



**NORTHERN MICHIGAN
UNIVERSITY**

2024 Annual Security and Fire Safety Report

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906-227-2151

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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 on our [Annual Campus Security Report](https://www.nmu.edu/policies) page, 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 Annual Security Report and Fire Safety Report are available at www.nmu.edu/policies.

PREPARATION OF THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS

The University Police Department works with various Northern Michigan University (NMU) departments and local law enforcement agencies to prepare and publish the annual security report to inform the NMU community about campus security policies, initiatives to prevent and respond to crime and emergencies, and the occurrence of crime on campus. This report complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and uses information maintained by the University Police, as well as information provided by other University offices such as the Dean of Students, Residence Life, Prohibited Conduct Office, Relationship Violence, Sexual Misconduct and Stalking/Title IX, and information provided by Campus Security Authorities, and local law enforcement agencies. Each of these entities provides updated policy information and/or crime data. This report provides statistics for the previous three years concerning reported crimes that occurred on Clery reportable locations. This report also includes institutional policies

concerning campus security, such as policies regarding sexual assault, alcohol, and other drugs. For more information on Clery geography and institutional safety, visit <https://nmu.edu/policedepartment>. By the deadline imposed by the U.S. Department of Education, the University distributes a notice of the availability of this Annual Security Report/Annual Security and Fire Safety Report to every member of the University community. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting University Police Department at 906-227-2151 or by visiting <https://nmu.edu/policedepartment/annual-campus-security-report>.

ABOUT UNIVERSITY POLICE DEPARTMENT

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 at 100 Services Building, 2073 Sugarloaf Ave.

Non-Emergency: 906-227-2151

Emergency: 911

History, Training and Authority

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 attended 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.

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.

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.

REPORTING CRIMES AND OTHER EMERGENCIES

Community members, students, guests, employees, and visitors to campus are encouraged to report all crimes, emergencies, and related issues 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 100 Services Building, 2073 Sugarloaf Ave.

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 and the Prosecutor's 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.

There are video screens throughout University buildings with information on how to report an incident on campus and the related telephone numbers. The information is also provided to students during their freshmen, transfer students, and commuter students orientations.

Relationship with Other Police Agencies

Northern Michigan University's Police Department works closely with several agencies, including the Marquette City Police Department, Marquette County Sheriff's Office, Chocolay Township Police Department, and the Michigan State Police. The NMU Police Department relies on these 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.

The NMU Police Department currently has a formal mutual aid agreement in place with the Marquette County Law Enforcement Agencies.

A Clery training is conducted by the NMU Clery Officer for a designated administrator from the Michigan State Police, Marquette City Police Department, and Marquette County Sheriff's Office. These departments have jurisdiction on and around the campus geographical area. Additional Clery training is provided to the Marquette City Police Department support staff. These are one-time trainings with and are given when there is a change in administrative staff at the aforementioned agencies.

NMU Police Department sworn officers are also trained to report any Clery crimes, daily crime log crimes, or crimes that may require an emergency notification.

Contact Information for Local Law Enforcement Agencies

Depending on the location of the incident, it may fall under the jurisdiction of one of these local agencies. The NMU Police Department can facilitate these contacts and assist with the reporting process.

Central Dispatch – 911 Emergencies

NMU Police Department – 100 Services Building, 2073 Sugarloaf Ave., Marquette, MI, 906-227-2151

Michigan State Police Negaunee Post – 180 US Highway 41 East, Negaunee, MI, 906-475-9922

Marquette City Police Department – 300 W. Baraga Ave., Marquette, MI, 906-228-0400

Marquette County Sheriff's Office – 236 W. Baraga Ave., Marquette, MI, 906-228-8435

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 individual 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. [Relationship Violence, Sexual Misconduct, and Stalking 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.

Anonymous Crime Reporting

The information submitted is anonymous, however, if the reporter would like to be contacted, they can complete the Contact Information section at the end of the form. If this it is an emergency they are directed to call 911 or NMU Police Dispatch at 906-227-2151. The page contains the following information concerning the monitoring of the site: **“The online tip form below is not monitored 24 hours a day, 7 days a week. It may only be seen during weekday during business hours.”**

This page can be found at [Anonymous Crime Tips](#)

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.

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.

All positions identified as a CSA will be required to view a CSA training video through the University Vector Solutions online training system. The NMU President introduces the video with a segment on the importance of being identified as a CSA and provides several key points to watch for during the training. Slides showing the University Clery geography map, location of the CSA Report Form, contact telephone numbers to report incidents, and the Title IX Report Form location are also included.

