td>Once you have left the building, stay out and stand away from the entrance until the alarm has been shut off and you are given permission to reenter.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FIRE IN ROOM</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the fire is in your room, get out and close your room door.</td>
</tr>
<tr>
<td>Pull the nearest fire alarm and leave the building.</td>
</tr>
<tr>
<td>If you have access to a phone, call 911 to report the fire, your hall and room number.</td>
</tr>
<tr>
<td>Once you have left the building, stay out and stand away from the entrance until the alarm has been shut off and you are given permission to reenter.</td>
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</table>
Student Housing Evacuation Procedures

The following flier with a building diagram is posted on the back of every residence hall room door:

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</table>
**False Fire Alarms**
Causing a false fire alarm is not only against University policy and an inconvenience to everyone in the building, it is also a crime. The University takes this very seriously, and will act swiftly and severely with anyone who causes a false fire alarm. Those found responsible for causing a false fire alarm are charged by the University with the criminal charge of FIRE-FALSE ALARM (750.240), are processed by the court system, and are referred to the Dean of Students for disciplinary action.

**Tampering with Fire Safety Equipment**
Tampering with any fire safety equipment, whether it is a pull station, smoke or heat detector, sprinkler head, horn/strobe unit or fire extinguisher, is a crime and against University policy.

**Escaping a Fire**
If there is a fire in the room, get out immediately and close the door. Once out, call 911. If there is a fire in the building, feel your door before opening it; if it feels hot, do not open it. Seal the cracks around it with sheets or clothes to prevent smoke from entering. If the outside air is clean, open the window and wave a sheet to attract rescuers. Use the phone to call The NMU Police Department. If the door is cool, open it, leave and close it behind you. Proceed to the nearest exit. If there is smoke in the hallway, stay low where the air is freshest. A wet cloth over your mouth and nose will also help with breathing. Never use elevators during a fire. Do not try to save possessions. Finally, know more than one way to leave the building.

**Keep Stairwells and Hallways Clear**
All corridors, stairwells and public areas must be kept free of obstructions. No furniture or personal belongings may be left in the hallways.

**Fire Doors Must Remain Closed**
Hallway, stairwell and residence room doors are fire doors and are there to protect you from smoke and flame. These doors are “fire rated” to provide such protection. However, they are of no value if they are propped open, allowing heat, smoke or flames to travel down the hallway or into another area.

Decorations that pose a fire hazard and anything hung from the ceiling are prohibited. Draperies and tapestries must be rated flame resistant (NFPA 701). Doorways and all egresses must be kept free and clear at all times. Excessive decorations that are deemed to pose a potential fire hazard (type of material, flammability) are prohibited.

**Use of Specific Devices**
The use of portable electrical devices, candles, grills, and other devices are governed by the Student Handbook as well as the individual housing agreements, contracts, and leases. Salient points follow:

Extension Cords: The only extension cords allowed are UL listed surge protected, with built-in circuit breakers. Extension cords must never be overloaded, placed across the room threshold, under rugs or anywhere they can be stepped on.

Portable Electrical Appliances: Because of the hazards of fire and the limits on the amount of electricity which can be safely used on any electrical circuit, good judgment should be exercised in using electrical appliances in University housing facilities. Television sets are permitted in residence hall rooms provided all occupants of the room agree. The only appliances allowed in the residence halls are coffee makers, popcorn poppers and hot pots. Open heating devices are not allowed.

Sun lamps, clamp-on-bed lamps, electrical heaters, open-element popcorn poppers, hot plates, indoor grills, hazardous electrical appliances, and appliances in need of electrical repair are specifically prohibited. In addition, the following are not permitted in the apartments – candles, incense, flammable or explosive materials (e.g., fireworks, gunpowder, gasoline, propane), sun lamps, clamp-on bed lamps, electrical heaters, and hot plates.

Fireworks and Explosive Chemicals: No students shall possess, explode, or cause to explode firecrackers or other types of fireworks or explosives in any building or on any property owned or controlled by the University. No students shall, on University property, possess, store, mix, or experiment with any chemical or explosive materials including, but not limited to, gunpowder and gasoline, which may be injurious to the lives and safety of the University community. This regulation shall not apply to instructor supervised learning activities.

Unless acting in compliance with a specific written exemption to this regulation from the Dean of Students and the University Fire Marshal, no students shall use or create an open flame, or use live or glowing embers or charcoal in any University buildings. This regulation shall not apply to instructor supervised learning activities.

Holiday Decorations: Because they are highly combustible, natural Christmas trees and wreaths are prohibited. All holiday lighting must be UL listed and approved. Holiday decorations that are considered excessive or a potential fire safety hazard are prohibited.

Wall Hangings: It is recommended that not more than 10 percent of the available wall space used for wall hangings must be adhered to. Anything that is highly combustible or flammable is prohibited. Decorations that pose a fire hazard and anything hung from the ceiling are prohibited. Draperies and tapestries must be rated flame resistant (NFPA 701). Doorways and all egresses must be kept free and clear at all times. Excessive decorations that are deemed to pose a potential fire hazard (type of material, flammability) are prohibited.

**Prohibited Items May Be Confiscated**
Items that are prohibited from the residence halls and deemed to be a fire hazard may be confiscated by the Housing and Residence Life or the NMU Police Department staff.

**Ceremonial Exemption**
Smoking is permitted in compliance with University Regulation. Requests for exception to this regulation for ceremonial or religious purposes may be sought by making a written application to the Dean of Students and the University Fire Marshall.

**Fire Safety Education and Training**

**Students**
All Summer Orientation Sessions: Housing and Residence Life Meeting – During each (6) Summer Orientation Session (6) students meet with the Director of Housing and residence life. During the orientation session, several fire safety topics are covered, including the causes of fires in residence halls (national), appliances permitted, minimum expectations for power strips, prohibited items, fire safety system equipment in University residence halls and what is expected of students in the event of a fire drill or fire alarm.

After students check into the residence hall, the resident adviser (RA) meets with the students to discuss 1) Highlights from Administrative Policies, including the prohibition against candles and certain appliances; 2) proper use of power strips; and 3) fire safety. In addition, the safety information posted on each residence hall door is reviewed.

**Employees**
Fire safety and building evacuation procedures are covered during both the professional staff and the paraprofessional staff training. Employees receive an annual e-mail with fire safety and evacuation procedures.

**Title of Persons/Organization to Whom Students and Employees Report a Fire**
The NMU Police Department (911)
The NMU Police Department non-emergency for fire reporting purposes: (906) 227-2150 or (906) 227-2151

**Planned Improvements in Fire Safety**
1. Update the apartment lease to state that candles are prohibited;
2. Evaluate the need for additional smoke detectors in the Norwood/Center apartment buildings;
3. Upgrade our aged fire alarm system in the residence halls to our newest fire alarm system which includes the mass notification ability. It also provides a more user friendly interface for our dispatch center.
# 2016-2018 Fire Log

<table>
<thead>
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<td>The Woods-Lodge</td>
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<td>0</td>
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<td>0</td>
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<tr>
<td><strong>Total</strong></td>
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</tbody>
</table>
Campus Security Authorities

Date approved:  9-30-2015
Last update:  9-30-2015
Approved by:  President
Oversight unit:  THE NMU POLICE DEPARTMENT
Level:  Annual Reports

Purpose
Provide a list by title of all NMU’s Campus Security Authorities as required by 34 CFR 668.46.

Applicability
All Students, Faculty, Staff, and Visitors

Description
Campus Security Authority
Campus Security Authority is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution.

- Any individual or individuals who have responsibility for campus security but who do not constitute a campus or a campus security department (e.g. an individual who is responsible for monitoring the entrance into institutional property).
- Include individuals who provide security at a campus parking kiosk, monitor access into a campus facility, and act as event security or escort students around campus after dark.
- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.
- If someone has significant responsibility for students and campus activities, he or she is a campus security authority.
Current Campus Security Authorities include:

**Academic & Career Advisement**
Director
Assistant Director - Jacobetti
Assistant Director – Orientation
Academic & Career Counselor
Coordinator – Academic Support Services (3)

**Academic Affairs, Provost & VP**
Provost & Vice President
Assistant Provost

**Academic Information Services – Library**
Circulation Supervisor

**Academic Information Services**
Dean

**Admissions**
Director
Assistant Director (9)
Associate Director
Senior Admissions Counselor (3)
Admissions Counselor (3)

**AIS / Computer Help Desk**
Help Desk Manager

**Art & Design, School of**
Director / Associate Dean

**Arts & Sciences, College of**
Dean
Associate Dean

**Auxiliary Services**
Director
General Manager – Golf Course
Executive Secretary

**Biology**
Department Head

**Bookstore**
Manager
Assistant Manager

**Business Intelligence/ Information Services**
Director

**Business, W.L. Cisler College of**
Dean
Career Services
Assistant Director

Chemistry
Department Head

Clinical Sciences, School of
Director / Associate Dean

Communication & Performance Studies
Department Head

Continuing Education/Workforce Dev.
Special Assistant to the President
Assistant Director

Counseling & Consultation Services
Counselor / Professor
Assistant Professor (2)
Department Head

Criminal Justice
Department Head

Dean of Students
Assistant Vice President & Dean
Associate Dean
Assistant Dean

Degree Evaluation
Assistant Registrar

Dining Services – Central Office
Director of Dining Services
Director of Conference & Catering
Associate Director - Retail Operations
Manager – Program Development
Operations Manager – Food/Nutrition
Marketing Manager

Dining Services – Marketplace
Operations Manager (2)
Service Manager

Dining Services – University Center
Operations Manager

Disability Services
Assistant Dean of Students

Earth, Environ. & Geographical Sciences
Department Head

Economics
Department Head

**Education, Leadership & Public Services**
Director

**Engineering & Planning**
Associate Vice President
Assistant Director
Associate Director
Architectural Specialist

**Engineering Technology**
Department Head

**English**
Department Head

**Enrollment Management & Student Services**
Vice President

**Equal Opportunity**
Director

**Facilities Operations**
Associate Director

**Finance & Administration, VP**
Vice President
Administrative Assistant

**Finance & Planning**
Senior Director
Senior Financial Analyst

**Financial Aid**
Director
Associate Director
Assistant Director (2)
Financial Aid Officer
Senior Financial Aid Counselor
Financial Aid Counselor
Financial Aid Technician

**Financial Services**
Assistant Manager
Coordinator – Operations & Technology
Principal Account Clerk
Senior Account Clerk

**First Year Programs**
Assistant Dean

**Graduate Education & Research**
Assistant Provost

**Health Center**
Medical Director
Pharmacist
Physician’s Assistant
Medical Office Manager

**Health Promotion**
Health Promotion Specialist

**Health Sciences & Professional Studies**
Dean

**Health & Human Performance**
Associate Dean

**History**
Department Head

**Housing & Residence Life**
Assistant Director
Assistant Director – H&RL-Facilities
Associate Director
Resident Director (10)
Coordinator – Apartment Services
Service Specialist

**Human Resources**
Director
Assistant Director (3)
Manager – Payroll
Title 9 and EOEO Officers

**Identity, Brand & Marketing**
New Director
Assistant Vice President

**Information Technology & Technical Services**
Chief Technology Officer
Director – Micro Repair Services
Director – Technical/Wireless Services
Director – Telecom/Wireless Services
Assistant Director – Micro Repair Services

**Institutional Research**
Assistant Provost

**Intercollegiate Athletics/Rec Sports**
Athletic Director / Special Assistant to the President
Associate Director (4)
Sports Information Manager
Concessions Manager
Assistant Concessions Manager
Head Coach – Golf
Head Coach – Skiing
Head Coach – Cross Country
Head Coach – Women’s Soccer
Head Coach – Ice Hockey
Head Coach – Women’s Basketball
Head Coach – Football
Head Coach – Men’s Basketball
Head Coach – Volleyball
Head Coach – Women’s Swimming & Diving
Assistant Coach – Football (7)
Assistant Coach – Ice Hockey (2)
Assistant Coach – Women’s Basketball
Assistant Coach – Men’s Basketball
Assistant Coach – Volleyball
Assistant Coach – Track & Field
Assistant Facility Manager
Recreation Sports Programming Manager
Assistant Athletic Trainer (3)
Coordinator – Hockey Operations
Fitness/Informal Recreation Manager

International Programs
Director
Coordinator – International Students
Coordinator – Education Abroad/Exchange Program
Coordinator – International Enrollment

Learning Resources Division
Director
TV Station Manager
Radio Station Manager
Public TV Producer/Director
Broadcast Operations Supervisor
Radio Program Operations Manager
AV Operations Supervisor

Mathematics & Computer Science
Department Head

Military Science
Coordinator – Workforce Development & Training

Modern Languages & Literature
Department Head

Multicultural Education & Resource Ctr.
Associate Director

Music
Department Head

Native American Studies, Center for
Director

NMU Foundation
Vice President for Advancement

NMU – U.S. Olympic Training Site
Wrestling Program Coordinator
Operations Manager
Assistant Coach – Greco-Roman Wrestling

Nursing
Director

Physics
Department Head

Plant Operations
Associate Director
Supervisor – Building Services (2)
Supervisor – Maintenance/Energy Management
Supervisor – Grounds

Political Science
Department Head

President, Office of
President
Director – External/Corporate Relations
Assistant to the President
Administrative Assistant (2)

Printing & Mail Services
Manager

Psychology
Department Head

The NMU Police Department
Director
Assistant Director
Deputy Director
Investigator
Crime Prevent/Community Policing Specialist
Occupational/Environmental Health Specialist
Police Specialist (2)
Police Officer (7)
Security Police Specialist
Security Police Officer (4)
Training Coordinator – The NMU Police Department Institute
Parking Services Coordinator
Police Dispatch
Principal Secretary

**Purchasing**
Manager
Registrar
Registrar
Assistant Registrar

**Registration & Scheduling**
Assistant Registrar

**Seaborg Center**
Director – Seaborg Center
Director – Upward Bound
Coordinator – Pre-college Programs

**Simply Superior Catering/Events**
Sales Manager

**Social Work**
Department Head

**Sociology/Anthropology**
Department Head

**Student Enrichment, Center for**
Director
Associate Director
Coordinator

**Student Service Center**
Manager

**Student Support Services**
Director
Counselor
Coordinator – Academic Support

**Tech & Occupational Sciences**
Department Head
Purpose
Explain in detail the student rights & responsibilities, student expectations, student code & policies.

Applicability
NMU Students

Description

Complaints, Exceptions and Appeals
Northern Michigan University endeavors to establish policies and regulations which ensure that the living and learning environment of the academic community is free from disruption. The University attempts to establish procedures, practices, and processes which assist in the orderly pursuit of the mission of the institution. Within the documents contained in this publication are many of the policies and regulations which govern student life at the University. Additional policies may be found in the Undergraduate Bulletin, Graduate Bulletin, Motor Vehicle Ordinances, University Ordinances, Administrative Policies Manual, Student Organization Policies, and Financial Aid Rights and Responsibilities publications. These publications are available by performing a keyword search on NMU’s A to Z menu found on the NMU homepage (www.nmu.edu).

The University also recognizes that some complaints and grievances will inevitably arise. To address these, the University has created procedures for students to register complaints and grievances and receive a reasoned response to the issues which they bring forward.

A number of processes for resolution of specific issues are provided in existing policies and regulations. Students are expected to initiate such processes directly, where possible. The
The table on the following page describes the most common issues which arise, the appropriate initial contact person or office, and the document which contains the formal process for resolving the issue.

In those instances where no formal resolution process has been established, or it is unclear what process applies to a given circumstance, the “Complaint Other Than Grades” section of the *Student Rights and Responsibilities* document contained within this publication will govern resolution. Any questions about the application of this process, or the appropriate process to resolve any complaint or appeal should be directed to the Dean of Students.

Members of the University community having questions about student complaint resolution process should contact the **Dean of Students Office, 2001 C.B. Hedgcock Building, 227-1700, or by email at dso@nmu.edu**.

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Non Discrimination Statement
Northern Michigan University does not unlawfully discriminate on the basis of ancestry, race, color, ethnicity, religion or creed, sex or gender, gender identity, gender expression, genetic information, national origin, age, height, weight, marital status, familial status, handicap/disability, sexual orientation, military or veteran status, or any other characteristic protected by federal or state law in employment or the provision of services. NMU provides, upon request, reasonable accommodation including auxiliary aids and services necessary to afford individuals with disabilities an equal opportunity to participate in all programs and activities.

Students with Discrimination concerns should contact the Equal Opportunity Office, 158 Services Building (227-2420). Students with concerns relating to the Americans with Disabilities Act should contact the ADA Coordinator, 2001 C.B. Hedgcock Building (227-1700).

Preface
The contents of this publication are divided into three sections: Part 1: Student Rights and Responsibilities; Part 2: Student Code; and, Part 3: University Policies and Related Documents. These documents are interrelated, yet they retain distinct identities and purposes.

Student Rights and Responsibilities
Part 1 of this publication, Northern Michigan University's statement of Student Rights and Responsibilities, addresses students' rights and duties as well as institutional responsibilities pertaining to academic and administrative matters. The document also describes the procedure for the resolution of grievances relating to academic and administrative matters, including the areas of grading and academic dishonesty. Students' rights and freedoms outside of the classroom are addressed also.

The enumeration of the rights and responsibilities outlined in Part 1 of this document shall not be construed to alter other rights and responsibilities inherent in the basic educational philosophy of the University.

Student Code
The Northern Michigan University Student Code is intended to inform the Northern Michigan University community about the acceptable standards of student behavior. The Student Code is contained in Part 2 of this publication. It lists the University's regulations, created through the input of students, faculty, and staff, which govern student behavior. Administrative policies which govern certain types of activities are also included in this section of the document. The last section of the Student Code describes the adjudication procedures for and due process rights of students who are charged with violations of the stated regulations and policies.

University Policies and Related Documents
The final section of this document presents the University Policies which are referenced within the Student Rights and Responsibilities and Student Code sections of this publication. In addition, this section discusses other documents governing life in the University community of which students should be aware.

Undergraduate and Graduate Bulletins
Undergraduate and graduate Bulletins of the University are especially important for students. In general, students must follow the bulletin of the year in which the student first enrolled at NMU. Bulletins can be found on the Registrar homepage (nmu.edu/records). These publications contain the academic policies of the University. Students carry the responsibility of knowing and understanding these policies.

Periodic Review of Student Handbook
This Student Handbook shall be reviewed every three years by the Dean of Students or designee. The Dean of Students shall obtain input from students and departments responsible for the information contained in this handbook. The Dean of Students may also obtain input from other individuals as appropriate. Any changes recommended by the Dean of Students are subject to the final approval of the Board of Trustees.
Part 1: Student Rights and Responsibilities

1.0 Preamble

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Institutional procedures for achieving these purposes may vary from campus to campus, but the minimal standards of academic freedom of students outlined in this document are essential to any community of scholars. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility. To protect the freedom of students to learn, as well as enhance their participation in the life of the academic community, students should be free from exploitation or harassment.

The responsibility to secure and respect general conditions conducive to the freedom to learn is shared by all members of the academic community. Each college and university should develop policies and procedures to provide and safeguard this freedom. Such policies and procedures should be developed at each institution within the framework of general standards and by the members of the academic community. The purpose of this handbook is to enumerate the essential provisions for student freedom to learn at Northern Michigan University.

1.1 Academic and Administrative Rights and Responsibilities

The provision of appropriate conditions and opportunities for learning is an important measure of the quality of an educational institution. The University assumes a number of essential responsibilities to achieve academic excellence and preserve the ideals of academic freedom for students. As members of the academic community, students similarly accept certain responsibilities.

1.1.1 Instruction and Academic Evaluation

.01 Institutional Responsibility

The University should offer a wide variety of courses and degree programs that assure the preservation and extension of our cultural, social, and political heritage. Courses and programs should be offered that are relevant not only to the varied interests and abilities of the student body but also to the changing needs of society. Qualified faculty and
adequate facilities, equipment, and materials should be provided to support instructional programs. The University also has the responsibility to provide instruction that correlates closely with approved descriptions as published in the current and supplementary documents.

Students have a right to be informed of the instructional objectives of each course at the beginning of the semester. Instruction should be directed toward fulfillment of the stated objectives of each course. Students are likewise entitled to be informed at the beginning of each semester of the course requirements and of the methods and criteria to be employed in the evaluation process, including the determination of the course grade. Each academic department shall make available a copy of the course syllabus to each student enrolled in each course and shall maintain a copy of each syllabus on file with the department head. Reasonable notice (at least one week) should be given as to when major exams are scheduled and when major assignments are due. University policy requires that classes meet regularly at the scheduled times and in the scheduled place, but if a change is necessary, every effort should be made to accommodate the needs of the students. Students should expect to have timely appraisal of their progress in each course and opportunities to discuss their academic work with their instructors. Students should have an opportunity to review all written work on which they have received a grade. Course work, except for exams, which is not returned to students at the end of the semester should be kept on file by the instructor for thirty (30) days following the first day of class for the next regular semester (exclusive of the summer session), after which the coursework may be disposed of in a manner which protects the confidentiality of the students. Exams not returned to students at the end of the semester must be kept on file by instructors for one calendar year. Course grades should be based entirely upon students’ performance in meeting course requirements as outlined in the syllabus.

The University encourages student involvement in the evaluation of instruction, courses, and programs as an integral part of the total evaluation process. Another effective means of achieving meaningful student involvement is through student membership on various academic policy recommendation committees.

1.1.2 Academic Freedom for Students

.01 Institutional Responsibilities

Within the classroom and in conferences with students, faculty should encourage students to engage in open discussion, inquiry, and expression relevant to the course content. Students should be free to take reasoned exception to the views and interpretations offered in any course of study and to reserve judgment about matters of opinion. Faculty should seek, especially in the classroom, to create a climate in which the right of free expression accorded to one student respects the dignity of other students and does not interfere with the right to free expression of the other students in the classroom.
.02 Student Responsibility
Students are responsible for learning the content of any course for which they are enrolled. Students bear a great deal of responsibility for preserving the ideals of academic freedom. Any action which has the effect of stifling free expression of differing points of view or which is disruptive of efforts to present a wide variety of opinion is contrary to academic freedom and is, action which has the effect of stifling free expression of differing points of view or which is disruptive of efforts to present a wide variety of opinion is contrary to academic freedom and is, therefore, unacceptable within an academic community. Students are responsible for the exercise of the right of free expression without harassment of other members of the University community.

1.1.3 Academic Advising
.01 Institutional Responsibility
The University should provide accurate, complete, and clear information concerning curriculum requirements. Academic advising is an integral part of this responsibility and is the primary means by which students and their advisers develop a program of study. Faculty are expected to be available to students for advising and other conferences during regular office hours or at arranged appointments.

.02 Student Responsibility
Students have the responsibility to ensure that the academic requirements for their desired degrees are met. They should become familiar with the University’s academic requirements and standards. Students have the responsibility to seek counsel of their academic advisers and others who may be of assistance to them.

1.1.4 Academic Records
.01 Institutional Responsibility
Information about students’ views, beliefs, and political associations which faculty, staff, or students working on behalf of the University acquired in the course of their work are considered confidential. Judgments of ability and character may be provided as necessary to the curriculum.

A permanent record of the academic performance of each student is maintained in the Registrar’s Office. This record is to be regarded as confidential and is available only to members of the faculty and appropriate administrative officials who have a legitimate need for the information. No information concerning students’ academic records shall be given to other persons or agencies without the written consent of the students. Students’ official academic records shall not contain disciplinary and placement information. (See Section 1.3.3 of this document for additional information on this subject.)
.02 Student Responsibility
Students have the responsibility to provide full and accurate information necessary for the maintenance of valid academic records. Students should check their academic records regularly to identify possible errors and to make certain that academic requirements are being met.

1.2 Rights of Due Process in Regard to Academic or Administrative Matters
The establishment and maintenance of the proper relationship among members of the University community are fundamental to the University’s function. This relationship requires that faculty, staff, and students respect the rights and responsibilities that derive from community membership. Whenever problems arise among members of the University community, attempts should be made to resolve these problems through informal and direct discussions. If such discussions fail to resolve a given problem satisfactorily, the following appeal procedures shall apply.

1.2.1 Student Complaints Concerning Grades
Students who believe that the grade which they have received is incorrect or unfair should:

- Consult with the faculty member for the course in question, and seek satisfactory explanations and/or resolutions. In situations involving possible harassment or discrimination, students may go directly to the department head. The department head may serve as proxy for an absent faculty member.
- If, after talking with the faculty member, the student feels that the complaint has not been resolved, the student shall ask the appropriate department head to review the matter.
- The department head shall discuss the matter with the faculty member involved, seeking resolution of the complaint. He/she will then inform the student of the outcome of the meeting.
- If, in the opinion of the student, the complaint remains unresolved after the discussion with the department head, the student may follow the grade appeal procedures outlined in section 1.2.1.04 of the Student Handbook.

.01 Reasons for Grade Appeal
The reasons for a grade appeal will be restricted to the following:

1. The grade allegedly is based on a score that is arithmetically erroneous or based on a factual error.
2. The rules established for assigning grades as outlined in the course syllabus allegedly have been violated.

3. The faculty member has allegedly graded on some basis other than academic performance in the course.

4. Extenuating circumstances such as illness, incapacity, or absences of the faculty member generate uncertainty regarding the appropriateness of the grade assigned.

5. The student is appealing a finding of academic dishonesty by the faculty member as outlined in Section 1.2.3 of the Student Handbook.

.02 Burden of Proof
The student shall carry the burden of proof that the grade is incorrect or unjustified. For appeal proceedings, the burden of proof is preponderance of the evidence. The grade appeal committee shall decide whether the evidence shows that it is more likely than not that the reason for appeal (listed in section 1.2.1.01) affected the student’s grade.

.03 Composition of the Appellate Bodies
Departmental Appeals Committee-Each academic department shall establish a departmental appeals committee. The departmental appeals committee shall consist of at least three members of the department selected in an unbiased manner by the head of the department, or in accordance with departmental policies and procedures for establishing standing committees. Faculty members from other departments may be asked to act as departmental committee members in cases where the size of the department is less than seven full-time members or for other extenuating circumstances deemed appropriate by the department head. The committee shall select from among their members a chairperson who shall assume responsibility for convening the committee and chairing appeal proceedings. The chair is a voting member.

College Appeals Committee-Each college shall establish an appeals committee. The college appeals committee shall consist of five faculty members selected in an unbiased manner by the dean from departments within the college. This responsibility may be delegated to the college advisory council at the discretion of the dean. The committee shall select from among their members a chairperson who shall assume responsibility for convening the committee and chairing appeal proceedings. The chair is a voting member.

.04 Grade Appeal Procedures
The following defines the grade appeal procedures and deadlines if a grade issue is not resolved by talking directly to the faculty member and department head through which the
class involved is offered. All of the following deadlines are exclusive of the summer session and days on which the university is closed for regular business.

1. To initiate a grade appeal, the student should detail in writing how the grade that the student received is incorrect or unfair in relation to one or more of the five reasons for appeal listed in section 1.2.1.01 of the Student Handbook. The appeal shall then be submitted by the student to the department head through which the class involved is offered no later than thirty (30) calendar days following the first day of classes for the next regular semester. A departmental appeals committee will be formed. The faculty member involved will be given an opportunity to review the appeal and submit a written response. This response will be submitted to the department head who will share it with the appeals committee, and make it a matter of record, available for the student to inspect and review.

2. The departmental appeals committee shall convene and decide if the written appeal statement and the supporting documents indicate that at least one of the five reasons for appeal stated in section 1.2.1.01 of the Student Handbook is being applied by the student as the basis of the appeal. The appeal shall be dismissed if (a) the appeal was not timely or granted exception to the deadline, (b) the appeal, as described by the student, is not based on one or more of the five bases for appeal, or (c) the student has not attempted to resolve the grade issue directly with the instructor and/or department head. In those cases where the departmental appeals committee finds that one or more of the five reasons is involved, they shall schedule a formal grade appeal hearing. The chair of the departmental appeals committee must notify the student and faculty member of the committee's decision to either dismiss the appeal or commence a formal grade appeal hearing.

3. The steps in a formal grade appeal hearing shall be as follows:
   - A presentation of the complaint by the student followed by questioning by the appeals committee.
   - A presentation by witnesses for the student followed by questioning by the appeals committee.
   - A presentation by the faculty member followed by questioning by the appeals committee.
   - A presentation by witnesses for the faculty member followed by questioning by the appeals committee.
   - The student and faculty member shall have the opportunity to ask any questions of each other relevant to the appeal, beginning with the student. All questions must
be directed to the chair of the hearing and at no time should the student or faculty member address each other directly.

● Any final questions by the appeals committee.

4. At the close of the formal grade appeal hearing the appeals committee will deliberate in private. The appeals committee shall determine, by majority vote, if one of the five reasons for appeal did, in fact, affect the student’s grade in the course.

If the appeals committee decides the reasons for appeal did not affect the student’s grade, the appeal will be denied.

5. If the appeals committee decides one of the five reasons for appeal did affect the student’s grade and a change in the grade for the course should be made, the appeals committee shall attempt to reach a solution mutually agreeable to the student and the instructor who assigned the grade. Should the acceptable solution involve a change of the final grade for the course, the instructor will submit a grade change to the appropriate department head within five business days.

6. If the departmental appeals committee decides a change in the grade for the course should be made but no agreement is reached between the student and faculty member involved, the appeals committee shall determine an appropriate grade and forward a complete written report of their findings and their recommendation of the grade change to the dean of the college involved. The dean will perform an independent case review and make a final grade determination. The dean will submit a grade change to the registrar within five business days of his/her final determination.

7. The decision rendered by the departmental appeals committee will be sent via email to the students and faculty member’s NMU email account within twenty-one (21) calendar days of the receipt of an appeal. The outcome and records pertaining to the departmental appeal will be sent to the department head involved.

8. Grade appeals which are not resolved to the satisfaction of the student or the faculty member following a review by a departmental appeals committee may be appealed in writing to the dean of the college through which the class involved is offered no later than fourteen (14) calendar days following the date the opinion from the departmental appeals committee was sent via email to the students and faculty member’s NMU email account. Both the student and faculty member have the right to appeal a decision rendered by the departmental appeals committee. Upon receipt of a written request, a college appeals committee will be formed. The chair of the college appeals committee will
obtain the outcome and records pertaining to the departmental grade appeal from the
department head involved, as well as any clarification statements from the student and
faculty member involved in the grade appeal.

[College appeals committees will follow the grade appeal procedures outlined in 3, 4, and 5
above.]

9. If the college appeals committee decides that a change in the grade for the course
should be made but no agreement is reached between the student and faculty member
involved, the appeals committee shall determine an appropriate grade and forward a
complete written report of their findings and their recommendation of the grade change
to the Provost & Vice President for Academic Affairs. The Provost & Vice President for
Academic Affairs will perform an independent case review and make a final grade
determination. The Provost & Vice President for Academic Affairs will submit a grade
change to the registrar within five business days of his/her final determination.

10. The decision rendered by the college appeals committee will be sent via email to the
students and faculty member’s NMU email account within twenty-one (21) calendar days
of the receipt of an appeal. The outcome and records pertaining to the college appeal will
be sent to the dean of the college involved.

11. Either the student filing the complaint or the faculty member involved may appeal
the college appeals committee’s decision to the Provost & Vice President for Academic
Affairs or designee. Appeals to the Provost & Vice President for Academic Affairs or
designee shall be submitted in writing no later than fourteen (14) calendar days following
the date the opinion from the college appeals committee was sent via email to the
students and faculty member’s NMU email account. The Provost & Vice President for
Academic Affairs will review the case, and send his/her rendered decision via email to the
students and faculty member’s NMU email account within twenty-one (21) calendar days
of receipt of an appeal.

.05 Rules of Procedure

1. All deadlines within the grade appeal procedures are exclusive of the summer
session and days on which the university is closed for regular business.

2. Any exception to the deadlines shall be for extenuating circumstances determined
to be valid by the dean of the college, in consultation with the department head,
through which the class involved is offered.
3. If appeals are submitted with less than (21) calendar days remaining of the semester for which the student is appealing, a decision shall be rendered within (21) calendar days following the first day of classes for the next regular semester.

4. If the departmental appeals committee does not render a decision within the (21) days, the appeal will automatically be submitted by the chair of the departmental appeals committee to the dean of the college through which the class is offered and heard by the college appeals committee. If the college appeals committee does not render a decision within the (21) days, the appeal will automatically be submitted by the chair of the college appeals committee to the Provost & Vice President for Academic Affairs who will review the case and render a decision.

5. Students have the option to stay enrolled in courses for which appeals are submitted if the semester is still in session.

6. If appeal outcomes are not determined before grades are due, the grade issued will be determined and submitted by the faculty member. This grade will stand until the appeal outcome is determined.

7. Appeals by one student on behalf of other students or an entire class are not permitted.

8. If more than one student is appealing a grade in the same course, with the same circumstances, and with the same instructor, the cases may be heard together if all parties are in agreement. The proceedings shall be the same as for one student except that the appeals committee shall not make a decision on any student’s grade appeal until the committee has heard from all students involved in the case.

9. The student and faculty member bear the responsibility of contacting their own witnesses and ensuring that the witnesses are in attendance at the grade appeal hearing.

10. If the student or faculty member fail to appear for the grade appeal hearing, the appeal will be heard, and a decision rendered, in their absence.

   - The chair of a grade appeals committee shall have the authority to:
   - Direct the grade appeal hearing
   - Call recesses
• Postpone the hearing to gather more information, investigate circumstances, or request the attendance of witnesses
• Take appropriate steps to maintain order at the grade appeal hearing
• Decide questions of relevance from both the appeals committee and participants

.06 Rights of Students and Faculty Members Involved in a Grade Appeal
The student and faculty member shall be entitled to a hearing by impartial persons. The faculty member who is involved in the complaint shall not sit as a member on any appeals committee considering the complaint to which the faculty member is a party.

1. The student and faculty member involved shall be entitled to be present at the grade appeal hearing during the presentation of any matters on which a decision may be based. Deliberation shall be done in private with only the appeals board present.

2. During the appeal hearing, the student and the faculty member may be accompanied by a support person of their own choosing, provided that the support person shall be a member of the faculty, staff, or student body of the University, and that the support person shall not be a licensed attorney. The support person shall be allowed to ask questions for and to speak for the person(s) represented; however, members of the appeals committee may question the student and faculty member directly, and the student and faculty member shall answer directly to the appeals committee.

3. Grade appeal hearings shall be closed to the public. Persons in attendance shall be limited to:
   • Members of the departmental or college appeals committee
   • The student and his/her support person
   • The faculty member and his/her support person
   • Witnesses, and
   • Individuals with an interest in the case who are authorized to attend by the chairperson of the appeals committee.

4. The departmental and college appeals committees shall maintain the sole record of the hearing and make information available to both parties to inspect and review for purposes of appeal. Department and college appeals committee records will be housed in the department office through which the class involved was offered.
● The student and faculty member involved are entitled to be informed of
the outcome of the appeal hearing.

.07 Program Dismissal
A student who is dismissed from an academic program may inquire about any option for
appeal through the department head who supervises the program.

1.2.2 Complaints Other than Grades
Students having complaints that do not concern grades should first seek resolution of the
complaint with the faculty or staff member most directly involved in the circumstance,
except in situations involving possible harassment or discrimination in which case the
student should contact the Equal Opportunity Office. Students who do not feel that their
complaints are satisfactorily resolved by the faculty or staff member most directly involved
should contact that individual's supervisor. Those students who feel that their complaints
remain unresolved after contacting the supervisor of the faculty or staff member most
directly involved should contact the Dean of Students or designee. The role of the Dean of
Students or designee is to provide impartial assistance in solving problems and resolving
disputes. The Dean of Students or designee cannot impose solutions, but can identify
options and strategies for resolution.
The Dean of Students or designee will assist students in determining if a formal process has
been established at the University to resolve complaints of the nature of those brought
forward. In those circumstances where such a process or procedure has been established,
the staff member assisting the student(s) will provide the student(s) with an explanation of
the process and any forms or other materials which are necessary to follow that process.
In those circumstances where there is no formal process established, the Dean of Students
or designee will document the complaint, forwarding a copy to the appropriate academic
or administrative offices and file the original complaint in the Dean of Students Office. The
complaint will be resolved by the academic or administrative office to which the complaint
is forwarded by the Dean of Students Office.

1.2.3 Academic Dishonesty
In instances where there are reasonable grounds to suspect a student of academic
dishonesty as defined in the Student Code in Section 2.2.3, the instructor must inform the
student of the nature of the alleged violation within fourteen (14) calendar days
of becoming aware of the alleged violation, exclusive of dates when the University is not in
session.
After affording the student an opportunity to respond, the instructor will decide whether
or not the student is responsible for dishonest academic practices. If the instructor
concludes that dishonest academic practices have occurred, the instructor will take
appropriate corrective action. Such action may include, but is not limited to, a repetition
of the assignment or a lowering of the grade for the assignment or course. The most
severe penalty which may be imposed directly by the instructor for academic dishonesty is a grade of “F” for the course to which the violation applies. The decision of the instructor shall be subject to appeal following the rules of procedure outlined in Section 1.2.1. The instructor should keep a complete record of matters pertinent to such incidents and forward a summary of the incident to the department head and other appropriate administrators. The instructor has the option to request the Dean of Students Office to keep the academic dishonesty on file informally or to formally charge the student with a violation of the Student Code and assign a disciplinary penalty in accordance with the Student Code. Students who are given a grade of “F” as a result of a finding of academic dishonesty may not withdraw from the course if found responsible through disciplinary action in accordance with the Student Code.

1.3 Rights and Freedoms Outside of the Classroom
1.3.1 Student Participation in Institutional Government
As constituents of the academic community, students are free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body should have clearly defined means to participate in the formulation and application of University policy affecting academic and student affairs. “Academic and student affairs” should be interpreted broadly to include all academic, administrative, and policy matters pertinent to students’ educational experiences. The role of student government and both its general and specific responsibilities should be made explicit, and the actions of student government within areas of its jurisdiction should be reviewed only through orderly and prescribed procedures. Through membership on various standing and ad hoc committees with members of the faculty and administration, students may participate in the formulation and application of institutional policy affecting academic and student affairs.

1.3.2 Student Publications and Communications
Student publications, the student press, and other student communications media are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on campus. They are a means of bringing student concerns to the attention of the faculty and the institutional authorities and of formulating student opinion on various issues on the campus and in the world at large. Whenever possible, student publications, student press, and other student communications media should be financially and legally separate from the University. Where financial and legal autonomy is not possible, the University, as the publisher or licensee of student publications, student press, and other student communications media shall have ultimate control over the contents of the publications or broadcasts. In the delegation of editorial responsibility to students, the University should provide sufficient
editorial freedom and financial autonomy for the student communications media to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community. This should be accomplished within the framework of institutional responsibility and liability.

The editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, slander, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. Subject to compliance with these canons, editorial freedom of student publications, student press, and other student communications media will be implemented as follows:

1. The student press, student publications, and other student communications media will be free of censorship and advance approval of copy, and their editors and managers will be free to develop their own editorial policies and news coverage.

2. Editors and managers of student communications media will be protected from arbitrary suspension and removal because of student, administrative, faculty, or public disapproval of editorial policy or content. Only for proper and stated cause will editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers will be the agency responsible for their removal.

3. All University published and financed student publications will explicitly state on the editorial page or during editorial broadcast that the opinions there expressed are not necessarily those of the University or student body.

The policy titled “Distribution or Sale of NMU Student Publications and Other Written Materials”, as adopted by the Board of Trustees, further defines students’ rights and responsibilities on the subject of student publications. This policy is included in Section 3.5 of this publication and in the Policies for Governing Student Organizations Handbook.

1.3.3 Student Records

In recognition of the necessity of maintaining the appropriate records which document the educational progress of students and in accordance with Section 438 of the General Education Provisions Act, Northern Michigan University has established a set of detailed guidelines regarding access to and release of information in student records. These guidelines are summarized as follows:

.01 Purpose and Scope of Guidelines

The purpose of the guidelines is to give students access to their educational records and to provide students with certain controls over the release of these records. The term “student” as used in the guidelines means persons currently or previously enrolled in the University.
The term “educational records” means records, files, documents, or other material which contain information directly related to the students as maintained by the University. Educational records do not include, however:

- Records kept in the sole possession of the maker which are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- Records maintained by Northern Michigan University if the record is maintained solely for law enforcement purposes, and is revealed only to law enforcement agencies of the same jurisdiction. Such records do not include those created by a law enforcement unit which are maintained by a component of the educational institution other than the law enforcement unit, or records created and maintained by a law enforcement unit exclusively for non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the educational institution.
- An employment record of an individual whose employment is not contingent upon the fact that he or she is a student, provided the record is used only in relation to the individual’s employment.
- Medical and health records maintained by Counseling and Consultation Services or the Health Center, if the records are used only for treatment of a student and made available only to those persons providing the treatment.
- Post-attendance records which contain information about a student after he or she is no longer in attendance at the University and which do not relate to the person as a student.

All students shall be allowed access to their educational records for the purpose of inspection and review. To obtain access, students shall report to the office holding the record, present proper identification, such as a student identification card, driver’s license, passport, or visa, and submit a signed and dated written request. Access shall be granted within a reasonable period of time not to exceed forty-five (45) days. Nothing in the guidelines, however, shall operate to make available to students the financial records of the students’ parents, confidential records placed in the students’ records prior to January 1, 1975, or letters of recommendation, in regard to which students have waived their rights of access, relating to admissions, employment applications, or the receipt of honors.

.02 Challenge Procedure

Students shall be allowed the opportunity to challenge the accuracy or appropriateness of the contents of their educational records and to place comments concerning these contents in such records. The student must submit a request in writing to the school official responsible for the record. The request should clearly identify the part of the record he/she believes to be inaccurate or misleading and what, specifically, is not
accurate and should be changed. The school official will either make the requested change or notify the student that the request was denied, why it was denied, and advise the student of his/her right to a hearing regarding the request for amendment. A student wishing to have a hearing should contact the Associate Provost for Student Services and Enrollment who will hear the request.

.03 Restrictions on Release of Educational Records
No educational records shall be released to any person, agency, or organization unless the student to whom the information pertains signs a written consent form specifying the persons to whom the specific records are to be released and the reasons for such release, unless subpoenaed. Certain persons, agencies, and organizations, including other members of the University staff and faculty or agents of the University, certain State and Federal officials, persons working in connection with financial aid, persons entitled under judicial order to receive records, certain organizations conducting studies in regard to predictive tests or student aid programs, and accrediting organizations, are excluded from these restrictions on release of information.

.04 Directory Information
The following items of student information have been designated by Northern Michigan University as public or “directory” information. Such information may be disclosed by the University at its discretion:

- name
- local address, local telephone number, permanent address, permanent telephone number
- NMU e-mail address
- dates of attendance at the University, enrollment status, degrees earned, honors, awards, participation in officially recognized University activities and sports (includes height and weight of student athletes), current term candidacy for degrees and/or teaching certification
- program level, class standing, major/minor
- photographs

.05 Theses and Other Papers Authored by Students
Graduate research papers, undergraduate honors theses, and graduate theses differ in nature from typical student papers and essays; such works often become research sources themselves and are, on occasion, published. Therefore, the University may make available to third parties graduate research papers, undergraduate honors theses, and graduate theses. Other types of student work may be made available to third parties provided that advance notification is provided to students in the syllabi for individual courses where this may occur.
.06 Notification to Students of their Right to Access

Students are hereby notified of their right to inspect and review educational records that pertain to them. Below is a list of offices having educational records, including the title of the person responsible for each type of record. These University officials will, upon request, search to see if a student’s record is on file, and if it is, assist in providing access to inspect and review the record.