Those identified as having significantly more role in a student's life and campus activities also receive in-person training from the NMU Police Department Clery Officer or a qualified representative. Examples of these positions/departments include Athletics, Title IX, NMU Police, Dean of Students, and Housing and Residence Life.

Dean of Students

The NMU Dean of Students reports all crime reports they receive directly to the NMU Police Department via email, telephone call, or Maxient (student conduct software). The NMU Dean of Students also participates in a weekly meeting with Title IX, Housing and Residence Life, and the NMU Police Department to discuss and review any reported crimes or incidents.

Per the NMU Student Handbook, students are encouraged to report any student violations, incidents, or crimes.

2.4.2 Description of an Incident

Any member of the University community may submit a report 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(s) of the student(s) 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. All crimes should be reported to the NMU Police Department.

Once a description of an incident is received, it will be determined through the student conduct process whether the alleged violation occurred. The Student Handbook can be found on the NMU website at: [NMU Student Handbook](#).

All crimes or concerning incidents can be reported to the NMU Dean of Students Office Monday through Friday during business hours. The NMU Dean of Students Office receives reports of conduct and crimes via email, telephone call, in person, Maxient, and by a Conduct Concern Form located on their webpage <https://nmu.edu/dso/conductconcerns>. The NMU Dean of Students Office is located in 2001 Hedgcock on the NMU campus and can be reached at 906-227-1700.

Title IX

Campus Reporters - Employees Required to Report to Title IX Coordinator/Executive Director of Title IX

Campus Reporters include all NMU employees, except those specifically identified below, who, as a requirement of our Relationship Violence, Sexual Misconduct and Stalking Policy must immediately report any information they learn about suspected "Prohibited Conduct" (relationship violence, sexual misconduct or stalking) to an Official with Authority (OWA), which are the Title IX Coordinator and Deputy Title IX Coordinator. Failure by a Campus Reporter to timely report suspected Prohibited Conduct may subject them to appropriate discipline, up to and including removal from their position.

Employees of NMU Counseling and Consultation Services and the NMU Health Center (excluding athletic trainers) are designated as Confidential Resources. Confidential Resources will not typically be required to make a report to the OWA without the permission of the person reporting; specific exceptions are allowed by law and regulation, including but not limited to the protection of a minor child, protecting persons at high risk for violence, or to adhere to a court order.

The University's [Relationship Violence, Sexual Misconduct, and Stalking 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 [Relationship Violence, Sexual Misconduct, and Stalking 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.

The Title IX provides options if someone decides to report and file a complaint. A criminal complaint may be filed. The complainant also has the option to move forward with an internal university investigation. The complainant is given the option to move forward with both or file separately. A criminal complaint may be filed before, during or after the university's internal investigation. Also, an internal investigation may be initiated before, during or after a criminal complaint has been filed.

A crime or incident can be reported to the Title IX office via email, telephone call, in-person, or by an online reporting form located on their webpage <https://nmu.edu/titleix/sexual-misconduct-incident-report>. All crimes can be reported to the NMU Title IX office Monday through Friday during business hours. The NMU Title IX Office is located in 105 Cohodas on the NMU Campus and can be reached at 906-227-2416.

Daily Crime Log

The Northern Michigan University Police Department (NMU PD) is required to maintain a public log of all crimes and fires reported to the department. The log is required to have the most recent 60 days' worth of information. Each entry in the log must contain the nature, date, time, and general location of each crime and disposition of the complaint if known. Information in the log older than 60 days must be made available within two business days.

The crime log classification will not normally match the crime statistics, as the crime log is compiled using the State of Michigan Crimes Code and the crime statistics are required by law to be compiled using the Federal Uniform Crime Reporting Summary Reporting System (SRS) definitions and standards and of National Incident Based Reporting System (NIBRS) definitions as required by the Clery Act. Incidents are reviewed daily and a determination is made on the correct Clery classification for crime statistic reporting.

The most recent sixty (60) days of the Daily Crime Log and the Fire Log are public and open to public inspection. Requests for any portion of the logs older than sixty (60) days will be available within two business days of a request.

A hard-copy of the Daily Crime Log and Fire Log is available, upon request to inspect, during normal business hours (Monday – Friday, 8am- 5pm), at the NMU Police Department located at 2073 Sugarloaf Ave., Marquette, MI, 49855 and can be reached at 906-227-2151.