<table>
<thead>
<tr>
<th>Type of Record</th>
<th>Official Responsible</th>
<th>Location of Records</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic Advising File</td>
<td>Director of the Academic &amp; Career Advisement Center and Academic Department Heads</td>
<td>3302 C.B. Hedgcock Building and Academic Department Offices</td>
</tr>
<tr>
<td>Dean File &amp; Disciplinary File</td>
<td>Dean of Students</td>
<td>2001 C.B. Hedgcock Building</td>
</tr>
<tr>
<td>Financial Aid File</td>
<td>Director of Financial Aid</td>
<td>2107 C.B. Hedgcock Building</td>
</tr>
<tr>
<td>Medical Records File</td>
<td>Chief of Staff</td>
<td>University Health Center Ground Floor Gries Hall</td>
</tr>
<tr>
<td>Academic Records</td>
<td>Registrar</td>
<td>2202 C.B. Hedgcock Building</td>
</tr>
<tr>
<td>Safety and Police File</td>
<td>Finance and Administration Office (FOIA Request)</td>
<td>502 Cohodas Building</td>
</tr>
<tr>
<td>Student Account</td>
<td>Manager of Accounts Receivable/Collections</td>
<td>2201 C.B. Hedgcock Building</td>
</tr>
<tr>
<td>Teacher Certification File</td>
<td>Certification Counselor</td>
<td>179 Whitman Hall</td>
</tr>
</tbody>
</table>

1.3.4 Exercise of Rights of Citizenship

University students are both citizens and members of the academic community. As citizens, students should enjoy the same freedom of speech, right of peaceful assembly, and right of petition that other citizens enjoy, and, as members of the academic community, they are subject to the obligations which accrue to them by virtue of this membership. Faculty members and administrative officials shall insure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of rights of citizenship both on and off campus.
1.3.5 Freedom of Association
Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. They should be free to organize and join associations to promote their common interests. The “Student Organization Registration Policy”, as adopted by the Board of Trustees, was established for the purpose of ensuring that these freedoms are safeguarded. This policy is included in Section 3.19 of this publication and in the Policies for Governing Student Organizations Handbook.

1.3.6 Freedom of Inquiry and Expression
Students and student organizations shall be free to examine and discuss all questions of interest to them, and to express opinions publicly and privately. They shall be free to support causes by orderly means which do not disrupt the regular and essential operation of the University. Students and student organizations engaging in such activity should make clear to the academic and larger community that in their public expressions or demonstrations, they speak only for themselves. Inherent in this freedom is an obligation for tolerance of diverse opinions.
Students and student organizations have the right to invite to campus and to hear any person of their own choosing. Accordingly, the “Outside Speakers Policy” was adopted by the Northern Michigan University Board of Trustees. This policy is printed in Section 3.6 of this publication and in the Student Organization Handbook.

1.3.7 Regulations and Adjudication Procedures
University regulations and the process by which alleged violations are adjudicated are stated in the Student Code, Part 2 of the Student Handbook.

Part 2: Student Code
2.0 Philosophy
Enrollment at Northern Michigan University is both voluntary and optional. Admission into the University community obligates each student to abide by the regulations established by the University. It is intended that these regulations will further the educational mission of the University by providing an environment conducive to the personal growth and development of students. These regulations may not, however, be unreasonable or forbid the exercise of a right guaranteed by the Constitution of the United States.

2.1 Definitions
For the purposes of the Student Code, the following definitions apply:
.01 ACCUSED STUDENT means any student accused of violating this Student Code.
.02 COMPLAINANT means any person who submits a report alleging that a student violated this Student Code.
.03 CONDUCT BOARD means persons authorized to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when it has been determined a rules violation has been committed.

.04 FACULTY MEMBER means any person hired by the University to instruct classes.

.05 MEMBER OF THE UNIVERSITY COMMUNITY includes any person who is a student, faculty member, University official or any other person employed by the University, and persons who reside in NMU housing facilities.

.06 STUDENT includes all persons enrolled for courses through or at NMU, both full-time and part-time, and those who attend educational institutions other than NMU but reside in NMU housing facilities. Participants of the USOEC are considered students. Persons who are not officially enrolled for a particular semester but whose NMU record indicates a continuing relationship with the University are considered students. Persons who have been admitted to NMU but have not yet enrolled for courses are considered students.

.07 CONDUCT ADMINISTRATOR means an NMU official authorized on a case-by-case basis to impose sanctions upon any student(s) found to have violated the Student Code.

.08 UNIVERSITY means Northern Michigan University.

.09 UNIVERSITY OFFICIAL includes any person employed by NMU performing assigned administrative or professional responsibilities.

.10 UNIVERSITY PREMISES includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, and thoroughfares frequently used by students (including adjacent streets and sidewalks).

2.2 Purpose

The purpose of this publication is to inform the Northern Michigan University community about the acceptable standards of student behavior. Sections 2.4 through 2.7 outline procedures for dealing with alleged violations of the Student Code and inform students of their procedural due process rights.

In order for the student conduct system to function effectively, members of the University community must know the standards expected of students and the process for resolving alleged violations of the Student Code.

The present Student Code is a revised edition of the 2003 version and was developed by the professional staff from the Dean of Students Office in cooperation with a committee consisting of members of the Conduct Boards, Housing and Residence Life, Center for Student Enrichment, Dining Services, The NMU Police Department, and the Associated Students of Northern Michigan University (ASNMU). Any part of this document may be revised by action of the Northern Michigan University Board of Trustees.

Recommendations concerning revisions of the Student Code are normally forwarded to the President by the Associate Provost for Student Services & Enrollment. The President shall submit recommendations directly to the Board of Trustees.
2.3 University Regulations

Jurisdiction of the Northern Michigan University Student Code:

Standards of behavior are developed by institutions of higher education for the purpose of furthering educational objectives. These standards, commonly referred to as student regulations, may apply to behavior off-campus as well as on-campus. Violations of the regulations set forth by the University may result in disciplinary action by the University. Criminal prosecution may also be pursued by law enforcement authorities. The Northern Michigan University Student Code shall apply to conduct that occurs on University premises, at University-sponsored activities, and to off-campus conduct. The University may take action in off-campus situations involving flagrant disregard for any person or persons; or when a student’s or student organization’s behavior is judged to threaten the health, safety, and/or property of any individual or group; or any other activity which adversely affects the University community and/or the pursuit of its mission. Each student shall be responsible for his/her conduct from the time of admission through the actual awarding of the degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during break periods between terms of actual enrollment (and even if her/his conduct is not discovered until after the degree is awarded). The Student Code shall apply to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending. The Dean of Students, or designee, shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case-by-case basis, in his/her sole discretion.

Authority:

Authority for the enactment of student regulations is vested in the Northern Michigan University Board of Trustees. The Board delegates powers to the President, who in turn shares with specified officers of the University, the faculty, and student body the responsibility to develop recommendations regarding student regulations. Student regulations adopted by the Northern Michigan University Board of Trustees are stated below.

Sanctions:

Sanctions may be imposed upon any student found to be responsible for violation of the Student Code. Sanctions may be used independently or in combination depending on the particular circumstance of the violation. Severe and/or multiple violations shall increase the severity of sanctions applied. The sanctions are defined in Section 2.7.1 of this document. Regulations which are developed and approved shall be considered to be part of the Student Code. Newly-approved regulations shall be updated on-line upon their adoption.

Responsibility for Guests:
Students at Northern Michigan University are responsible for their guests’ compliance with University rules and regulations. Students may be charged through the NMU student conduct process for violations of the Student Code by their guests.

Student Code Interpretation:
Any question of interpretation or application of the Student Code shall be referred to the Provost, or designee, for final determination.

### 2.3.1 Academic Dishonesty

No students shall intentionally or unintentionally participate in academic dishonesty. If a student is uncertain about an issue of academic honesty, s/he should consult the faculty member to resolve questions in any situation prior to the submission of any academic work. This regulation does not preclude an academic penalty imposed by a faculty member as provided for in Student Rights and Responsibilities, Section 1.2.3.

**Cheating**

.01 No students shall, during the course of a quiz or examination, (1) offer information of any kind to another student; (2) take and/or receive information of any kind from another student, or from the quiz or examination responses made by another student; or (3) have in their possession any tool, written material, or other device which may be of assistance to them in taking the quiz or examination, and which has not been authorized by the person proctoring the quiz or examination.

.02 No students shall take, steal, or otherwise procure in an unauthorized manner any piece or pieces of writing or information which contain the questions or answers to an examination scheduled to be given to any individual or group enrolled in any course of study offered by the University.

.03 No students shall complete or attempt to complete any academic exercise for another individual without proper authorization. No students shall allow another person to complete or attempt to complete any academic exercise on his/her behalf.

**Complicity**

.04 No students shall knowingly participate in, or otherwise facilitate, the academic dishonesty of another student.

**Falsification**

.05 No students shall submit as their own any work or assignment which contains content falsified by the student or content the student knows to be false.

.06 No students shall provide false or misleading information to influence academic requirements, including but not limited to grades, attendance, academic exercises or deadlines.

**Plagiarism**

.07 No students shall submit as their own to a faculty member any work which contains ideas or materials taken from another without full acknowledgement of the author and the source.
Possession
.08 The unauthorized possession of any of the pieces of writing or information described above shall be considered evidence of a violation of the provision of this regulation.

Multiple Submission
.09 An academic exercise may not be submitted by a student for course credit in more than one course without the permission of the affected faculty member(s).

2.3.2 Alcoholic Beverages: Possession or Use of
No students shall illegally use, possess*, manufacture, or distribute alcoholic beverages. No students shall possess*, consume, or use alcohol on University premises except as permitted by University policy.
*Possess: Under Michigan law it is illegal for anyone under the age of 21 to purchase or attempt to purchase, consume or possess, or have any bodily content of alcohol.

2.3.3 Athletic Activities
All athletic activities (skateboarding, rollerblading, biking, football, frisbee, etc.) are prohibited in hallways and common areas of University buildings.

2.3.4 Building Security
No students shall prop open or adjust, tamper with, change, interfere with or disable mechanisms that provide security to University buildings, residence halls, and other facilities.

2.3.5 Compliance with Official Requests
.01 No students shall fail to comply with reasonable and lawful requests or direction by University officials, or officially recognized volunteers acting in performance of their official duties.
.02 No students shall fail to answer promptly to summons from University officials.

2.3.6 Compliance with University Policy
No students shall fail to comply with University policies.

2.3.7 Dangerous Materials and Open Flame
.01 No students shall, on University premises, possess, store, mix, or experiment with any chemical, explosive or accelerant which may be injurious to the lives and safety of the University community. This regulation shall not apply to faculty-member supervised learning activities.
.02 No students shall use or create an open flame or use live or glowing embers or charcoal on University premises. This regulation shall not apply to faculty-member
supervised learning activities. Requests for exception to this regulation for ceremorial or religious purposes may be made to the Dean of Students or designee.

2.3.8 Destruction of Property
.01 No students shall intentionally or unintentionally damage or destroy property belonging to, or in the care or control of, either the University or another member of the University community.
.02 No students shall intentionally or unintentionally alter, erase, or otherwise corrupt information stored in or used by University computers including, but not limited to, operating system software, application software, data files, and the media on which such information is stored.

2.3.9 Disorderly Conduct
No students shall make any disturbance* or threat of violence on University premises. Physical altercations are prohibited.
* A disturbance, which is something less than threats of violence, is an interruption of peace and quiet, a violation of public order in decorum, or an interference with or hindrance of one in pursuit of his/her education or occupation.

2.3.10 Disruptive Conduct
.01 Actions that impair, interfere with or obstruct the normal operations of the University and/or interfere with the rights of other members of the University community or visitors. This includes intentional occupation of or blocking the entry or exit of University facilities, including but not limited to, buildings, classrooms, offices, hallways, entryways, conference rooms, and campus grounds.
.02 Actions that impair, interfere with or obstruct the orderly conduct, processes and functions within any classroom or other instructional setting. This includes interfering with a faculty member's role to carry out the normal academic or educational functions of his/her class.
.03 Participating in, leading or inciting others to disrupt scheduled and/or normal campus activities, events and programs.
.04 Intentional obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
.05 Solicitation on campus without prior approval from appropriate University officials (see 2.3.26). This includes, but is not limited to, the disbursement of any forms of promotional/informational material on University property or on items (e.g. motor vehicles) on University property, requests for donations or the selling or vending of any merchandise or services.
2.3.11 Dress
.01 Dress in University dining service facilities shall conform to applicable state and federal sanitation regulations. Pants/shorts/skirts, shirts, and shoes are required to enter any dining service facility.
.02 Dress in any academic or administrative building or common area of a residence hall or University apartment shall not interfere with any University community member in pursuit of his/her education or occupation.

2.3.12 Drugs: Possession, Use or Sale
No students shall possess, use, distribute, share, sell or manufacture illegal drugs, or other controlled substances* except as permitted by law. Drugs confiscated by University officials will be destroyed and not returned to a student.
*Controlled substances: Federal and state laws regulate the manufacture, sale, distribution, use and disposal of these substances. Examples: narcotics, stimulants, depressants, hallucinogens, anaerobic steroids, and chemicals used in production.

2.3.13 Fire Safety
.01 No students shall disregard a fire alarm signal or refuse to immediately evacuate a building or a section of a building where a fire alarm is sounding.
.02 No students shall ring any bell or operate, trigger, or tamper with any mechanical or electrical fire safety apparatus, except in case of fire.
.03 No students shall operate, tamper with, or discharge any fire extinguishing equipment except for the purpose of extinguishing fires.

2.3.14 Fireworks
No students shall possess, explode, or cause to explode any type of fireworks or explosives on University premises.

2.3.15 General Regulatory Statement
No students shall engage in conduct detrimental to the University community. Conduct shall be deemed detrimental to the University community if it consists of an act or acts prohibited under municipal, state, or federal law.

2.3.16 Harassment
No students shall harass any member of the University community. Harassment for the purposes of this regulation shall be defined as verbal, physical, or written behavior which intimidates individuals or groups on any basis including ancestry, race, ethnicity, color, religion or creed, sex or gender, gender identity, gender expression, genetic information, national origin, age, height, weight, marital status, familial status, handicap/disability,
sexual orientation, military or veteran status, and interferes with an individual’s participation in the curricular or extracurricular activities of the University.

2.3.17 Hazing
No students or members of any registered student organization, athletic team, or other organized student group, shall engage in any intentional or unintentional act(s) which endangers the mental or physical health or safety of any member or prospective member of an organization or group. This regulation will be upheld regardless of location, intent, or consent of participants.

2.3.18 Littering
No students shall drop, deposit, discard, throw, or otherwise dispose of refuse* of any kind in buildings or on the grounds of University property except in receptacles provided for that purpose.
*Examples of refuse include, but are not limited to, cigarette butts, bottles, cans, papers, and food.

2.3.19 Members of the Opposite Sex in Residence Halls
.01 No students shall enter into or remain in non-public areas of a residence hall which houses members of the opposite sex except during specified visitation periods.
.02 No students shall accompany, entertain, or host members of the opposite sex in non-public areas of a residence hall except during specified visitation periods.

2.3.20 Movement of Furnishings
.01 No students shall move University equipment or furnishings from room to room, or from rooms, lounges, or lobbies in any University owned building without specific written authorization from the administrative staff member responsible for that building.
.02 Only free standing or unaffixed furniture may be rearranged within residence hall rooms and apartments.

2.3.21 Noise
.01 No students, or guests, shall in any way create sounds which may interfere with any University community member in pursuit of his/her education or occupation.

2.3.22 Personal Abuse
No students shall verbally abuse, threaten, intimidate, harass, coerce, bully, or exhibit conduct which threatens or endangers the mental or physical health/safety of any person or causes reasonable apprehension of such harm. Personal abuse shall be defined as behavior that is persistent, severe, and/or pervasive.
2.3.23 Property: Use, Acquisition, Removal, and/or Detention

.01 No students shall, without authorization, use, consume, acquire, remove, or detain property* belonging to or rented by the University or belonging to or rented by a member of the University community including visitors and guests.

*Examples of property include, but are not limited to, furniture, books, event tickets, merchandise, documents, maps, charts, construction materials, tools, vehicles, plants, food, furniture, and dishware.

.02 No students shall use computer hardware, software, data files, network resources, commercial information services, or other information technology resources owned, operated, leased, or used by the University which impedes the ability of other members of the University community to use these resources.

2.3.24 Records and Identification

.01 No students shall inappropriately use their student identification card, key or key card, parking pass, or other official identification. Inappropriate use includes, but is not limited to, lending it to another person or using one that is not rightfully theirs.

.02 No students shall create, alter, forge, or falsify any forms of identification, record, or other document used or maintained by the University or furnish false information to the University for incorporation in any such document.

2.3.25 Residence Life and Dining Facilities Community Standards

.01 Antennas, Satellite Dishes, Cables and Media Receivers
Outside antennas, including satellite dishes and other media receivers of all kinds on or near residence halls or University-owned apartments, are prohibited. Splicing into or connecting with University-owned cables and antennas is prohibited.

.02 Busing Tables
Students are expected to bus their dishes in University dining operations after every meal.

.03 Candles
Candles are prohibited in residence hall rooms and University apartments.

.04 Electrical Appliances
Certain electrical appliances are prohibited in University housing facilities. Prohibited electrical appliances include, but are not limited to, sun lamps, clamp-on-bed lamps, electrical heaters, open-element popcorn poppers, hot plates, indoor grills, hazardous electrical appliances, and appliances in need of electrical repair.

.05 Food: Removal from Dining Room
No person shall, without proper authorization, remove food of any kind from the Marketplace or Wildcat Den dining rooms.

.06 Fraudulent Receipt of Goods or Services
a. No persons shall occupy space or permit or assist other persons to occupy space in a residence hall room or University apartment in which they are not registered by authorized personnel as a resident or as an overnight guest.

b. No students shall reside in residence halls which remain open during periods when classes are not in session without registering with Housing and Residence Life.

c. No persons shall receive food from a residential dining room unless they
   1. have a dining contract;
   2. pay for the meal at the entrance to the dining room; or
   3. have a guest meal ticket.

d. Persons who have no meal plan contract or have not paid for a meal ticket shall not be allowed to enter dining rooms. Residents who host guests by giving their identification card to another individual to gain entrance to the dining rooms will be charged restitution. Exceptions to this policy will be determined by the Director of Dining Services.

e. No persons shall use laundry facilities (washers and dryers) in University housing unless they have a residence hall room and board contract or an apartment lease.

.07 Overnight Guests

Overnight guests of the same sex are permitted in University housing facilities provided the roommate has agreed to the visit. Guests must be registered with the Resident Director or his/her designee. Guests should be registered one day in advance when possible, and residents are urged not to host guests during final examination week. The hosts shall be responsible for their guest's conduct. Guest privileges shall not be so construed as to permit people to simply “move in” for extended periods of time. Under no circumstances will more than three people be permitted to occupy a residence hall room overnight. Residents who host unregistered guests may be charged a fee of $5.00 per night for each unregistered guest.

.08 Pets

Pets, except fish, are prohibited in University residence halls and apartments.

.09 Posting Notices

a. The posting of notices in residence halls and apartments is prohibited unless special permission is granted by the Resident Director or Coordinator of Apartment Services. Posting of notices on the small bulletin boards in any of the residence hall houses requires the permission of the house Resident Adviser. In either case, required permission shall be given according to posting policies established by the hall government. The responsibility for removing notices and signs is assumed by the person who posts them.

b. The posting of signs and notices is prohibited in all food service areas without special permission from the Director of Dining Services or designee.

c. Posting in all other buildings is controlled by the Posting Materials Policy. (See the policies for governing student organizations.)

.10 Residence Hall Room and Apartment Changes
Room and University apartment changes are prohibited unless written authorization has been granted by the Resident Director or Coordinator of Apartment Services.

.11 Screens
Screens are to remain in place at all times.

2.3.26 Soliciting, Selling, and Publicizing
No students shall engage in the business of soliciting or selling any services, activities, or goods or take orders to make contracts for the purchase or delivery thereof, or sell or offer for sale tickets or goods, activities or services, or solicit for any purpose whatsoever on University premises. Exceptions to this policy regarding residence halls and University apartments must be approved by the Director of Housing and Residence Life or designee. All other exceptions must be approved by the Dean of Students or designee. The provisions of this regulation do not apply to University sponsored activities or the sale of items by students who have registered a fund-raising activity in compliance with the policy relating to registered student organizations.

2.3.27 Sound Amplifying Equipment
.01 The use of sound amplifying equipment is permitted outdoors between the hours of 9:00 a.m. and 7:00 p.m. on the lawn adjacent to the north side of the University Center. The volume of amplification shall be restricted so that the maximum level of sound emanating from the sound amplifying equipment will not interfere with the instructional, research, or administrative functions of the University.
.02 The use of sound amplifying equipment is prohibited in other outdoor areas of campus when classes are in session and between the hours of 7:00 p.m. and 9:00 a.m. Written authorization to operate sound amplification equipment on campus or to station them in areas other than that provided in section .01 of this regulation must be obtained from the Director of the Center for Student Enrichment.
.03 The use of sound amplifying equipment in University buildings requires written authorization from the Director of the Center for Student Enrichment. Such authorization is not required for the personal use of sound equipment in residence halls or University-owned apartments or for any sound amplifying equipment which is used primarily for University classes or University sponsored academic, recreational or athletic activities.

2.3.28 Student Conduct System Abuse
.01 No students shall disrupt the orderly conduct of a conduct board proceeding; attempt to discourage an individual’s proper participation in, or use of, the student conduct system; attempt to influence the impartiality of a member of a conduct board prior to, and/or during the course of, the conduct board proceeding.
.02 No students shall fail to comply with any disciplinary condition imposed upon them by any conduct board or conduct administrator.
.03 No students shall knowingly offer false or misleading information at any disciplinary or administrative hearing, investigation or meeting; or shall initiate a student conduct proceeding in bad faith.

.04 No students shall influence or attempt to influence another person to commit an abuse of the student conduct system.

2.3.29 Unauthorized Access of Information
No students shall access information, in any format, for which they do not have authorization.

2.3.30 Use of the University Name
No students shall use the University name or official marks (logos) without authorization from the Communications and Marketing Office. University approval or disapproval of any program, project, policy, or position may not be stated or implied by any student without written authorization by the President.

2.3.31 Use of Tobacco Products
No students shall use tobacco products in any facility or vehicle owned or operated, or under control of the University.

2.3.32 Visitation
.01 Students may have visitors of the opposite sex in their residence hall rooms only during hours specifically established for visitation for the particular house in which they reside.

.02 Students using the privilege of visitation may not engage in cohabitation.

.03 During specified hours, unescorted or uninvited students are prohibited from being in residence halls which have an escort policy.

2.3.33 Weapons
No students shall keep, possess, display, use, or carry any weapon anywhere on the Northern Michigan University campus or field station. In the interpretation and application of this regulation, examples of weapons shall include, but are not limited to, rifles, shotguns, handguns, bows, or other lethal or dangerous devices capable of casting a projectile* by air, gas, explosives, or mechanical means. No students shall possess other weapons defined as illegal under Michigan law.

*Examples of projectile weapons include, but are not limited to, cross bows, airsoft guns, paintball guns, slingshots, and bb guns.

Weapons used for recreational purposes must be registered and stored in the NMU Police Department office storage facility. They must be transported directly from the NMU Police Department office storage facility to points outside the campus and field station of
Northern Michigan University, and transported from such points directly back to the NMU Police Department storage facility. They must be transported in accordance with The NMU Police Department office instructions, and the weapon or weapons transported must be unloaded, and, when possible, encased, dismantled, or broken down.

2.4 Student Conduct Process

2.4.1 Introduction

Students make many decisions regarding their behavior and these decisions must not conflict with the University’s expected standards of behavior. However, when a student violates those standards, then an appropriate sanction must be imposed by way of a student conduct process.

The student conduct process and any resultant action serves to assist the student in recognizing and correcting behavior that is incompatible with the norms of the University community, and hopefully to deter others from making inappropriate decisions. When a student’s action demonstrates that basic standards of behavior have not been met or that the best interests of the student and the University cannot be served by the student’s continued enrollment, the University is obligated to separate the student from the University community.

The responsibility for resolving alleged violations of the Student Code at Northern Michigan University is delegated by the Board of Trustees to the President who delegates it to the Associate Provost for Student Services & Enrollment. It is then delegated to the Dean of Students or designee and members of the conduct board. In order to fulfill this responsibility, the student conduct process is designed to meet essential standards of reasonableness and fairness. Therefore, procedural requirements of due process as outlined in the following sections have been established to ensure that every student receives equitable and judicious treatment if charged with a violation of the Student Code. Conduct boards serve to provide the student charged with a hearing by impartial persons if the student denies the charges. However, it should be clearly understood that they do not sit as courts of law and are not restricted by the legal rules of evidence and procedure, since they hold administrative hearings which allow flexibility and the reasonable use of discretion.

The student conduct process described herein governs the implementation of the process for adjudicating alleged violations of the Student Code. Any questions regarding the student conduct process, the Student Code, or any aspect of the Student Conduct Program, should be referred to the Dean of Students Office.

2.4.2 Description of an Incident

Any member of the University community may file charges against a student for violations of the Student Code. A description of an incident shall be prepared in writing. The report should contain the name of the student accused of the violation, a detailed description of
the behavior that violated the Student Code, and the name and contact information of the University community member writing the report. Any report should be submitted as soon as possible after the event takes place, and within one calendar year of the date of the incident. Exceptions to the calendar year deadline will be considered by the Dean of Students or designee.

A description of an incident pertaining to a situation which occurred in the residence halls, University apartments or adjacent areas should be submitted to a residence life staff member. All other situations should be submitted to the Dean of Students Office. Once a description of an incident is received, it will be determined through the student conduct process whether the alleged violation occurred.

2.4.3 Complaint is Adjudicated
.01 The accused student will receive, in writing, a list of one or more sections of the Student Code alleged to have been violated and a brief description of the alleged violation(s). Such notice will be considered received by the student if it is delivered in person, by mail or by NMU email.

.02 The accused student will receive, in writing, the date, time, and location of an administrative hearing with a conduct administrator to discuss the incident. The accused student shall be notified in writing 48 hours prior to the scheduled administrative hearing. Such notice will be considered received by the student if it is delivered in person, by mail or by NMU email. The accused student may voluntarily waive the 48 hours and request to meet sooner with the conduct administrator at his/her earliest convenience.

.03 During the administrative hearing, the accused student will be advised of the information and/or evidence against him/her and given an opportunity to be heard in his/her own defense.

.04 The accused student may accept responsibility for the alleged violation(s) and a sanction will be issued. Sanctions shall be selected from those stated in Section 2.7.1 of the Student Code. It is at the discretion of the administrator who conducts the administrative hearing to combine sanctions for multiple violations, and review the student’s past violations of the Student Code, if any, and academic progress; and to interview University employees having knowledge of the accused student so that appropriate sanctions and special conditions may be selected. The student will receive a copy of the sanction in writing electronically by NMU email or hard copy.

.05 The accused student may deny responsibility for the alleged violation(s) or stand mute, in which case the conduct administrator shall refer the case to one of the conduct board.

2.4.4 Conduct Board Hearing Procedures
.01 The conduct board hearing shall begin with a reading of the Specification of Charges by the chairperson. The information pertaining to the charges shall be presented and
considered even if the accused student or complainant is not present. The accused student shall respond to the matters contained in the charges by affirming, denying, or standing mute to each item as it is read.

.02 If the accused student affirms the truth and accuracy of all items in the Specification of Charges, then the conduct board will:

- Note the affirmative plea after each item presented in the Specification of Charges.
- Hear any information in mitigation of the Student Code violation(s) that will enable the conduct board to select an appropriate sanction.
- Decide upon any appropriate sanction(s) provided in the Student Code.
- Return the Specification of Charges to the Dean of Students Office with a notation of the pleas, conduct board decision(s), and a statement of the sanction imposed. The sanction letter shall be signed by the chairperson of the conduct board.

.03 If the accused student denies the truth or accuracy of any part of the Specification of Charges, or stands mute, the hearing shall proceed in the following manner:

- The complainant or support person (see 2.4.5.09) and witnesses who support the complaint shall be called individually to share information with, and shall then be questioned by, the conduct board.
- The accused student or support person shall present his/her response by sharing information with the conduct board, answering questions from the conduct board, and then calling witnesses, if any, capable of sharing information related to the incident on the accused student’s behalf. These witnesses may also be questioned by the conduct board.
- The accused student or his/her support person and witnesses for the accused student shall have the right to question the complainant and the complainant’s witnesses and to examine information presented in connection with the incident. The complainant or his/her support person and witnesses shall have the right to question the accused student and the accused student’s witnesses and to examine information presented in connection with the incident. All questions are shall be directed to the chairperson for the hearing. All questions must be relevant to the case being decided, and relevancy shall be decided by the chairperson or adviser of the conduct board.
- Summary statements are permissible at the close of all questioning by all of the involved parties and shall be directed to the conduct board. Any further questions from the conduct board shall then be asked.
- After the fact-finding portion of the hearing is concluded, the conduct board shall go into closed session with only the adviser(s) present.
- Decision: The truthfulness of each factual allegation appearing in the Specification of Charges shall be termed a “question of fact” for the purposes of the student conduct process. After resolving all questions of fact, the conduct board shall decide whether each item and charge of the Specification of Charges has been established by a preponderance of the evidence; that it is more likely than not that the accused student violated the Student Code.
- If the conduct board finds that the items affirmed are sufficient to constitute any violation, they shall assess a sanction(s) provided in the Student Code. It is at the discretion of the conduct board to combine sanctions for multiple violations and to review the student’s past violations of the Student Code, if any, and academic
progress, and to interview University employees having knowledge of the accused student so that appropriate sanctions and special conditions may be selected.

2.4.5 Rules of Procedure in the Conduct Process
This section does not apply to cases on appeal. The rules provided in Section 2.4.5 of the student conduct process shall apply to administrative hearings and conduct board hearings. The Dean of Students or designee shall establish the procedures to be followed in hearings.

.01 The accused student and complainant shall be entitled to a hearing by impartial persons.

.02 Requests to postpone a scheduled hearing due to extenuating circumstances, by the accused student or complainant, must be made in writing to the Dean of Students or designee at least 24 hours in advance of the hearing. That person may approve or deny the request based on verification of the extenuating circumstances. Hearings will not be postponed due to scheduling conflicts of witnesses, support persons, or attorneys. In cases in which an examination period or break period interferes, such hearings will be held as soon as possible when classes are again in session.

.03 On rare occasions the conduct board may accommodate concerns for the personal well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, as determined appropriate by the Dean of Students or designee.

.04 A member of the Dean of Students’ staff shall be present at conduct board hearings as a procedural adviser. The adviser shall not participate in the fact-finding portion of the hearing except to ensure that established procedures are followed and to rule on the relevancy of any line of questioning. If the Specification of Charges is affirmed by the conduct board, the adviser may contribute pertinent information in the sanction assessment stage. Pertinent information may include past violations of the Student Code, if any, and academic progress. The adviser may also be interviewed by the conduct board if there is any particular knowledge to be given that may assist the conduct board in assessing a sanction or selecting a special condition. After the decisions of the conduct board have been made, the Dean of Students Office will maintain records and be responsible for all communication pertaining to the case.

.05 The accused student and complainant shall be entitled to be present at the hearing during the consideration of any matters on which a decision to affirm or deny an item or charge on the Specification of Charges may be based. This excludes private deliberation by the conduct board.

.06 The accused student and complainant shall be entitled to present his/her case through statements, questions, witnesses, and other forms of information. The complainant and accused student shall provide the Dean of Students or designee with a
written list of witnesses at least 24 hours in advance of the hearing. It is the responsibility of the complainant and accused student to identify witnesses and ensure their presence at the hearing. Witnesses must have relevant information regarding pending charges against the student.

.07 Pertinent records, exhibits, and written statements (including impact statements) may be accepted as information for consideration by a conduct board at the discretion of the chairperson. Records and documents that will be considered during a hearing will be made available to the conduct board but may be edited to protect the privacy rights of individuals not directly involved in the process. Records and documents that will be considered during a hearing will be made available for review by the accused student and the complainant at their request prior to or during the hearing.

.08 Witnesses may be kept in separate areas prior to and during the hearing. The witnesses shall remain in the hearing room after they have shared their information with the conduct board. The names of all witnesses shall be available upon request to the conduct board, accused student, and complainant prior to the hearing.

.09 The accused student and complainant shall be entitled to be accompanied by a support person of his/her choice; a support person shall be a member of the faculty, staff, or student body of the University. A support person shall not be a licensed or a practicing attorney. A support person shall be allowed to ask questions for and to speak for the person(s) represented; however, the conduct administrator or members of the conduct board may question the accused student and complainant directly, and the accused student and complainant shall answer directly to the conduct administrator or conduct board. If more than one student is charged in connection with the same situation or occurrence, then a support person for one such student cannot be another student who is charged. In addition, anyone acting as a witness in a case may not act as a support person for another in the same case.

.10 The student charged may refuse to answer questions. Other witnesses shall be required to answer all questions asked of them unless their answers would tend to incriminate them under any provisions of the Student Code.

.11 All hearings are closed to the public. Persons in attendance at hearings shall be limited to:
• the members of the conduct board and adviser(s);
• the accused student, complainant and their support persons;
• witnesses, and
• individuals who are authorized to attend by the chairperson or the adviser to the conduct board.

.12 Admission or removal of any person to or from the hearing shall be at the discretion of the student conduct administrator, chairperson, and/or adviser to the conduct board.

.13 When a student is accused of violating the Student Code, and criminal charges are pending against the student, an attorney may be present at the student’s expense. When
this is the case, the role of the attorney is limited and passive. He/she cannot actively participate in the hearing or ask questions. His/her role is to advise the student regarding self-incrimination and to observe the proceedings. All communication regarding the student conduct process will be directed to the student.

.14 Disciplinary proceedings involving a student charged with conduct that potentially violates both the criminal law and the Student Code will proceed without regard to pending civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Students or designee. Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to the violation of University rules were dismissed, reduced, or resolved in favor of or against the student.

.15 Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings.

.16 There shall be a single verbatim record, such as an audio recording, of all hearings before a conduct board conducted only by the University. Deliberations shall not be recorded. The record shall be the property of the University. The University may require that the record remain in its custody; provided, however, that the accused student and complainant have access to the record for all purposes relating directly to any appeals within the University.

.17 Conduct board hearings will proceed regardless of the failure of a student charged or complainant to appear. In all cases, the information in support of the charges shall be considered.

.18 The conduct board or conduct administrator has the right to amend any item on the Specification of Charges for purposes of clarification or consistency, so long as such amendment will not have the effect of adding any substantive allegation to the Specification of Charges. Students are informed of any amendments and amendments are noted in the conduct file.

.19 Decisions of the conduct board to affirm or deny any particular item or charge on the Specification of Charges shall be made on the basis of matters considered at the conduct board hearing.

.20 The conduct board’s standard of proof is preponderance of the evidence. The conduct board shall decide, by majority vote, whether the evidence shows that it is more likely than not that the accused student violated the Student Code.

.21 If the accused student is found responsible for the charge(s), then he/she shall be entitled to written notice of the findings of the hearing. If the accused student is found not responsible of for the charge(s), then related documents and records will not remain part of the student’s official conduct record.
The accused student and complainant have the right to appeal any decision of a conduct board (based on error of procedure or fact) or to request leniency of a penalty. Should such an appeal or request for leniency be made, any sanction issued by the conduct administrator or conduct board shall be held in abeyance until acted upon by the appropriate appeal board or reviewing official.

Hearings involving more than one accused student for the same incident may be conducted either separately or jointly. When two or more students are charged and their cases are being heard together, the proceedings shall be the same except that the conduct board shall not seclude themselves and make a decision on any of the accused students until they have heard from all students involved in the case.

Cases involving the imposition of sanctions other than suspension held in abeyance, suspension, expulsion, or revocation or withholding of degree shall be expunged from the student’s conduct record seven years after final disposition of the case.

2.5 The Structure of the Conduct Board

2.5.1 Membership

Student: A pool of up to 20 student members of the conduct board may be comprised of both undergraduate and graduate students. The membership shall include representation from on-campus and off-campus residents.
- Student members shall be selected through an interview process in which current members of the conduct board and the adviser participate.
- Student members shall be appointed.
- Student members shall have attained at least twelve hours of academic credit at the time of their appointment and must maintain at least a cumulative GPA of 2.00 and be free of any active sanctions imposed through the University’s student conduct process.
- Appointed student members must maintain sufficient attendance and satisfactory performance at trainings and hearings.
- Members may be removed at the discretion of the adviser of the conduct board for not meeting eligibility requirements.

Faculty: A pool of up to six members of the faculty appointed by the Provost. Members may not be licensed attorneys. Members shall serve for a period of three years provided they retain eligibility. Faculty members may be recalled only following impeachment proceedings carried out by the organization which appointed them, the AAUP, where good cause for removal is determined by resolution of the AAUP.

Staff: A pool of up to six members of the administration appointed by the Associate Provost for Student Services & Enrollment. Members may not be licensed attorneys. Administrative staff members may be terminated by the Associate Provost for Student Services & Enrollment for poor attendance or performance at hearings.

Adviser: The Dean of Students shall appoint a member of the Dean of Students Office who shall advise the conduct board in carrying out its responsibilities.
2.5.2 **Quorum:** A maximum of eight members of the conduct board may hear a case, and five members shall constitute a quorum. The accused student shall have the right to waive the quorum requirement. If a quorum cannot be obtained and is not waived, then the hearing shall be rescheduled.

2.5.3 **Chairpersons:** At the beginning of the academic year, the adviser for the conduct board shall select from among its members three co-chairpersons. These three people shall alternate as chair throughout the year, but may be called upon to serve as chair as needed. Chairpersons shall vote only in the case of a tie. The Chairperson of the conduct board shall have the authority to direct the hearing, call recesses, postpone hearings, take appropriate steps to maintain order at hearings, decide questions on the relevancy of evidence or information, recall witnesses or call such further witnesses as would seem able to aid in the resolution of matters relevant to the hearing, monitor the presentation of questions to witnesses by members of the conduct board, and decide who is permitted to attend the hearing.

2.5.4 **Jurisdiction:** Conduct boards consisting of all student members may hear cases involving University regulations except those which may result in suspension or expulsion. Conduct boards consisting of all students may impose only the following sanctions: warning probation, disciplinary probation, special conditions, guardian notification for alcohol and other drugs, and loss of privileges. Conduct boards consisting of students, faculty and staff may hear cases involving all University regulations including those which may result in suspension or expulsion. Conduct Boards consisting of students, faculty, and staff may impose any of the sanctions defined in Section 2.7.1 of this document.

2.5.5 **Referral of Cases:** A conduct board consisting of all students may waive jurisdiction over cases and refer them to a conduct board consisting of students, faculty, and staff provided there are reasonable grounds for such referral, that such action is taken prior to the conclusion of a formal hearing of the case, and that the adviser concurs.

2.5.6 **Voting:** A simple majority vote of the conduct board members present at any hearing shall be necessary and sufficient for action. The chairperson votes only in the case of a tie.

2.5.7 **Standard of Proof:** The conduct board’s standard of proof is preponderance of the evidence. The conduct board shall decide whether the evidence shows that it is more likely than not that the accused student violated the Student Code.

2.5.8 **Summer Sessions (non-academic year):** An interim conduct board shall be established by the Dean of Students or designee to resolve Student Code charges during
the period between the winter and fall semesters. This conduct board shall be composed of faculty, staff, and continuing or enrolled students.

2.6 Appeals
The accused student, the complainant, the Dean of Students or designee may submit an appeal. It is optional for the accused student, the complainant, or the Dean of Students or designee, to submit a response to the appeal. Appeals based on questions of fact and/or questions of procedure may be appealed to an appeal board. Appeals to request leniency of a sanction may be appealed to the Associate Provost for Student Services and Enrollment.

A written appeal letter must be submitted to the Dean of Students or designee within 48 hours after the sanction is imposed. An appeal letter must meet two conditions: (1) it must cite the basis of the appeal; and (2) it must provide sufficient and detailed information to support the appeal. The appeal will not be considered if both of these conditions are not met. The body hearing the appeal shall determine if the appeal meets both conditions.

The appeal process shall be limited to a review of the file and supporting documents (except as necessary to gain insight into any new evidence). The following are the ONLY accepted bases for appeal:

1. Procedure: To determine whether the original hearing was conducted in conformity with prescribed procedures. Questions of procedure are limited to those which may have significantly affected the outcome of the hearing. The person appealing must specify which procedures were not followed and how it significantly affected the outcome of the hearing.

2. Fact: To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because the person appealing did not know such information and/or facts at the time of the original hearing. Information which was known to the person appealing at the time of the original hearing but was withheld will not be considered upon appeal.

3. Leniency: To determine whether the sanction imposed was appropriate for the violation of the Student Code that the student was found to have committed, considering any previous violations. The person appealing must specify why the sanction imposed is too harsh.

2.6.1 Procedure for Leniency Appeals
.01 Once an appeal is submitted and determined that it meets the appeal conditions, the Associate Provost for Student Services and Enrollment or designee may:
• Modify the sanction (enhance or lessen);
• Uphold the sanction;
• In extenuating circumstances (conflict of interest, absence of the appeal officer, etc.) request the President to appoint a hearing agent who shall consider the sanction and render a decision. The hearing agent must be University faculty or staff.

.02 The Associate Provost for Student Services and Enrollment shall inform the accused student and the Dean of Students or designee in writing as to the decision within ten business days.

2.6.2 Procedure or Fact Appeals

.01 Jurisdiction: The appeal committee shall have appellate jurisdiction over all conduct board decisions regarding findings of fact and questions of procedure. The committee shall also review all other matters referred by the Dean of Students or designee.

.02 Membership: The members of the appeal committee shall number three, and shall consist of one student selected from the active student members of the conduct board, one member of the faculty appointed by the Provost, and one member of the staff appointed by the Associate Provost for Student Services & Enrollment. The members selected shall not have served on the conduct board for which the decision is being appealed. Members may not be licensed attorneys. If possible, all nominees should possess experience on a University conduct board. Members shall serve for a period of three years provided they retain eligibility. Members may be reappointed by following the same procedure. A chairperson shall be selected by the members of the appeal committee.

.03 Procedure:

a. Once an appeal is submitted and determined that it meets the appeal conditions, the appeal committee shall then request from the adviser of the conduct board whose decision is appealed a copy of the Specification of Charges and all information upon which the previous decision was made. Three members of the appeal committee (one student, one staff, and one faculty member) must be present for the appeal to proceed and all decisions shall be based on a simple majority vote.

b. If an error in fact or procedure occurred, then the case shall be sent back to the Dean of Students or designee who shall have the discretion to drop the charges or schedule a rehearing by the conduct board which made the original decision.

c. The appeal committee chairperson shall inform the accused student and the Dean of Students or designee in writing as to the decision within ten business days.

2.7 Sanctions

2.7.1 Sanctions

Sanctions may be imposed upon any student found to be responsible for violation of the Student Code. Sanctions may be used independently or in combination depending on the particular circumstance of the violation. Severe and/or multiple violations will increase the
severity of sanctions applied. Continued violations of the Student Code will result in more severe disciplinary sanctions.

No sanction shall become effective until it is imposed by the Dean of Students or designee. Sanctions shall be ordered into execution 48 hours after the student has received written notice of the decision of the conduct board or conduct administrator; or immediately after action by the appeal committee or appeal officer designated to consider leniency of the sanction. Written notice is considered received once delivered in person, by mail, or NMU email.

.01 Warning Probation: a sanction imposed for a specified period of time. Further violations of the Student Code will result in more severe disciplinary sanctions.

.02 Disciplinary Probation: a sanction imposed for a specific period of time. Further violations of the Student Code may result in suspension or expulsion.

.03 Special Conditions: Financial restitution, service to the University, service to the community, attendance at educational seminars, classes, or workshops, written assignments, or other activities deemed appropriate. Some seminars, classes, and workshops may require a registration fee to be paid by the student.

.04 Parental/Guardian Notification for Alcohol and/or Other Drugs: Parental or guardian notification for serious first offenses, second offenses and any subsequent offenses for students under 21 years of age.

.05 Loss of Privileges: Denial of specified privileges for a designated period of time. Privileges that can be denied include, but are not limited to, contact with another person, campus registration of a vehicle, on-campus employment, access to a building or portion of a building, access to a program, access to the University network, participation in extracurricular activities, and any other privilege deemed appropriate.

.06 Suspension: A decision of suspension terminates the student’s status as an enrolled student for a specific period of time and prohibits the student from attending classes. A suspended student may not enter onto any part of the campus without specific authorization from the Director of the NMU Police Department or designee and the Dean of Students or designee. Students who reside on campus must remove their belongings from their place of residence within 48 hours of notice of suspension.

• The terms of suspension may also include other conditions which may apply following the student’s reinstatement.

• At the discretion of the conduct board or conduct administrator who hears the case, the suspension may be held in abeyance.

• A violation of the terms of suspension or suspension in abeyance may result in an extension of the period of suspension, which may be imposed by the Dean of Students or designee.

.07 Temporary Suspension: In certain circumstances, the Dean of Students or designee may impose a temporary suspension until the student conduct process is completed.
a. Temporary suspension may be imposed only to promote the safety and well-being of members of the University community or preservation of property; to ensure the student’s own physical or emotional safety and well-being; or if the accused student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
b. During the temporary suspension, a student shall be denied access to University housing, to the campus (including classes), and/or all other university activities or privileges for which the student might otherwise be eligible, as the Dean of Students or designee may determine appropriate.
c. The temporary suspension does not replace the regular student conduct process, up to and through a conduct board hearing, if required.

.08 Expulsion: A decision of expulsion permanently terminates the student’s status as an enrolled student. An expelled student may not enter onto any part of the campus without specific authorization from the Director of the NMU Police Department or designee and the Dean of Students or designee. Students who reside on campus must remove their belongings from their place of residence within 48 hours of notice of expulsion.

Alcohol and Other Drugs Information Guide

This document complies with the Drug-Free Schools and Communities Act Amendments of 1989. Northern Michigan University has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

The program includes annual distribution in writing to each employee and to each enrolled student of:

- Standards of conduct for students and employees
- A description of associated and legal sanctions
- A description of associated health risks
- A description of available services and treatment options

Alcohol and other drug issues have received much attention nationally and locally. Many students, faculty and staff have worked together over the years to prevent substance abuse at Northern Michigan University. We think our efforts have contributed to a healthy living-learning community and have assisted individuals in need.

Northern Michigan University is committed to preventing substance abuse by:

- Encouraging a campus environment where healthful lifestyle choices are made by students, faculty and staff.
- Expecting acceptance of responsibility for one’s own choices and behavior.
- Striving to balance the rights of individuals and those of the university community.
● Encouraging chemical-free activities and supporting those who choose not to use alcohol and other drugs.
● Enforcing university, local and state codes, ordinances and statutes, which govern alcohol and other drug use.

Students of Northern Michigan University

The Northern Michigan University Student Handbook (http://www.nmu.edu/handbook) prohibits the use, possession, sale or consumption of alcoholic beverages by students in any building or on any property owned or controlled by NMU (except under terms and conditions established by the president or designee) and states that no student shall illegally possess, use or have under his/her control any other controlled substance in any building or on property owned or controlled by the University.

Failure to abide by these regulations may lead to any of the following sanctions: (1) warning, (2) warning probation, (3) disciplinary probation, (4) suspension or (5) expulsion. Special conditions may be attached to the penalty including, but not limited to, parental notification of the violation and mandatory participation in an alcohol or other drug education program.

Employees of Northern Michigan University

Northern Michigan University prohibits the unlawful manufacture, distribution, dispensing, possession or use of any controlled substance or alcohol by employees of university-owned, used or controlled premises, except when possessed or used within the scope of the employee’s assigned duties and as authorized by law.

Any employee violating this policy will be subject to the following disciplinary actions up to and including discharge: (1) verbal warning, (2) written reprimand, (3) suspension without pay, (4) discharge. Disciplinary action may differ from one another depending on the terms set forth in the union contracts.

Furthermore, any employee providing alcohol to an underage student or controlled substance to a student, regardless of the setting, may be subject to the above disciplinary actions.

Health Risks Associated with Alcohol and Other Drug Use

Regular use of alcohol and other drugs (including marijuana, stimulants, depressants, cocaine, anabolic steroids, opiates, hallucinogens) may lead to:
• psychological and/or physical dependence
• impaired learning ability, memory, ability to solve complex problems
• inability to perform sexually, infertility problems
• increased risk of sexually transmitted diseases (including AIDS)
• complications due to the combination of prescription medication and other drugs/alcohol
• death, coma or toxic reactions, especially when combining alcohol with any other drug, including over-the-counter medicine or prescriptions
• guilt/regret over activities performed while under the influence of alcohol/drugs, i.e., regretting sexual encounters, fighting, risk-taking, legal difficulties
• organic damage to brain, cardiovascular system, liver, etc.
• increased risk of cancer
• fetal Alcohol Syndrome, birth or genetic defects
• psychosis (hallucinations, loss of contact with reality, extreme changes in personality)
• other physiological, psychological or interpersonal problems

Substance Abuse Resources

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<tr>
<th>On Campus</th>
<th>906-227-1455</th>
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<tr>
<td>Health Promotion Office (1201 University Center)</td>
<td>906-227-1455</td>
</tr>
<tr>
<td>Employee Assistance Service</td>
<td>906-227-2330</td>
</tr>
<tr>
<td>Counseling and Consultation Services (3405 Hedgcock)</td>
<td>906-227-2981</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Marquette Area</th>
<th>800-260-4014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcoholic Treatment Center (24-hour helpline)</td>
<td>906-228-2611</td>
</tr>
<tr>
<td>Alcoholics and Narcotics (24-hour helpline)</td>
<td>906-249-4430</td>
</tr>
<tr>
<td>Alcoholics Anonymous</td>
<td>906-226-2527</td>
</tr>
<tr>
<td>Aspen Breeze Treatment Center</td>
<td>906-228-7611</td>
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<tr>
<td>Bell Behavioral Services</td>
<td>906-228-6545</td>
</tr>
<tr>
<td>Drug Abuse Treatment Center (24-hour helpline)</td>
<td>906-228-4692</td>
</tr>
<tr>
<td>Great Lakes Recovery Centers</td>
<td>906-228-4692</td>
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</table>
Medical Amnesty

Date approved: 6-18-2015
Last update: 6-18-2015
Approved by: Board of Trustees
Oversight unit: DEAN OF STUDENTS
Level: Admin Policy

This policy has a related procedure. View the procedure.

Purpose
Northern Michigan University has instituted a Medical Amnesty Policy in order to ensure that students receive prompt and appropriate attention for alcohol or other drug related emergencies, and that there are no barriers to seeking such assistance.

Applicability
Students

Description

In those instances in which a student calls the NMU Police Department, other NMU staff, or another health and safety entity for assistance with an alcohol or other drug related emergency, neither the individual calling nor the student in need of assistance will face formal conduct action by the Dean of Students Office regarding violations of alcohol and other drug policies. Amnesty applies only to alcohol and other drug violations. In order to qualify for medical amnesty, medical attention must be received at the time of the incident.

If intoxicated/impaired students demonstrate a reckless or habitual lack of care concerning their well-being and the well-being of the campus community, a member of the Dean of Students Office staff will determine the actions necessary to protect the welfare of the student and the campus community.

A representative of an organization hosting an event is expected to promptly call, at the time of the incident, for medical assistance in an alcohol or other drug related emergency. This act of responsibility may lessen the student conduct consequences against the organization resulting from Student Code violations that have occurred at the time of the incident. Likewise, failure to call for medical assistance in an alcohol or other drug related emergency will be considered an "aggravating circumstance" and may affect the student conduct resolution against the organization if Student Code violations have occurred.

This policy is designed to save lives. The spirit of the Medical Amnesty Policy is that we all have an ethical responsibility to help people in need. There is an expectation that students will take active steps to protect the safety and well-being of our community.
Purpose

To establish policy for responding to a variety of emergency situations which could occur on property owned or controlled by Northern Michigan University.

Applicability

All University employees, full time, part time, temporary, casual labor, students, visitors.

Description

It is the policy of Northern Michigan University that appropriate response to campus emergencies will be under the direction of the Director, The NMU Police Department, and that all faculty, staff, students and visitors, will comply with instructions given by a representative of the department of The NMU Police Department. This policy applies to: Bomb Threats, Fire Alarms, Fires, Demonstrations or Protests, Emergency Evacuations, and the University Emergency Response Plan.
Fire Alarm Evacuation

Date approved: 9-15-1985
Last update: 9-15-1985
Approved by: President
Oversight unit: THE NMU POLICE DEPARTMENT
Level: Admin Policy

This policy has a related procedure. View the procedure.

Purpose
To establish a policy for the evacuation of all buildings owned or controlled by Northern Michigan University.

Applicability
All University employees, full time, part time, temporary, casual labor, students and visitors.

Description

When a fire alarm sounds, all personnel must evacuate the building immediately and move away from the exit door. With the exception of Fire Department personnel and The NMU Police Department Officers, no one is allowed to enter the building until notification has been given by a representative of The NMU Police Department that it is safe to re-enter. If a fire alarm is silenced, this is not an indicator that it is safe to re-enter the building.

References
Emergency Response Guidelines

Date approved: 9-20-1989
Last update: 11-3-2004
Approved by: President
Oversight unit: THE NMU POLICE DEPARTMENT
Level: Admin Policy

This policy has a related procedure. View the procedure.

Purpose
To enhance the protection of lives and property during declared emergencies. The concepts, procedures, duties, and responsibilities outlined here are intended to ensure effective use of University and community resources. Adherence to these guidelines should result in an orderly and reasoned response to emergencies which rewards and compounds public trust and confidence in Northern Michigan University.

Applicability
All University employees, full time, part time, temporary, casual labor, students.

Description

It is the policy of Northern Michigan University that when any situation which has the potential to significantly disrupt the achievement of the mission of the University, the President or designate may implement the Emergency Guidelines. When an emergency has been declared, the Director of The NMU Police Department (Emergency Coordinator) shall immediately place into effect the necessary procedures to deal with the emergency; activating the Emergency Response Team, Establishing the Emergency Command Post and the on scene Emergency Command Post.

In 2014 this Policy was split into Policy and supporting procedure.
Purpose

This Policy is sponsored by the Equal Opportunity, NMU Police Department, and Dean of Students Offices.

It implements the requirements set forth by the Board of Trustees Sexual Misconduct Overview Policy dated July 23, 2015. Specifically, this Policy contains the University's sexual misconduct resources and procedures.

Applicability

All university students, faculty, staff, and visitors.

Note: See also the 11/2/2017 Policy Amendment which resides on its own page in the Policy Database. http://www.nmu.edu/policies?p=1241&type=Policy

Description

Policy Statements

Section 1. WHAT EXACTLY IS SEXUAL MISCONDUCT?
Section 2. HOW DO I REPORT SEXUAL MISCONDUCT?
Section 3. WHO WILL FIND OUT IF I REPORT SEXUAL MISCONDUCT?
Section 4. WHAT ABOUT RETALIATION?
Section 5. OPTIONS AVAILABLE TO YOU IMMEDIATELY
Section 6. OTHER THINGS YOU NEED TO KNOW RIGHT AWAY
Section 7. WHERE TO GET HELP
Section 8. THE PROCESS THAT OCCURS WHEN STUDENTS REPORT SEXUAL MISCONDUCT
Section 9. THE PROCESS THAT OCCURS WHEN AN EMPLOYEE IS
INVOLVED IN SEXUAL MISCONDUCT

Section 10. WHAT HAPPENS IF AN INDIVIDUAL IS FOUND RESPONSIBLE FOR SEXUAL MISCONDUCT BY THE UNIVERSITY?

Section 11. HOW IS THIS DIFFERENT FROM THE CRIMINAL PROCESS?

Section 12. WHAT DOES THE UNIVERSITY DO TO TRY TO PREVENT SEXUAL MISCONDUCT AND EDUCATE STUDENTS AND EMPLOYEES ABOUT THE RISKS?

Section 13. GLOSSARY OF DEFINITIONS

Prohibited Behavior at Northern Michigan University

All forms of sexual misconduct are strictly prohibited. Sexual misconduct includes any of the following acts: sexual assault, sexual harassment, stalking, dating violence, voyeurism, sex discrimination, domestic violence, and any other conduct of a sexual nature that is non-consensual. Northern Michigan University also adheres to all Michigan laws prohibiting criminal sexual conduct [MCL 750.520b-520g]. NMU prohibits gender-based sexual misconduct regardless of gender, gender identity, gender expression, or sexual orientation.

When an internal investigation finds individuals responsible for any of these behaviors, they are subject to sanctions, which may include suspension, expulsion, and/or loss of employment.

Northern Michigan University students, faculty, staff and visitors are encouraged to notify law enforcement authorities about sexual misconduct.

We Are Here to Help

Northern Michigan University provides resources to assist students, faculty, and staff who experience any form of sexual misconduct. If you are the victim of any kind of assault your first priority is to go to a safe place. If you are in need of emergency services please call the NMU Police Department at 227-2151 or call 911. Northern Michigan University encourages victims of any form of assault to contact the NMU Police Department.

After emergency care has been provided, individuals who have been the victim of sexual misconduct may need both immediate and long-term support. In order to help you find the resources you need, NMU has organized this document in sections. Each section is linked: press CTRL Click or Click (depending on the electronic device) on the underlined section link.

Policy Statements: The overarching rules NMU will follow when addressing sexual misconduct.

Section 1. WHAT EXACTLY IS SEXUAL MISCONDUCT? This section states the University definition of sexual misconduct and the State of Michigan’s definition of criminal sexual conduct.

Section 2. HOW DO I REPORT SEXUAL MISCONDUCT? This section explains where you can report sexual misconduct and the type of support that each area can provide. In addition, it covers some of the reasons that it is important to report or simply reach out to get
help. Information about the level of confidentiality you can expect when you report sexual misconduct is also provided.

Section 3. WHO WILL FIND OUT IF I REPORT SEXUAL MISCONDUCT? Many students and employees worry about who will know if they report sexual misconduct. The fact is, who knows depends on the reporting options that you choose. This section covers who will know for each choice you make. It explains how NMU protects your confidentiality and describes the situations where the University is required to investigate and is compelled to let others know. It also provides the definitions of confidential, strictly confidential, and confidential according to State law.

Section 4. WHAT ABOUT RETALIATION? NMU has a non-retaliation policy. This policy identifies/describes what will happen if someone retaliates against you for making a report. The respondent to the report, friends, family members, peer groups, or co-workers are prohibited from retaliation. This section also covers retaliation through social media.

Section 5. OPTIONS AVAILABLE TO YOU IMMEDIATELY: After a report of sexual misconduct, NMU can help the complainant with options that may be necessary for the individual to feel safe/comfortable and to enable an individual to stay in school. These include actions such as moving the respondent to other housing, moving the complainant to other housing, changing class sections or schedules, contacting teachers about missing a class, and more. These are called “interim measures“ because they can be done immediately and may not be permanent; we do not have to wait for the result of an investigation to take these actions. However, the actions are only taken if the University is asked and therefore it is important to know the options.

Section 6. OTHER THINGS YOU NEED TO KNOW RIGHT AWAY: It is required by law that NMU provide information about preserving evidence that can be used as proof if the case goes to criminal trial. This section details that information and informs about how outside agencies can assist.

Section 7. WHERE TO GET HELP: This section is a list of resources, the services they provide, and how to contact them. Both the complainant and respondent are entitled to use the resources listed.

Section 8. THE PROCESS THAT OCCURS WHEN THE UNIVERSITY RECEIVES A REPORT THAT A STUDENT HAS ENGAGED IN SEXUAL MISCONDUCT: This section outlines each step that is taken when the University is notified of sexual misconduct involving a student or students. It identifies the options that students have and describes what happens when a particular option is selected.

Section 9. THE PROCESS THAT OCCURS WHEN AN EMPLOYEE IS INVOLVED IN SEXUAL MISCONDUCT: The process is slightly different when one of the individuals involved is a University employee. There is also a process for addressing sexual misconduct when the respondent is part of an education program but is not a University student or employee, such as internship or practicum supervisors.
Section 10. WHAT HAPPENS IF AN INDIVIDUAL IS FOUND RESPONSIBLE FOR SEXUAL MISCONDUCT BY THE UNIVERSITY? This section lists the sanctions that NMU is authorized to impose.

Section 11. HOW IS THIS DIFFERENT FROM THE CRIMINAL PROCESS? The University process is separate from the criminal court process. When NMU finds someone responsible for sexual misconduct, the University is limited in how it may respond. However, anyone can decide to make a criminal complaint. This section provides an overview of the criminal process and outlines how NMU can assist.

Section 12. WHAT DOES THE UNIVERSITY DO TO TRY TO PREVENT SEXUAL MISCONDUCT AND EDUCATE STUDENTS AND EMPLOYEES ABOUT THE RISKS? This section identifies the University’s prevention and education programs, which includes training for employees.

Section 13. GLOSSARY OF DEFINITIONS. Definitions in alphabetical order.
POLICY STATEMENTS

It is the Policy of Northern Michigan University that:

- Reports of sexual misconduct are treated with the greatest concern and seriousness, regardless of the complainant’s or respondent’s gender, gender identity, ancestry, race, color, ethnicity, religion or creed, genetic information, sexual orientation, national origin, age, height, weight, marital status, familial status, handicap or disability, military or veteran status or any other characteristic protected by federal or state law. Individuals are treated with dignity, courtesy, sensitivity, and understanding and are not prejudged or blamed for what occurred.

- Any individual may initiate a complaint against any member of the University community. The University may also initiate a complaint on its own initiative.

- Individuals reporting may talk to University officials about sexual misconduct without names being disseminated, except as is necessary to meet state and federal requirements. The University will not release names to the public or media. The right to confidentiality, both for the complainant and respondent, will be respected insofar as it does not interfere with the University’s legal obligation or ability to investigate allegations of misconduct when brought to its attention, and to take corrective action when it is found that misconduct has occurred.

- Members of the University faculty and staff are identified as Responsible Employees and are required to share sexual misconduct reports with the Title IX Coordinator.

- Individuals are provided with information regarding options for reporting the sexual misconduct, and the right to make choices based on this information is respected. Individuals reporting sexual misconduct are advised of, and if desired, assisted in receiving services from the University departments and from community service agencies that provide assistance to victims/survivors of sexual assault.

- If a complaint is filed with the NMU Police Department, staff from that office will investigate the complaint. The complainant will be notified of victim's/survivor's rights and remedies accorded in the Crime Victim’s Rights Act [MCL 780.753] and Sexual Assault Victims’ Access to Justice Act [MCL 752.953] and will be kept up-to-date on the status of the investigation.

- University staff will neither coerce individuals to report a sexual assault as a lesser offense nor prevent or discourage individuals from reporting a sexual assault to another individual or authority.

- The University investigates all reported incidents of sexual misconduct; the University must take steps to remedy the situation. If the individual reporting does not want the complaint pursued through the student conduct program, the employee conduct program, or the courts, the University is still required to investigate.
• All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. When an allegation of misconduct is made and a respondent is found to have violated the Sexual Misconduct Policy, sanctions may be used to discourage similar future actions.

It is a violation of University policy to intimidate, discipline, discharge, or harass any individuals because they have filed a complaint, instituted proceedings, assisted an investigation, or formally or informally objected to sexual harassment and/or discriminatory practices. If retaliation occurs, the incident should be reported either to the Equal Opportunity Office (faculty and staff) or to the Dean of Students Office (students).

• The Dean of Students Office will assist with any academic issues that may arise due to the situation. Upon request, the University will take reasonable steps to prevent unnecessary or unwanted contact or proximity with the respondent.
• The sexual history of the complainant is not considered relevant to the truth of the allegation; therefore, information regarding sexual history external to the relationship between the complainant and the respondent will not be considered during an investigation.

• Complainants and respondents will be made aware of and assisted in exercising options provided under the law regarding the mandatory testing of the respondent for communicable diseases and notification of the results of the testing.

• The policy covers all locations on campus, as well as education programs of the University regardless of location, including but not limited to off-campus classes, service learning, study abroad, and internships.

• This policy also may be used to address misconduct occurring where either the complainant or the respondent are members of the NMU community regardless of location.

• This policy may be extended to address sexual misconduct through online or social media.

• Northern Michigan University has a Medical Amnesty Policy to allow individuals who report safety issues to not be subject to formal disciplinary actions for their own personal consumption of alcohol or drugs. See the Policy at http://www.nmu.edu/policies

• This policy applies to all members of the University Community, defined as any person who is a student, faculty member, University official or any other person employed by the University, and persons who reside in NMU housing facilities.

• This policy shall be applied to all complaints of sexual misconduct made after July 23, 2015, regardless of when the conduct was alleged to have occurred.

• None of these options preclude formal discipline. Students committing any form of sexual misconduct can be disciplined under the Student Code and employees can be disciplined under the University personnel policies.

SECTION 1 – WHAT EXACTLY IS SEXUAL MISCONDUCT?

Sexual Misconduct is a term that collectively identifies any of the following acts of unwanted or unwelcome conduct of a sexual nature that occurs without consent: sexual assault, sexual harassment, stalking, dating violence, voyeurism, sex discrimination, domestic violence, and any other conduct of a sexual nature that is non-consensual.

Sexual Assault is a legal term that means sexual contact without consent. More specifically, “sexual assault” for purposes of this Policy means any of the forms of criminal sexual conduct described in Sections 520b through 520g of the Michigan Penal Code (MCL 750.520b -.520g) involving a University student or employee as the complainant and/or respondent. Sexual
assault consists of sexual intercourse without consent, forcible sodomy or sexual penetration with an inanimate object, the intentional touching of an unwilling individual’s intimate parts (defined as genitalia, groin, pelvic region, inner thigh, breast or buttocks, or clothing covering them), or forcing an unwilling individual to touch another’s intimate parts. These acts must be committed either by force, threat, intimidation, or by taking advantage of someone’s helplessness or inability to consent of which the alleged perpetrator was aware or should have been aware. Regardless of the relationship that exists between the parties, if consent is not given or force or coercion is used against a party, any sexual contact is within the definitions of criminal sexual conduct and sexual assault.

**Sexual Harassment** is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or visual communication or physical conduct of a sexual nature when:

1. Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing.
2. Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual’s employment, public accommodations or public services, education, or housing.
3. Such conduct or communication has the purpose or effect of unreasonably interfering with an individual’s employment, public accommodations or public services, education, or housing; or creating an intimidating or hostile environment in employment, public accommodations, public services, education, or housing.

There are two main types of sexual harassment: quid pro quo harassment and hostile environment. Quid pro quo means "this for that." This occurs when a promotion, employment benefit, or education benefit is directly tied to an unwelcome sexual advance. Hostile environment sexual harassment occurs when verbal, non-verbal and/or physical conduct is:

- sexual and/or based on sex, gender, gender identity or sexual orientation (actual or perceived),
- unwelcome, and
- sufficiently severe and pervasive to interfere with a person’s work/learning/program performance or to create a hostile, intimidating or offensive environment.

**Examples of Sexual Harassment**
All members of the University community are expected to be familiar with the following list. Examples of behaviors which may constitute sexual harassment or inappropriate conduct include but are not limited to:

- Deliberate touching which does not contribute to or advance the work, service, or education activity being conducted.
- Repeated brushing against or touching of another’s body, which does not contribute to or advance the work, service, or education activity being conducted.
- Pressure or demands for a date or for sexual activity with a subordinate by an individual in authority.
- Repeated requests for a date or for sexual activity which are declined.
• Pictorial or actual displays of obscenity which do not contribute to or advance the work, service, or education activity being conducted.

• Written/electronic, verbal, pictorial (screen saver/wallpaper), or nonverbal communications of a sexual nature which do not contribute to or advance the work, service, or education activity being conducted.

**Stalking** is a course of physical or verbal conduct directed at another individual in a manner that could be reasonably regarded as likely to alarm, harass, or cause fear of harm or injury to that individual or a third party. It includes the persistent imposition of unwanted contacts with another person. A course of conduct consists of at least two acts. The fear of harm or injury may be physical, emotional, or psychological or related to the personal safety, property, education, or employment of that individual. Stalking may include cyber-stalking, a particular form of stalking where electronic media or electronic devices are used to track or contact individuals.

**Dating Violence** under Michigan law is part of the domestic violence definition. See Domestic Violence definition below.

**Voyeurism** is the practice of obtaining sexual gratification by looking at sexual objects or acts, especially secretly. In Michigan, voyeurism includes using devices for observing, recording, photographing or eavesdropping in private places. See MCL 750.539d

**Sex Discrimination** is the treatment of someone unfavorably or less favorably because of that person’s sex. Discrimination against an individual because of gender identity, including transgender status, or because of sexual orientation is a violation of Title VII.

**Domestic Violence**, also called **Intimate Partner Violence, Dating Violence, and Domestic Partner Violence** includes any act of violence or threatened act of violence against an individual who is or has been involved in a sexual, dating, domestic or other intimate relationship with the respondent. Intimate partner violence may involve one act or an ongoing pattern of behavior. It may take the form of threats, assault, violence, or threat of violence to family members or friends of the intimate partner. In Michigan, the term *domestic* is defined at MCL 764.15a and includes the spouse or former spouse of a victim, a person who resides or has resided in the same household as the victim, has a common child with the victim, or has had a dating relationship with the victim.

**Consent** is an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. Participants must act freely and voluntarily. The following are essential elements of consent:

- Informed and reciprocal: All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting.

- Freely and actively given: Consent cannot be obtained through the use of force, coercion, threats, or intimidation, or by taking advantage of the incapacitation of another individual.

- Mutually understandable: Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in
sexual activity. In the absence of clear communication or overt demonstration, there is no consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion about whether consent was sought or given.

- Not indefinite: Consent may be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed “no” or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain, or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.

- Not unlimited: Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one individual constitute consent to activity with any other individual. Each participant in a sexual encounter must consent to each form of sexual contact with each participant. Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

Sexual decision-making is a shared responsibility. Each individual in a sexual encounter has a responsibility to communicate, in words or overt actions, the desired or undesired level of intimacy. This means that consent for sexual conduct must be voluntary, clear, and present before the behavior progresses.

Consent while under the influence of alcohol or other drugs: Northern Michigan University considers sexual encounters while under the influence of alcohol or other drugs to be risky behavior. Alcohol and other drugs impair an individual’s decision-making capacity, awareness of consequences, and ability to make informed judgments. If there is any doubt as to the level or extent of the other individual’s intoxication or impairment, the prudent course of action is to cease any sexual contact or activity. Consent cannot be given if an individual is incapacitated by alcohol or other drugs.

Use or abuse of alcohol or other drugs by a person charged with a sexual misconduct does not diminish, and may increase, personal responsibility. Providing or making available any substance (e.g. alcohol or other drugs, including but not limited to GHB, Rohypnol and Ecstasy) may increase the personal responsibility of the provider to obtain consent for sexual activity. The person reporting sexual misconduct will not be charged with a violation of the Student Code for use of alcohol or other drugs.

SECTION 2 – HOW DO I REPORT SEXUAL MISCONDUCT?
Anyone who has experienced sexual misconduct is strongly urged to report it to University officials, local law enforcement or both. The following grid shows where reports can be made and the level of confidentiality you can expect.

<table>
<thead>
<tr>
<th>Contact this department/agency:</th>
<th>To seek information</th>
<th>To get counseling</th>
<th>To report sexual misconduct and start an investigation</th>
<th>To ask for interim measures regarding housing, classes and others.</th>
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<tbody>
<tr>
<td>NMU Police Department</td>
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<td>100 Services Building</td>
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<td>(906) 227-2151 Emergency - 911</td>
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<td>NMU Title IX Coordinator</td>
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<td>Janet Koski</td>
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<td>158 Services Building</td>
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<td>(906) 227-2420</td>
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<td>Any Responsible Employee</td>
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<td>NMU Dean of Students Office</td>
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<td>2001 Hedgcock</td>
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<td>(906) 227- 1700</td>
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<td>NMU Housing and Residence Life</td>
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<td>3502 Hedgcock</td>
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<td>(906) 227-2620</td>
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<td><strong>NMU Human Resources</strong></td>
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<td><strong>NMU Health Center</strong></td>
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<td>Gries Hall – ground</td>
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<td>floor (906) 227-2355</td>
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<td><strong>NMU Counseling Center</strong></td>
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<td>3405 Hedgcock</td>
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<td>(906) 227-2980</td>
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<td><strong>Marquette Women’s</strong></td>
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<td>Center</td>
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<td>1310 S. Front St.</td>
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<td>(906) 225-1346 x113</td>
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<td>Emergency Hotline</td>
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<td>(906) 226-6611</td>
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What happens if I report?

When you report, University officials will provide both verbal information and a pamphlet explaining the services, assistance and support that are available.

The information will outline your choices, including how to get assistance, counseling and support services and how to file a complaint with the NMU Police Department if you choose. Support services are available regardless of whether you choose to participate in an investigation.

University officials will tell you about the disciplinary and complaint procedures that are available and provide you with written information about those procedures, possible sanctions, support assistance and other important topics. You will receive information about preserving evidence and certain protective orders that may be available. Any further actions will depend on the situation, your needs, and the choices that you make regarding an investigation. By law, the Title IX Coordinator will always be informed of the report. If possible, the University will contact the complainant by e-mail to provide an electronic copy of NMU’s written support and resource materials.
If you are a member of the University community and report sexual misconduct to the NMU Police Department, they will notify only the University officials who have a need to know; this always includes the Title IX Coordinator who is required by law to ensure that an investigation occurs. They will collect information in an impartial manner and will help to preserve relevant evidence. The steps of the investigation vary depending on the circumstances, your needs, and your choices.

**What happens if I ask the University to take disciplinary action?**

Victims of sexual misconduct have the power to ask the University to pursue a University investigation and possible sanctions against the respondent. The actual steps that will happen are in SECTION 8 – STUDENT SEXUAL MISCONDUCT and SECTION 9 – EMPLOYEE SEXUAL MISCONDUCT.

**Why it is important to report:**

- To get the support and services you need now and in the future
- To allow the University to alert others to potential danger
- To identify and possibly prosecute offenders and repeat offenders
- To prevent future crime and violence
- To remove sexual predators from campus
- To allow the University to accurately count and address crime so that the University community has a clear understanding of campus risk.

**SECTION 3 - WHO WILL FIND OUT IF I REPORT SEXUAL MISCONDUCT? WHAT DOES CONFIDENTIAL, STRICTLY CONFIDENTIAL, AND CONFIDENTIAL ACCORDING TO LAW ACTUALLY MEAN?**

The University will treat the information it receives as part of University reporting procedures as confidential to the extent permitted. That means that only those within the University with a legitimate need to know will have knowledge of the complainant’s name and what occurred. All employees involved with sexual misconduct processes receive specific training about respecting and safeguarding private information.

Any warnings required to alert the campus community to security and safety threats will not include the complainant’s name. If the University must send out a “timely warning notice” as required under the Clery Act or other information to provide a safe and nondiscriminatory environment for all students, the information will be carefully reviewed to protect confidentiality. In the rare case that some of this information would allow the complainant’s identity to be guessed or known, the University will inform the student about the information being released.

In no case will students or student-employees have access to information provided in a sexual misconduct report (see legal exceptions to confidentiality below).
Can I make an anonymous report?

Anyone can make a report without identifying themselves or providing the name of the individual who experienced the incident. The University is still obligated to investigate and take appropriate action, even if the report does not identify those involved.

What do you mean by confidential, strictly confidential, and confidential according to State and Federal Law? Are there any exemptions?

Confidential:
Most reports fall into this category. If you report to the NMU Police Department, the Title IX Coordinator, the Dean of Students Office, Housing and Residence Life, Faculty, Advisers, or other NMU Responsible Employees (except for the Health Center or Counseling Center) your report will be kept confidential. This means that all conversations are kept as confidential as possible, but information about sexual misconduct must be shared with the Title IX Coordinator so that the University can take action, if necessary, for safety reasons. A very small number of people will know the circumstances of the report or the name of the complainant. In planning any response, the University will give consideration to the wishes of the complainant.

Strictly Confidential:
The NMU Health Center and Counseling Center must keep reports strictly confidential. Except for specific exceptions in accordance with federal and state law, nothing will be shared without the complainant’s informed written consent. The Health Center and Counseling Center will keep a record of the number of complaints and log their locations, but will not report the names of the complainants unless the complaint falls under the legal exception to confidentiality.

Confidential According to Federal and State Law
Exploratory conversations are completely confidential except for the legal exceptions to confidentiality. External resources, such as the Women’s Center and local hospitals adhere to this standard.

Legal Exceptions to Confidentiality
The Michigan Child Protection Law [1975 PA238 MCL 722.621 et. seq.] requires health service providers, teachers, law enforcement officials and other mandated reporters to report suspected child abuse, including sexual abuse of a child, to the Department of Human Services. Police reports with identifying information redacted, may be available to the public upon request through a Freedom of Information (FOIA) request.

SECTION 4 - WHAT ABOUT RETALIATION?

It is a violation of University policy to intimidate, discipline, discharge, or harass any individual who has in good faith reported misconduct or fraud, filed a complaint, instituted proceedings, assisted in an investigation or compliance review, or formally or informally objected to sexual misconduct and/or discriminatory practices. The University will respond promptly to investigate any claims of retaliation.
Harassment or bullying by the respondent or the respondent’s friends, family or peer group; pressuring the complainant to drop the complaint; or making a negative education decision against a complainant in retaliation are all prohibited. Retaliatory harassment or bullying via social media is prohibited. Other types of retaliation that are prohibited include but are not limited to intimidation; adverse action with respect to student assignments or grades; adverse action which threatens or endangers a student’s access to campus educational and social programs; adverse action with respect to employment assignments, salary, vacation, or other terms of employment; unlawful discrimination; termination of employment; adverse action against a relative of the reporter; or threats of any of the above.

Northern Michigan University’s full Non-Retaliation Policy is available at [http://www.nmu.edu/policies](http://www.nmu.edu/policies)

SECTION 5 - OPTIONS AVAILABLE TO YOU IMMEDIATELY

After a report of sexual misconduct, NMU can help the complainant with several options that may be helpful or even necessary to continue living and feeling safe in a University residence or attending classes. These include options such as moving the respondent to other housing, moving the complainant to other housing, changing class sections or schedules, contacting teachers about missing a class, and more. These are called “interim measures” because they can be done right away; we do not have to wait for the result of an investigation. However, they may not be permanent. Generally these actions are taken only if asked, so it is important to know about the options available to you.

Interim measures may be imposed at any time regardless of whether disciplinary action is sought by the complainant or the University. Interim measures will be kept private to the extent that maintaining that privacy does not impair the ability of the University to provide the interim measures. Interim measures may be amended or withdrawn as information is gathered in the investigation. The Title IX Coordinator and/or the investigator may consult with other administrators to ensure that all safety, emotional, and physical well-being concerns can be reasonable addressed. These measures are separate from judicial measures (such as personal protection orders), although the NMU Police Department may assist complainants with obtaining legal personal protection orders.

Common interim measures include requiring the respondent to change residence halls, imposing a University no-contact order, change in class schedule of either the complainant or respondent, processing a request for an “incomplete” for the complainant; transfer of class section; change in work schedule or job assignment; providing academic support services such as tutoring; interim suspension of the respondent; or other measures that can be tailored to the involved individuals.

Interim suspension is utilized when the sexual misconduct reported indicates a substantial or immediate threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal University functions. NMU may place a student or student organization on interim suspension or impose leave for an employee. Pending resolution of the report, the individual or organization may be denied access to campus, campus facilities, and/or all other University activities or privileges. When interim suspension is imposed, the
University will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

**SECTION 6 - OTHER THINGS YOU NEED TO KNOW RIGHT AWAY:**

It is required by law that Northern Michigan University emphasize the importance of preserving evidence after a rape or other sexual assault occurs. This may include other kinds of evidence, such as text messages, email, social media postings, pictures and video. A sexual assault medical forensic examination typically includes a medical history, a physical examination, treatment for injury, and prophylactic treatment for pregnancy or sexually transmitted infections (STI’s).

In Michigan, sexual assault victims have the right to receive a medical forensic examination and have evidence collected, even if they do not want to participate in the criminal justice process [MCL 18.355(10)]. Health Facilities must offer the examination and evidence collection to any person stating that they have been assaulted within the previous 120 hours (5 days). If the victim agrees, the health facility must perform or have performed the examination and evidence collection [MCL 333.21527]. If a victim chooses, forensic evidence is also collected through the use of a sexual assault evidence kit (SAEK). Sexual assault medical forensic examinations are typically performed by a Sexual Assault Nurse Examiner (SANE). Victims cannot be billed for evidence collection and the accompanying medical forensic examination [MCL 18.355(2)]. Further, all hospitals are required by law to provide an examination or arrange for the provision of an examination for anyone who has been assaulted within the previous 120 hours (5 days) [MCL 333.21527].

NMU encourages victims of sexual assault to have a medical examination. NMU can provide transportation to the examination if requested.

The following is excerpted from the Rape, Abuse and Incest National Network. It describes how evidence can be collected and preserved after an assault.

**From RAINN** https://rainn.org/get-information/sexual-assault-recovery/rape-kit

DNA Evidence from a crime like sexual assault can be collected from the crime scene, but it can also be collected from your body, clothes, and other personal belongings. You may choose to have a sexual assault forensic exam, sometimes known as a “rape kit,” to preserve possible DNA evidence and receive important medical care. You don’t have to report the crime to have an exam, but the process gives you the chance to safely store evidence should you decide to report at a later time. In Marquette, sexual assault forensic exams can be coordinated through the Women’s Center/ Harbor House (906-225-1346; Hotline: 800-455-6611; http://www.wcmqt.org/) Or call the National Sexual Assault Hotline at 800.656.HOPE (4673).

If you’re able to following an assault, try to avoid activities that could potentially damage evidence such as bathing or showering, using the restroom*, changing clothes, combing your hair, or cleaning up the area. It’s natural to want to go through these motions after a traumatic experience. If you have done any of these activities, you can still have an exam performed. You may want to bring a spare change of clothes with you to the hospital or health facility where you’re going to have the exam. Or place your belongings, including the clothes you were wearing, in a paper bag to safely preserve evidence.
*Note: Drugs can dissipate quickly in the body. If you believe you may have been drugged, consider collecting urine if urination is necessary before arriving at the Emergency Room.

The length of the exam may take a few hours, but the actual time will vary based on several different factors. Remember, you can stop, pause, or skip a step at any time during the exam. It is entirely your choice.

Why should you consider having a sexual assault medical forensic exam?

- It won’t cost you. You should not be charged for the exam. The Violence Against Women Act requires states to provide sexual assault forensic exams free of charge if they wish to remain eligible for critical anti-crime grant funding.
- You can have time to decide if you want to report. The decision to report the crime is entirely yours. It may take some time to decide what to do. Having a sexual assault forensic exam ensures that the forensic evidence will be safely preserved if you decide to report at a later time.
- It increases the likelihood of prosecution. Even if the perpetrator is not prosecuted, their DNA may be added to the national database, making it easier to connect the perpetrator to a future crime.
- Your health matters. Sexual assault can impact your physical health. You may have injuries and trauma related to the assaults that aren’t immediately visible. During an exam you may be able to access treatment for these injuries, receive preventative treatment for STIs, and obtain emergency contraception to prevent pregnancy.

SECTION 7 – WHERE TO GET HELP

The following resources are available to assist both complainants and respondents. These resources are also available to friends and family members who want to report sexual misconduct or research the resources available.

By law, both the complainant and the respondent are entitled to University resources. Both have the same opportunity to have others present during a disciplinary proceeding. Both the complainant and the respondent must be informed of the outcome of any NMU proceeding that is brought alleging sexual misconduct. Outcome is defined as the final determination with regard to the alleged sexual misconduct and any sanctions imposed.

ON-CAMPUS RESOURCES

NMU Police Department
(906) 227-2151
Emergency: 911
100 Services Building

When a report of a sexual assault is received, the NMU Police Department will immediately assign a specially trained officer to investigate the incident and work with the complainant...
through all stages of the investigation, prosecution and/or University student conduct system action. The officer will also inform the complainant of other support services available.

**Title IX Coordinator**  
Janet Koski  
(906) 227-2420  
158 Services Building  
Email: jakoski@nmu.edu

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in educational programs, which includes sexual harassment or any acts of sexual misconduct. Title IX requires the University, upon becoming aware of any incident of sexual harassment or misconduct to respond appropriately to protect and maintain the safety of the University community. The University community includes all students, faculty, and staff. The Title IX Coordinator helps provide a safe education and work environment for students and employees. The Title IX Coordinator also provides information about on- and off-campus resources, explains the University’s sexual misconduct policy, helps individuals navigate through the University process, and monitors the University’s climate with respect to sexual misconduct. Finally, the Title IX Coordinator is required by law to ensure that reports of sexual misconduct are investigated and addressed.

**Dean of Students Office**  
(906)-227-1700  
2001 Hedgcock

The Dean of Students Office will provide information to the complainant about options for pursuing a charge against the respondents who are students through the University’s student conduct system. The complainant will be able to express his/her preferences as to whether formal Student Code charges are pursued, how the charges are written and if the student conduct process continues. The Dean of Students Office will work with the NMU Police Department as appropriate while investigating the complaint. The University will inform the complainant about the options available to avoid contact with respondent and will assist with changing academic or living situations as appropriate and possible.

**Counseling and Consultation Services**  
(906) 227-2980  
3405 Hedgcock

Counseling and Consultation Services provide supportive counseling and consultation for individuals coping with the impact of sexual assault, stalking, and relationship violence. Seeking counseling can be a powerful step in breaking the isolation of relational assault. Counseling sessions are a safe, accepting and confidential place for complainants to work through any stage of the healing process. Counselors can also assist complainants with identifying on-campus and off-campus resources.

**University Health Center**  
(906)-227-2355  
Gries Hall-Ground Floor
The Health Center is a medical clinic available to all Northern Michigan students. An appointment is required, and communicating the need for urgency in the event of sexual misconduct will allow for the soonest possible appointment. The Student Health Center can provide a medical examination as well as STI and pregnancy testing.

**Housing and Residence Life**
(906)-227-2620
3502 Hedgcock

The apartment services coordinator, resident directors, resident advisers, and/or community advisers can provide immediate support and assistance to a student who reports sexual misconduct, as well as to other students who may be involved. Staff will inform the complainant of the services available from Counseling and Consultation Services, the NMU Police Department, the Health Center, the Marquette General Hospital Emergency Room, and the Dean of Student Office, and will help the complainant obtain those services that are desired. These staff members can also be helpful when the student returns to his/her residence.

**Health Promotions Office (HPO)**
(906) 227-1455
1201 University Center

The Health Promotion Office provides Northern Michigan University students with easy access to key information about a wide range of social, health-related issues to help in their ongoing decision-making processes.

**OFF-CAMPUS RESOURCES**

**Women’s Center**
Emergency Hotline 24/7
(906) 226-6611
(800) 455-6611
General Information
906-225-1346

The Women’s Center provides services regardless of gender or gender identity. Sexual assault program services include emergency intervention/response, individual and group counseling and follow-up support services for sexual assault complainants. Sexual Assault Response Team (SART) services to victims of rape are accessible by calling the Harbor House 24/7 crisis line at (906) 226-6611 or (800) 455-6611. Specialized sexual assault response program services are inclusive of individual and family counseling addressing the trauma of sexual violence, coping skills, sexual assault support group, legal support and advocacy throughout the investigative and judiciary process, information and referrals based on individual needs assessment.

**National Sexual Assault Hotline**
(www.rainn.org)
1-800-656-HOPE (24/7)
SECTION 8 - THE PROCESS THAT OCCURS WHEN THE UNIVERSITY RECEIVES A REPORT THAT A STUDENT HAS ENGAGED IN SEXUAL MISCONDUCT.

Note: If allegations of sexual misconduct involves an employee, including student employees, refer to Section 9.

This section describes the process the University will follow when the University receives a report that the student has engaged in sexual misconduct. The University is committed to providing opportunities for complaints to be reported in a safe manner, to assess and investigate complaints, and, when appropriate, to impose sanctions and/or remedies.

Note about terms: NMU has chosen to use the terms complainant and respondent throughout this document. These are different terms than the court system uses, which are alleged victim, defendant and alleged perpetrator; we do not use these terms because some victims of sexual assault have reported that being called the “alleged victim” made them feel like people did not believe them. We also do not always use the terms that professional counselor’s use, which are victim and survivor; counseling professionals tell us that these terms are very personal and that individuals who have been assaulted should have to power to choose for themselves whether to use these words to describe themselves. We recognize that complainant and respondent are not perfect terms either. However, they will be used to identify who has made a report of sexual misconduct (complainant), and who must respond to that complaint (respondent).

The University will use its best efforts to complete its investigation within 60 calendar days of the initiation of an investigation, although this timeline may be extended for good cause. Good cause may include, but is not limited to the complexity of each allegation, a request to coordinate or cooperate with law enforcement, the availability of witnesses, University breaks or vacations, or other legitimate reasons. In the event a time frame is extended, both the complainant and respondent will be notified of the extension and the reason for the extension.

Investigation Process:

1. An incident is reported to a CSA (Campus Security Authority) or RE (Responsible Employee).
2. The CSA Form is completed and sent to the NMU Police Department for statistical reporting. It is evaluated to determine if there is an ongoing threat to the University community and whether or not a timely warning is warranted. The statistics are reported in compliance with the Clery Act.

3. A report of the incident is sent to the Title IX Coordinator. The Title IX Coordinator will record the situation to look for patterns and educational opportunities for the NMU community. Information recorded includes but not limited to the following, if applicable: semester, date of incident, date reported, name of complainant, name of respondent, gender, race, student/faculty/staff, incident/nature of complaint, location, alcohol/drugs involved, minors, complaint reported to. Information about outcomes will be recorded if remedies are made or sanctions issued.

4. An email is sent to the complainant from the Associate Dean of Students or designee and/or the Title IX Coordinator. The email will inform the complainant of:
   - the opportunity to meet with the Associate Dean of Students or designee. (The complainant will not need to share details of the incident unless they choose to do so.)
   - internal resources available to the complainant
   - external resources available to complainant
   - assistance available, such as arrangements for a “no-contact” order, assistance with starting a criminal investigation or University investigation, assistance with free counseling services, classroom remedies, safety remedies, residential remedies, etc.
   - university response to retaliation
   - contact information for the Title IX Coordinator.

5. An initial investigation begins. The initial investigation will:
   - assess the nature and circumstances of the report
   - address immediate physical safety and emotional well-being concerns
   - notify the complainant of the right to contact or decline to contact law enforcement if the conduct is criminal in nature, and if requested, assist the complainant with notifying law enforcement
   - notify the complainant of the availability of medical treatment to address physical and mental health concerns
   - notify the complainant of the importance of preservation of evidence
   - inform the complainant of their rights
   - discuss the complainant’s expressed preference for manner of resolution and any barriers to proceeding
   - explain the University’s policy prohibiting retaliation
   - consider whether the facts indicate a pattern of similar conduct by the respondent

6. If the complaint does not wish to pursue a University investigation for possible sanctions against the respondent, then NMU will evaluate the incident to determine whether or not the University should move forward as the complainant based on any of the following: whether the
respondent is potentially a repeat offender, violence was involved, age of complainant, or an immediate or ongoing threat to the University community.

7. The Complainant will be informed the right to:

- have one adviser of their choosing attend meetings and interviews with them, which may include an attorney (at their own expense), colleague, or other person they identify; the adviser may not be a witness or a material party in the investigation; the adviser is limited to advising the complainant or respondent, and may not speak for the party they are advising; their role is to provide support and assistance
- be informed of the name of the respondent if the respondent is identified during the investigation
- receive a copy of the written description of the violation and any charges issued
- make a recommendation with regard to any disciplinary action taken, or sanction imposed, if any
- contact or decline to contact law enforcement. The complainant may request assistance in notifying law enforcement
- receive information about on- and off-campus resources, the range of interim remedies, and an explanation of the procedural options

8. The Respondent will be informed of the right to:

- have one adviser of their choosing attend meetings and interviews with them, which may include an attorney (at their own expense), colleague, or other person they identify; the adviser may not be a witness or a material party in the investigation; the adviser is limited to advising the complainant or respondent, and may not speak for the party they are advising; their role is to provide support and assistance
- receive a copy of the written description of the violation and any charges issued
- have an opportunity to respond to allegations made
- receive information about on- and off-campus resources, the range of interim remedies, and an explanation of the procedural options

9. If the complainant requests a University investigation and possible sanctions against the respondent, or if the University decides to move forward as the complainant, then the Associate Dean of Students or designee in concert with the Title IX Coordinator will determine if the conduct alleged would constitute a violation of this policy. The Associate Dean of Students or designee will conduct an examination or inquiry sufficient to lead to a determination of facts. If the conduct alleged would not constitute a violation of this policy, the Associate Dean of Students or designee will prepare a summary report to the SMRB for review and disposition, which may include referral for Student Code violations.

10. When the allegations appear to violate this policy, the Title IX Coordinator will assign appropriately trained investigator(s) to handle the case. The investigator(s) will:

- interview the complainant, the respondent and any other people mentioned as involved or potential witnesses to gather information. At no time will the complainant be required to face the respondent or respondent’s witnesses.
• conduct an inquiry or examination sufficient to lead to a determination of facts. When undisputed facts lead to the conclusion that the conduct alleged would not constitute a violation of this policy, the investigator(s) will prepare a summary report to the SMRB for review and disposition.

• determine if the allegations meet the definition of sexual assault, domestic violence, stalking or dating violence. If so, the investigator(s) will prepare an investigative report. The complainant and respondent will be given the opportunity to review a draft investigative report. The complainant and respondent may submit any additional comment or evidence to the investigator(s) within five (5) calendar days of the opportunity to review the relevant portions of the draft investigative report. Upon receipt of any additional information by the complainant or respondent, or after the five (5) day comment period has lapsed without comment, the investigator will submit the final report to the Sexual Misconduct Review Board (SMRB).

11. Once the report is finalized, it is submitted to the Sexual Misconduct Review Board. (SMRB: Title IX Coordinator or designee, The Assistant Vice President/Dean of Students or designee and the lead investigator assigned to the incident). The SMRB will determine a finding (responsible, not responsible, or insufficient information to make a finding) based on the Preponderance of the Evidence standard. The SMRB will impose a sanction, if applicable. If the determination is that the undisputed facts do not rise to a violation of this policy, the SMRB will either close the case or refer back to Title IX coordinator for further review. The SMRB may also refer the case to the Dean of Students office to consider other Student Code violations, or to other applicable University offices.

12. Once a decision has been made by the SMRB, the complainant and the respondent will be notified of the outcome and their right to appeal based on fact.

Appeal Process: Only appeals based on fact will be considered. Appeals based on fact consider only new information sufficient to alter a decision or other relevant facts not brought up in the initial investigation because the individual appealing did not know such information and/or facts at the time of the investigation. Information which was known to the individual appealing, but withheld, will not be considered on appeal.

1. Complainant or Respondent sends appeal. Appeals must be submitted to the Title IX Coordinator within seven (7) calendar days following the date the decision from the SMRB was sent via email to the NMU email accounts of the complainant and respondent.

2. The Provost for Academic Affairs or designee serves as the appeal officer and has five (5) calendar days from the date the appeal is submitted to the Provost for Academic Affairs or designee to render a decision.

3. If it is determined the new facts could have significantly altered the outcome, the case will be sent back to the Title IX Coordinator to assign further investigation.

4. If it is determined the new facts did not significantly alter the outcome, the appeal will be denied and the decision of the SMRB will be final.

SECTION 9 - THE PROCESS THAT OCCURS WHEN AN EMPLOYEE IS INVOLVED IN SEXUAL MISCONDUCT
This section describes the process the University will follow regarding employee, including student employee, allegations and reports of sexual misconduct, including sexual harassment and discrimination, and other forms of prohibited conduct as outlined in the Sexual Misconduct Policy. The University is committed to providing opportunities for concerns to be reported in a safe manner, to assess and investigate concerns, and, when necessary, to impose sanctions and/or remedies.

The University will use its best efforts to complete its investigation within 60 calendar days of the initiation of a formal investigation, although this timeline may be extended for good cause. Good cause may include, but is not limited to the complexity of each allegation, a request to coordinate or cooperate with law enforcement, the availability of witnesses, University breaks or vacations, or other legitimate reasons. In the event a time frame is extended, both the complainant and respondent will be notified of the extension and the reason for the extension.

Individuals involved in the investigation and appeal process will adequately document the testimony of the parties and witnesses, relevant investigation documents, all facts and evidence reviewed, the rationale for determinations, and interim and final remedies and sanctions imposed, if any. All documentation will be submitted to and maintained in the Equal Opportunity Office.

Investigation Process

1. Reporting Concerns:
   - Reports of sexual misconduct involving an employee shall be promptly reported to an immediate supervisor, the NMU Police Department, Equal Opportunity Officer/Title IX Coordinator or designee, or Responsible Employee or Campus Security Authority (CSA).
   - Reports or allegations regarding harassment or discrimination involving employment or employees shall be reported to the Equal Opportunity Officer/Title IX Coordinator or designee.

2. Clery Act Assessment: Coordinated through the NMU Police Department, the reported conduct will be assessed for any necessary action under the Clery Act, including inclusion in the daily crime log, annual security report, or issuance of a timely warning.

3. Initial Assessment: When a report is made, the Equal Opportunity Office will conduct an initial assessment. The Equal Opportunity Office will assess the facts and circumstances and consider the complainant’s expressed preference for manner of resolution. When possible, the University will seek action consistent with the complainant’s request.

4. Initial Investigation: The initial investigation will proceed when the Equal Opportunity Office has sufficient information to make a reasonable assessment of the safety of the individual and of the campus community, and determine the best course of action. The findings of an initial investigation may result in a mutually agreed upon resolution or a formal investigation. As part of the initial investigation, the Equal Opportunity Office will:
   - assess the nature and circumstances of the report
• address immediate physical safety and emotional well-being concerns
• notify the complainant of the right to contact or decline to contact law enforcement, if the conduct is criminal in nature, and if requested, assist the complainant with notifying law enforcement
• notify the complainant of the availability of medical treatment to address physical and mental health concerns and to preserve evidence
• notify the complainant of the importance of preservation of evidence
• provide the complainant and the respondent with information about on- and off-campus resources, the range of interim accommodations and remedies, and an explanation of the procedural options
• inform the complainant and respondent that each may have one adviser of their choosing attend meetings and interviews with them, which may include an attorney (at their own expense), colleague, or other person they identify (where appropriate, consistent with applicable collective bargaining agreement); the adviser may not be a witness or a material party in the investigation; the adviser is limited to advising the complainant or respondent, and may not speak for the party they are advising; their role is to:
  o provide support and assistance
  o consider whether the facts indicate a pattern of similar conduct by the respondent
  o discuss the complainant’s expressed preference for manner of resolution and any barriers to proceeding
  o explain the University’s policy prohibiting retaliation

5. Formal Investigation: The Equal Opportunity Office may initiate a formal investigation to determine if there has been a policy violation, and if so, whether sanctions are warranted. The Equal Opportunity Office has the discretion to consolidate multiple reports involving a respondent into one investigation and resolution if the evidence related to each incident would be relevant in reaching a determination on any other incident. During the formal investigation:

• an investigator(s) will be assigned to the complaint. Faculty and staff investigations will be typically completed by the Equal Opportunity Office, although the investigator(s) may be any appropriately designated employee of the University, or external investigator(s). The investigator(s) chosen to conduct the investigation must be impartial and free of any conflict of interest.
• both the complainant and the respondent will have the opportunity to provide evidence and names of witnesses to the investigator(s).
• the investigator(s) will update both the complainant and respondent regarding the status of the investigation at reasonable, regular intervals.

6. Investigation Report: At the conclusion of the formal investigation, the investigator(s) will prepare a draft investigative report that summarizes the complaint, gives details of the information gathered, identifies the potential policy violations, and includes supporting information or accounts. The complainant and respondent are given the opportunity to review a draft investigative report. The complainant and respondent may submit any additional comment or evidence to the investigators(s) within five (5) calendar days of the opportunity to review the relevant portions of the draft investigative report.
7. Summary of Findings and Notice of Final Determination: The investigator(s) provide(s) the final investigative summary of findings to both the complainant and respondent. The notification will be sent concurrently, using email if possible, or other reliable methods if email is not available, which serves as a method for documenting distribution.

8. Sanction Process when a violation has been found: The potential sanctions for an employee (faculty, staff, or student employee) are detailed in Section 10 of this Policy. They may include, but are not limited to, training, referral to counseling, no contact order, no trespass (in coordination with the NMU Police Department), loss of privileges, written warning, reprimand, withholding of a promotion, reassignment, temporary suspension without pay, or separation from the University. Student Employees may also be subject to discipline pursuant to the Student Code of Conduct. Sanctions for student employees will be coordinated between Human Resources and the Dean of Students Office. Sanctions for employees will be determined by Academic Affairs and/or Human Resources, with input from other offices as appropriate. In addition:

- Represented Employees: sanctions will be imposed in accordance with the applicable collective bargaining agreement and University policy and procedures.
- Unrepresented Employees: sanctions shall be determined in accordance with University policies and procedures, individual contracts, and/or appointment letters.

Appeals Process for Employee Sexual Misconduct Reports/Allegations: The complainant or respondent may submit written notice of appeal based on fact to the Vice President for Finance and Administration or designee within seven (7) calendar days of receiving the summary of findings and notice of determination. Appeals based on fact are to consider new information, sufficient to alter a decision or other relevant facts not brought up in the initial investigation, because the person appealing did not know such information and/or facts at the time of the investigation. Information which was known to the person appealing, but withheld, will not be considered on appeal.

1. Appeal submitted: The complainant or respondent submits an appeal to the VP for Finance and Administration.
2. Receipt of Appeal: The receipt of the appeal will be acknowledged by the Finance and Administration Office in writing, which may be by email.
3. Notification: Parties will be notified in writing of the filing and status of appeals by the Vice President for Finance and Administration or designee.
4. Appeal Review Committee: After receiving the appeal request, the Vice President for Finance and Administration or designee will convene an Appeal Review Committee of one (1) or three (3) people. The chairperson of the committee will be determined by the Vice President. This Committee shall be empowered to review the case file, and interview witnesses, including the parties, if the Committee deems necessary, within twenty-one (21) calendar days from the convening of the Appeal Review Committee. The Equal Opportunity Office will provide assistance to the Vice President for Finance and Administration and the Appeal Review Committee upon request. The appealing party or parties may be asked to submit additional information supporting the basis for the appeal, if not previously submitted. Any additional material requested must be
submitted within five (5) calendar days upon request. Failure to respond will result in the information not being considered for review during the appeal review.

5. No later than seven (7) calendar days after completion of the appeal, the chairperson of the Appeal Review Committee will issue a determination to the Vice President for Finance and Administration or designee.

6. If the Appeal Review Committee determines a violation, it shall submit a written report supporting these findings, along with the recommendation for further action, to the Vice President for Finance and Administration or designee.

7. If the Appeal Review Committee finds that a policy was not violated, it shall recommend to the Vice President for Finance and Administration or designee that the case be dismissed.

8. The Vice President for Finance and Administration or designee will review the recommendation of the Appeal Review Committee and make a determination. The decision of the Vice President for Finance and Administration or designee shall be final and shall become part of the record.

SEXUAL MISCONDUCT BY THIRD PARTIES

University students participate in NMU academic programs (examples: student teaching, internships, clinical lab practicums, conferences, student trips, etc.) with or under the supervision of persons who are not University faculty or staff. If a student believes that she or he has been subject to sexual misconduct in a University academic program by an individual who is not a University employee or student, the student should report the alleged sexual misconduct to the faculty member, department head or dean responsible for that academic program or to the Equal Opportunity Office.

When performing their jobs, University faculty and staff interact with contractors, suppliers, or customers who are not University faculty, staff or students. If a University employee (including a student employee) believes that he or she has been sexually harassed within the scope of his or her employment activities by an individual who is not a University employee or student, the University employee should report the alleged sexual misconduct to his or her supervisor or to the Equal Opportunity Office or to Human Resources.

Individuals who are not students or faculty and staff of the University are not subject to discipline under the University’s internal processes. Nonetheless, if the University determines that a third party has perpetrated sexual misconduct within the scope of her or his employment, the University will take corrective action, which may include terminating a contract or pursuing criminal charges.

SECTION 10 - WHAT HAPPENS WHEN AN INDIVIDUAL IS FOUND RESPONSIBLE FOR SEXUAL MISCONDUCT BY THE UNIVERSITY

The action that the University takes when an individual is found responsible for sexual misconduct is called a sanction. Sanctions are different for employees and students:

Sanction Process for Faculty and Staff as Respondents
For represented employees, sanctions will be imposed in accordance with the applicable collective bargaining agreement. For unrepresented employees, sanctions shall be determined in accordance with Human Resources’ policies and procedures, individual contracts, and/or appointment letters. All rights afforded to the respondents in a collective bargaining agreement, Human Resources policy or procedure, individual contract or appointment letter will be afforded to the complainant as well.

The potential sanctions for an employee include training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination.

Sanction Process for Student Respondents

Sanctions may be imposed upon any student found to be responsible for violation of the Student Code. Sanctions may be used independently or in combination depending on the particular circumstance of the violation. Severe and/or multiple violations will increase the severity of sanctions applied. Continued violations of the Student Code will result in more severe disciplinary sanctions.

No sanction shall become effective until it is imposed by the Sexual Misconduct Review Board. Sanctions shall be ordered into execution 48 hours after the student has received written notice of the decision of the SMRB or immediately after action by the appeal officer designated to consider an appeal. Written notice is considered received once delivered in person, by mail, or NMU email.

Types of Sanctions include:

- **Warning Probation**: A sanction imposed for a specified period of time. Further violations of the Student Code will result in more severe disciplinary sanctions.
- **Disciplinary Probation**: A sanction imposed for a specific period of time. Further violations of the Student Code may result in suspension or expulsion.
- **Special Conditions**: Financial restitution, service to the University, service to the community, attendance at educational seminars, classes, or workshops, written assignments, or other activities deemed appropriate. Some seminars, classes, and workshops may require a registration fee to be paid by the student.
- **Parental/Guardian Notification for Alcohol and/or Other Drugs**: Parental or guardian notification for serious first offenses, second offenses and any subsequent offenses for students under 21 years of age.
- **Loss of Privileges**: Denial of specified privileges for a designated period of time. Privileges that can be denied include, but are not limited to, contact with another person, campus registration of a vehicle, on-campus employment, access to a building or portion of a building, access to a program, access to the University network, participation in extracurricular activities, and any other privilege deemed appropriate.
- **Suspension**: A decision of suspension terminates the student’s status as an enrolled student for a specific period of time and prohibits the student from attending classes. A suspended student may not enter onto any part of the campus without specific authorization from the Director of the NMU Police Department or designee and the Dean of Students or designee. Students who reside on campus must remove their belongings from their place of residence within 48 hours of notice of suspension.
The terms of suspension may also include other conditions which may apply following the student’s reinstatement. At the discretion of the conduct board or conduct administrator who hears the case, the suspension may be held in abeyance. A violation of the terms of suspension or suspension in abeyance may result in an extension of the period of suspension, which may be imposed by the Dean of Students or designee.

- **Temporary Suspension**: In certain circumstances, the Dean of Students or designee may impose a temporary suspension until the student conduct process is completed. Temporary suspension may be imposed only to promote the safety and well-being of members of the University community or preservation of property; to ensure the student’s own physical or emotional safety and well-being; or if the accused student poses an ongoing threat of disruption of, or interference with, the normal operations of the University. During the temporary suspension, a student shall be denied access to University housing, to the campus (including classes), and/or all other university activities or privileges for which the student might otherwise be eligible, as the Dean of Students or designee may determine appropriate. The temporary suspension does not replace the regular student conduct process, up to and through a conduct board hearing, if required.

- **Expulsion**: A decision of expulsion permanently terminates the student’s status as an enrolled student. An expelled student may not enter onto any part of the campus without specific authorization from the Director of the NMU Police Department or designee and the Dean of Students or designee. Students who reside on campus must remove their belongings from their place of residence within 48 hours of notice of expulsion.

**SECTION 11 - HOW IS THIS RELATED TO THE MICHIGAN CRIMINAL COURT SYSTEM?**

When a respondent is found to be responsible for sexual misconduct, NMU can impose sanctions on those found responsible. However, the University process is separate from the criminal court process.

Northern Michigan University students, faculty, staff and visitors have the right and opportunity to report sexual misconduct to law enforcement authorities. Campus police can assist in investigations and in notifying off-campus authorities.

Note about terms: In this section, the terms *complainant* and *respondent* are replaced with the terms than the court system uses, which include *alleged victim, victim, defendant, alleged perpetrator, and convicted criminal*.

When sexual misconduct is reported to an officer in the NMU Police Department or to a municipal agency, such as the City of Marquette Police Department, this is the general process that will occur:

1. A formal report is filed and a specially-trained detective or officer is assigned to investigate the case.
2. After the investigation, the officer will forward the report to the prosecuting attorney. This attorney may want to interview the alleged victim.

3. At any point in this process, the alleged victim can request a “no contact condition” to keep the defendant from making physical or electronic contact.

4. The prosecutor will decide whether or not to prosecute. If the prosecutor decides to prosecute, an arrest warrant will be issued to the defendant (alleged perpetrator).

5. The defendant will appear in court to plead guilty, not guilty, or no contest. The judge will set bond and determine whether the alleged perpetrator will have to stay in jail until the trial.

6. The judge hears the preliminary exam. In the preliminary exam, the prosecutor tries to prove that a crime took place. In Michigan, the prosecutor must give evidence that there is reasonable support to go forward with the case. The alleged victim is required to identify the alleged perpetrator and answer questions. After this, the case can either be sent to court or dismissed. In some cases, this preliminary exam will be waived and the case will be sent directly to court.

7. The charges will be read in circuit court. Again, the defendant has to plead guilty, not guilty, or no contest. If the defendant pleads not guilty, the case goes to trial. If the defendant pleads no contest or guilty, a sentencing date is set.

8. Before the trial, the judge can listen to motions to determine what evidence will be admitted. At this point, both parties may discuss a plea bargain.

9. When a case goes to trial, the prosecutor will use a “reasonable doubt” standard of evidence. This is different than the University standard of evidence. While the University only has to show that misconduct was more likely than not (often said to be 50% plus one feather) the US court system requires that the evidence must eliminate any reasonable doubt. The alleged victim can be present during the trial unless he or she will testify as a witness. The defendant has the right to stay in the courtroom throughout the entire trial. The trial could take several days to complete. If the defendant is convicted, a sentencing date will be set.

10. If the defendant is convicted or pleads guilty or no contest, the probation department will make a sentencing recommendation to the judge. The judge will consider victim impact statements when sentencing. The victim impact statement is the chance to tell about the harm suffered. [MCL 780.823]. Victims can have someone else make the statement for them. [MCL 780.825].

11. The defendant can appeal the decision. The victim can be asked to be notified about any appeals or when the convicted criminal is released.

SECTION 12 - THE UNIVERSITY’S EDUCATION, TRAINING, AND PREVENTION PROGRAMS:

Northern Michigan University places a high priority on maintaining a safe and secure campus for all students, faculty, staff, and visitors. Members of the University community learn about campus security procedures and the prevention of crime through mandatory and optional training modules as well as programs presented across the University.

New employees and students are taught basic prevention and awareness information during orientation. NMU also uses internal and external resources, such as LawRoom and Campus Clarity to educate students and employees about harassment, sexual misconduct, safe and positive options for bystander intervention, as well as alcohol and drug awareness.
In addition, University offices, such as the NMU Police Department, the Health Promotion Office, Athletics, and Housing and Residence Life, coordinate to offer annual programming to addresses important topics such as sexual misconduct, domestic violence, bystander intervention and substance abuse awareness education.

NMU also offers the Rape Aggression Defense (RAD) system of self-defense tactics and techniques. The RAD System is a comprehensive course for women that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training.

In addition, NMU follows federal requirements for training of sexual misconduct investigators. All investigators are required to receive trauma informed sexual assault training and to recertify annually.

SECTION 13: GLOSSARY OF TERMS

Campus Security Authority
Any University official who has significant responsibility for student and campus activities. Under the Clery Act, this term is defined as four specific groups of individuals or organizations associated with the University:

- **The NMU Police Department.** All campus police and security departments are campus security authorities.
- **Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).** This includes individuals who provide security at a campus parking kiosk, monitor access into a campus facility, or who act as event security or escort students around campus after dark.
- **Any individual or organization specified in NMU’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.** For sexual misconduct, this includes the full list of people defined as “Responsible Employees.”
- **An official of NMU who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.**

Coerced
Physically or psychologically pressured, forced or intimidated.

Complainant
An individual who reports a policy violation, including a violation of this Sexual Misconduct policy.
Consent
An affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. Participants must act freely and voluntarily. The following are essential elements of consent:

- Informed and reciprocal: All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting.
- Freely and actively given: Consent cannot be obtained through the use of force, coercion, threats, or intimidation, or by taking advantage of the incapacitation of another individual.
- Mutually understandable: Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in sexual activity. In the absence of clear communication or overt demonstration, there is no consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion about whether consent was sought or given.
- Not indefinite: Consent may be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed “no” or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.
- Not unlimited: Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one individual constitute consent to activity with any other individual. Each participant in a sexual encounter must consent to each form of sexual contact with each participant. Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

Consensual Relationship Policy
Northern Michigan University has a Consensual Relationship Policy which defines Consensual Relationship as any dating, romantic, sexual, or marriage relationship. In that policy, NMU requires that “University employees (faculty, staff, and student supervisors) who are in a position of authority in such matters as supervising, evaluating, teaching a course and/or advising a student as part of a school program shall not engage in a Consensual Relationship with a student or subordinate. Should a Consensual Relationship develop while the University employee is in a position of authority, the supervisory authority must be transferred to another appropriate individual.

See the Policy at: http://www.nmu.edu/policies
Domestic Violence, also called Intimate Partner Violence, Dating Violence, and Domestic Partner Violence includes any act of violence or threatened act of violence against an individual who is or has been involved in a sexual, dating, domestic or other intimate relationship with the respondent. Intimate partner violence may involve one act or an ongoing pattern of behavior. It may take the form of threats, assault, violence, or threat of violence to family members or friends of the intimate partner. In Michigan, the term domestic is defined at MCL 764.15a and includes the spouse or former spouse of a victim, a person who resides or has resided in the same household as the victim, has a common child with the victim, or has had a dating relationship with the victim.

Incapacitated/Intoxicated/Under the Influence
Incapacitation is defined as the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Incapacitation can occur as a consequence of alcohol or other drug use or because of a psychological condition. Intoxicated and “under the influence” are defined as the state where a normal person’s capacity to reason or act with ordinary care are impaired by alcohol or other drugs. Being intoxicated, impaired, or under the influence is never an excuse for sexual misconduct and does not diminish one’s responsibility to obtain consent. Sexual participants should possess the ability to consciously consent. Evaluating incapacitation requires an assessment of whether a respondent knew or should have known that the complainant was incapacitated. Providing or making available alcohol or other drugs may increase one’s personal responsibility for obtaining consent because the provider has reason to know that the recipient may be incapacitated.

Interim Measures
Once notified of sexual misconduct, the University may provide interim measures. These may include requiring the respondent to change residence halls, imposition of a University no-contact order, change in class schedule, processing a request for an “incomplete;” transfer of class section; change in work schedule or job assignment; providing academic support services such as tutoring; interim suspension; or other measures that can be tailored to the involved individuals. See also Protective Measures

Intimate Partner Violence
See Domestic Violence.

Investigator
At NMU, sexual misconduct investigators are required to complete certified training that includes the nature of sexual and gender violence, the neurobiology of trauma, conducting trauma-informed investigations and adjudications, as well as University obligations for reporting and compliance. Annual recertification is required.

No Contact Order
A campus no-contact order is different from a court-issued personal protection order in that it applies only to University members. It is issued by the University and requires that an individual have no contact with a particular individual or individuals. No contact orders are placed at the
request of the complainant. NMU can also assist a complainant in obtaining a court-issued personal protection order.

Official / University Official
An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the University.

Protective Measures
NMU can issue a no contact directive preventing a respondent from directly or indirectly contacting or interacting with the complainant. Campus security or police can enforce this directive. NMU can provide information on how to obtain a court-issued personal protection order as well if a complainant chooses to pursue that option. In addition, NMU can assist students, faculty, and staff who want to make a report to a law enforcement agency. See also Interim Measures

Respondent
A member of the University community who is accused of one or more policy violations.

Responsible Employee
Many University employees have reporting obligations under Title IX. Those employees are designated as Responsible Employees. Under Title IX, the University is required to take immediate and corrective action if a Responsible Employee knew or, in the exercise of reasonable care, should have known about sexual or gender-based harassment or violence prohibited under Title IX. A Responsible Employee includes any employee who:

- Has the authority to take action to redress sexual or gender-based harassment or violence
- Has the duty to report to appropriate school officials sexual or gender-based harassment or violence or any other misconduct covered by this policy;
- An individual who could reasonably be thought to have the authority or responsibility to take action.

The University requires that all Responsible Employees immediately report allegations of violation of this policy to the Title IX Coordinator or designee. This connects a complainant to information and resources and enables the University to take appropriate action to eliminate, prevent and address any hostile environment that may exist. The following officials have been designated as Responsible Employees for complaint reporting purposes:

- The Title IX Coordinator and any Deputy Coordinator
- NMU Police Department Officers and employees
- President, Vice Presidents, Associate Vice Presidents, Assistant Vice Presidents, and Directors
- Administrative and Academic Department Heads
- Housing and Residence Life Staff, including Resident Advisers
- Student Affairs staff
- Human Resources staff
- Deans, Associate Deans, and Assistant Deans
- Athletic Coaches, Assistant Coaches, Trainers, Directors, Assistant Directors, Advisers, Associate Directors, and Managers
- Academic Advisers
- Faculty, Contingent Faculty, Part-time Instructors, Adjunct Instructors, Teaching Assistants, Research Assistants, Graduate Assistants, and Graduate Service Assistants.
- Other administrators with supervisory responsibilities
- Individuals designated as Campus Security Authorities

Responsible Employees will safeguard an individual’s privacy and only share information with a small circle of individuals who are directly involved in the resolution of a report under this policy. Responsible Employees are required by the University to immediately report all known details of the incident (date, time, and location), the names of the parties involved, and a brief description of the incident to the Title IX Coordinator or designee in person, by telephone or by email.

Sanctions
Sanctions are the repercussions for being found responsible for policy violations, including sexual misconduct. When the respondent is a faculty or staff member, sanctions are applied according to the collective bargaining agreement or the employee handbook. When the respondent is a student, sanctions can include warning probation, disciplinary probation, special conditions, parent/guardian notification, loss of privilege, temporary suspension, suspension, or expulsion. For students employed at the time of the incident, the outcome may involve additional sanctioning related to continued employment. In addition, members of sports teams may have additional sanctions related to their team code of conduct.

SANE
A Sexual Assault Nurse Examiner (SANE) is a Registered Nurse who has received special training so that s/he can provide comprehensive care to sexual assault victims. In addition s/he is able to conduct a forensic exam and may provide expert testimony if a case goes to trial. SANE nurses are available at local hospital emergency rooms.

SART
The Sexual Assault Response Team (SART) is a community-based team that coordinates the response to victims of sexual assault. The team may be comprised of SANE’s, hospital personnel, sexual assault victim advocates, law enforcement, prosecutors, judges, and any other professionals with a specific interest in assisting victims of sexual assault. The Marquette Women’s Center offers SART services to victims of rape and incest, regardless of gender or gender identity by calling the Harbor House 24/7 crisis line at 906-226-6611.

Sex Discrimination
Sex discrimination is the treatment of someone unfavorably or less favorably because of that person’s sex. Discrimination against an individual because of gender identity, including transgender status, or because of sexual orientation is a violation of Title VII.
Sexual Assault
Sexual assault is sexual contact without consent. More specifically, “sexual assault” for purposes of this policy means any of the forms of criminal sexual conduct described in Sections 520b through 520g of the Michigan Penal Code (MCL 750.520b - .520g) involving a University student as the complainant and/or respondent. Sexual assault consists of sexual intercourse without consent, forcible sodomy or sexual penetration with an inanimate object, the intentional touching of an unwilling individual’s intimate parts (defined as genitalia, groin, pelvic region, inner thigh, breast or buttocks, or clothing covering them), or forcing an unwilling individual to touch another’s intimate parts. These acts must be committed either by force, threat, intimidation, or by taking advantage of someone’s helplessness or inability to consent of which the alleged perpetrator was aware or should have been aware. Regardless of the relationship that exists between the parties, if consent is not given or force or coercion is used against a party, any sexual contact is within the definitions of criminal sexual contact and sexual assault.

Sexual Misconduct
A term that collectively identifies any of the following acts of unwanted or unwelcome conduct of a sexual nature that occurs without consent: sexual assault, sexual harassment, stalking, dating violence, voyeurism, sex discrimination, domestic violence, and any other conduct of a sexual nature that is non-consensual.

Sexual Harassment
Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or visual communication or physical conduct of a sexual nature when:

1. Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing.
2. Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or public services, education, or housing.
3. Such conduct or communication has the purpose or effect of unreasonably interfering with an individual's employment, public accommodations or public services, education, or housing; or creating an intimidating or hostile environment in employment, public accommodations, public services, education, or housing.

There are two main types of sexual harassment: quid pro quo harassment and hostile environment. Quid pro quo means "this for that." This occurs when a promotion, employment benefit, or education benefit is directly tied to an unwelcome sexual advance. Hostile environment sexual harassment occurs when verbal, non-verbal and/or physical conduct is:

- sexual and/or based on sex, gender, gender identity or sexual orientation (actual or perceived),
- unwelcome, and
- sufficiently severe and pervasive to interfere with a person's work/learning/program performance or to create a hostile, intimidating or offensive environment.
Examples of Sexual Harassment
All members of the University community are expected to be familiar with the following list. Examples of behaviors which may constitute sexual harassment or inappropriate conduct include but are not limited to:

- Deliberate touching which does not contribute to or advance the work, service, or education activity being conducted.
- Repeated brushing against or touching of another’s body, which does not contribute to or advance the work, service, or education activity being conducted.
- Pressure or demands for a date or for sexual activity with a subordinate by an individual in authority.
- Repeated requests for a date or for sexual activity which are declined.
- Pictorial or actual displays of obscenity which do not contribute to or advance the work, service, or education activity being conducted.
- Written/electronic, verbal, pictorial (screen saver/wallpaper), or nonverbal communications of a sexual nature which do not contribute to or advance the work, service, or education activity being conducted.

Stalking
Stalking is a course of physical or verbal conduct directed at another individual in a manner that could be reasonably regarded as likely to alarm, harass, or cause fear of harm or injury to that individual or a third party. It includes the persistent imposition of unwanted contacts with another person. A course of conduct consists of at least two acts. The fear of harm or injury may be physical, emotional, or psychological or related to the personal safety, property, education, or employment of that individual. Stalking may include cyber-stalking, a particular form of stalking where electronic media or electronic devices are used to track or contact individuals.

Support Person
Both the complainant and the respondent are entitled to be accompanied by a support person in any meetings during the investigation or conduct hearing. A support person must be a member of the faculty, staff, or student body of the University. A support person may not be a licensed or a practicing attorney.

During a conduct hearing, a support person may not speak on behalf of the complainant unless otherwise directed to do so by the chair. The support person must be someone who is not identified as a witness who will provide testimony in the case. If more than one student is charged in connection with the same situation or occurrence, then a support person for one such student cannot be another student who is charged. In addition, anyone acting as a witness in a case may not act as a support person for another in the same case.

Attorney presence: When a student is accused of violating the Student Code, and criminal charges are pending against the student, an attorney may be present at the student’s expense. In cases involving dating violence, domestic violence, sexual assault, sexual harassment, and stalking an attorney may be present regardless of whether criminal charges are pending. In such cases, the role of the attorney is limited and passive. He/she cannot actively participate in the hearing or ask questions. His/her role is to advise the student regarding self-incrimination and
to observe the proceedings. All communication regarding the student conduct process will be directed to the student.

**Title IX**
Title IX of the Education Amendments of 1972 ("Title IX") prohibits discrimination based on sex in any educational programs, which includes sexual harassment or any acts of sexual misconduct. Title IX requires the University, upon becoming aware of any incident of sexual harassment and misconduct to respond appropriately to protect and maintain the safety of the University community, including students, faculty and staff.

The Title IX Coordinator helps provide a safe educational and work environment for students and employees. The Title IX Coordinator provides information about available on- and off-campus resources, explains the University's sexual misconduct policy, helps individuals navigate through the University's process, and monitors the University's climate with respect to sexual misconduct.

**Title IX Coordinator**
Janet Koski
Director of Diversity, Equity and Inclusion - Equal Opportunity Officer and Title IX Coordinator
158 Services Building
Phone: (906) 227-2420 or Email: jakoski@nmu.edu

**Unwelcome Behavior**
Sexual misconduct and sexual harassment as defined shall be presumed unwelcome without the complainant communicating that the behavior is unwelcome.

In addition, when a complainant has communicated, verbally or in writing, that a behavior of a sexual nature is unwelcome, any repetition of that behavior or similar behavior will be considered unwelcome and is considered sexual harassment. No additional communication should be necessary for one to understand that his/her behavior is unwelcome.

If a student or employee or visitor to campus is not comfortable directly communicating with the individual whose behavior is unwelcome, guidance or consultation is available through the Dean of Students office or Equal Opportunity Office.

**Voyeurism** is the practice of obtaining sexual gratification by looking at sexual objects or acts, especially secretively. In Michigan, voyeurism includes using devices for observing, recording, photographing or eavesdropping in private places. See MCL 750.539d

*Northern Michigan University acknowledges and thanks Western Michigan University for their contributions to this policy.*
Purpose

Establish a policy on the investigation of Missing Persons.

Applicability

All University employees, full time, part time, temporary, casual labor, students and visitors.

Description

It is the policy of Northern Michigan University to actively investigate any report of a missing person(s) as defined below. There is no waiting period before the commencement of an investigation and procedures will be governed by federal, state and local laws.

A missing person is defined as a “person affiliated with the University being a student, faculty or staff member” or any other person last seen on the property of Northern Michigan University and reported as missing - or - a person affiliated with the University but not on campus at the time they were reported missing.

A report of missing person may be made to the NMU Police Department.

For students:
1) The housing application for each student living in on-campus housing will include the option to identify a contact person or persons whom NMU shall notify within 24 hours of the determination that a student is missing.
2) The Dean of Students Office will determine when further contact will be initiated. However, if the student is under 18 years of age and not emancipated, the student’s custodial parent or guardian will be notified immediately. In all cases the contact person and will be notified within 24 hours.
3) Regardless of whether a contact person has been identified, local law enforcement will be notified within 24 hours unless local law enforcement agency was the entity that made the determination that the student was missing.
04.00 Dangerous Materials

Date approved: 8-3-2001
Last update: 8-3-2001
Approved by: Board of Trustees
Oversight unit: THE NMU POLICE DEPARTMENT
Level: Ordinance

Purpose

The Northern Michigan University Board of Control has determined that ordinances for the protection, benefit, government and control of persons and property within the boundaries of lands under the jurisdiction of the Board of Control are essential to secure the successful operation of the University, maintain good order, promote the designed objectives of the University, and obviate unnecessary and improper interferences with University activities and the lawful activities of those coming upon such lands. The Board of Control, therefore, adopts the following ordinances.

Applicability

Faculty, Staff, Students and Community

Description

No person shall, at any place on the campus, possess, mix, or experiment with any chemical or explosive material, which may be injurious to the lives and safety of any person or property.
08.00 Fire

Date approved: 8-3-2001
Last update: 8-3-2001
Approved by: President
Oversight unit: THE NMU POLICE DEPARTMENT
Level: Ordinance

Purpose

The Northern Michigan University Board of Control has determined that ordinances for the protection, benefit, government and control of persons and property within the boundaries of lands under the jurisdiction of the Board of Control are essential to secure the successful operation of the University, maintain good order, promote the designed objectives of the University, and obviate unnecessary and improper interferences with University activities and the lawful activities of those coming upon such lands. The Board of Control, therefore, adopts the following ordinances.

Applicability

Faculty, Staff, Students and Community

Description

It shall be unlawful for any person to set a fire or create an open flame at any place on any lands or in any buildings on the campus except in fireplaces, stoves, and grills designated for that purpose, unless otherwise approved by the University Fire Marshal or Director of the NMU Police Department.
09.00 Building Evacuation

Date approved: 8-3-2001

Last update: 8-3-2001

Approved by: Board of Trustees

Oversight unit: THE NMU POLICE DEPARTMENT

Level: Ordinance

Purpose

The Northern Michigan University Board of Control has determined that ordinances for the protection, benefit, government and control of persons and property within the boundaries of lands under the jurisdiction of the Board of Control are essential to secure the successful operation of the University, maintain good order, promote the designed objectives of the University, and obviate unnecessary and improper interferences with University activities and the lawful activities of those coming upon such lands. The Board of Control, therefore, adopts the following ordinances.

Applicability

Faculty, Staff, Students and Community

Description

No person shall knowingly disregard a fire alarm signal or refuse to evacuate a building or a section of a building where a fire alarm is sounding.
10.00 Fireworks

Date approved: 8-3-2001

Last update: 8-3-2001

Approved by: Board of Trustees

Oversight unit: THE NMU POLICE DEPARTMENT

Level: Ordinance

Purpose

The Northern Michigan University Board of Control has determined that ordinances for the protection, benefit, government and control of persons and property within the boundaries of lands under the jurisdiction of the Board of Control are essential to secure the successful operation of the University, maintain good order, promote the designed objectives of the University, and obviate unnecessary and improper interferences with University activities and the lawful activities of those coming upon such lands. The Board of Control, therefore, adopts the following ordinances.

Applicability

Faculty, Staff, Students and Community

Description

No person may possess any firecrackers or fireworks in any building and may not explode or cause to explode firecracker or other fireworks on property owned or controlled by the University.
22.00 Weapons And Explosives

Date approved: 8-3-2001

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Applicability

Faculty, Staff, Students and Community

Description

22.01 "Weapon" as used herein shall mean and include any rifle, shotgun, handgun, or other lethal or dangerous device which is capable of casting a projectile by explosion, air, gas, or mechanical means, irrespective of whether such rifle, shotgun, handgun, or other device is loaded or otherwise ready for use.

22.02 "Explosive Device" as used herein shall mean and include any chemical element or any mixture or compound of any materials which is intended or commonly used for the purpose of producing explosion and which is contained or packaged in such proportions or quantities that an ignition by fire, friction, concussion, percussion, or detonation may cause an explosion injurious to persons or property.
22.03 No persons, except those persons specified in sub-section .04 hereof, shall use, carry, transport, store or possess (whether on their person or subject to their control) any Weapon or any explosive device at any place on the campus of Northern Michigan University.

22.04 Sub-section .03 of this Ordinance shall not apply to:

a. Any certified law enforcement officer who has been duly appointed by the government of the United States, the State of Michigan, or any county, municipality, or other political subdivision of the State of Michigan.

b. Any person who is a member of a group or class of persons specifically exempted by the Board of Control of Northern Michigan University or their designee.

c. Any person who is affiliated with Northern Michigan University and who is transporting any weapon directly to or from the NMU Police Department to or from an off campus site.