The NMU Police Department Chief of Police, Clery Compliance Officer (Deputy Chief), and Detective Lieutenant are responsible for making sure the Daily Crime Log is up to date and all appropriate information is recorded. The NMU full-time dispatchers and student dispatchers are trained on the procedure for honoring requests to view the hard copy of the Daily Crime Log. The NMU Police Department Dispatch is open 24/7.

GATHERING CRIME STATISTICS

Outside Law Enforcement

In July of each year, email requests are sent to local and state law enforcement agencies with jurisdictions around and on NMU campus requesting any Clery crime reportable statistics.

The NMU Police Department receives the daily activity log from the Marquette City Police Department and it is reviewed for any Clery reportable or Crime Log required incidents. This information is reviewed by the Chief, Deputy Chief, and Detective Lieutenant of the NMU Police Department.

An email or hard copy letter request for Clery crime statistics is sent to any agency with jurisdiction over a short stay student trip or to any other location NMU has an agreement in place to use the facility.

Campus Security Authorities

An email is sent to all identified Campus Security Authorities requesting any Clery statistics not reported during the calendar year by December 31st of the reporting year. This is done through a web link and is returned directly to the NMU Clery Officer. The email gives the CSA three choices: 1) no crime or crimes were reported to you, 2) a crime or crimes were reported to you, documented, reported to the proper authority, through one of NMU's reporting systems, 3) you were made aware of criminal incidents and did not report it. If the third

option is chosen, the person is directed to complete a CSA form, use other NMU reporting systems, or report directly to NMU PD.

Dean of Students

The DOS provides the NMU Police Department with the previous year's reporting date in July. These numbers are compared for accuracy with other data provided to the NMU Police Department. A weekly meeting is held with the DOS, Housing and Residence Life, Title IX and the NMU Police Department to review and classify reports. A review is also done in January for the previous year to assure all reported crimes were carried properly.

Relationship Violence, Sexual Misconduct and Stalking Prohibited Conduct/Title IX

The Title IX office works closely with the NMU Police Department. The Title IX Director or Associate Director call, email, or complete a CSA form in regards to any possible Clery crime they receive. A weekly meeting is held with the DOS, Housing and Residence Life, Title IX and the NMU Police Department to review and classify reports. A review is also done in January for the previous year to assure all reported crimes were carried properly.

Housing

The NMU Housing and Residence Life utilizes Maxient for all student conduct. The reports go directly to the Director of Housing, Dean of Students, and NMU Police Department. These reports are reviewed once received for any Clery reportable information. A weekly meeting is held with the DOS, Housing and Residence Life, Title IX and the NMU Police Department to review and classify reports. A review is also done in January for the previous year to assure all reported crimes were carried properly.

TIMELY WARNINGS

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 ongoing 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 ongoing threat to members of the university community. The NMU Police Chief, Deputy Chief, and Detective Lieutenant review 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. The University utilizes the RAVE system for Timely Warnings.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

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, Deputy Chief, or Detective Lieutenant of the NMU Police Department that an emergency or dangerous situation is present, an alert notification will be disseminated without any delay with the goal of notifying as many people as possible, as rapidly as possible, considering 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:

- Mass Email
- Text Message Alert
- Web - www.nmu.edu
- Local Media
- Closed-Circuit Monitors
- Computer Override
- Building audio system operated from the NMU Police Department and localized stations in buildings. Buildings with no audio system include Norwood St., Lincoln St. Center St. Apartments, Woodland Park Apartments, Spooner Hall and Spalding Hall,

The NMU Police Department Chief, Deputy Chief, Detective Lieutenant and three full-time dispatchers all have access to send an emergency Alert Notification. The emergency alert system being utilized is RAVE for text messages and mass emails.

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, Drills, Exercises and Training

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 and Safety 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 and Safety 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. Each student has an evacuation plan on the inside of their residence. The Housing staff covers the evacuation plan and policy during meetings at the beginning of each semester.

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 and Safety 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.

NMU Emergency Evacuation Policy

Purpose:

To establish a policy for the evacuation of all buildings owned or controlled by Northern Michigan University. [Fire Alarm Evacuation Policy.](#)

Applicability:

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

Policy:

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 Public Safety Officers, no one is allowed to enter the building until notification has been given by a representative of Public Safety 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.

What If A Fire Alarm Is Going Off

The fire alarm is going off in the Northern Michigan University facility you’re in. What do you do next?

Not knowing the university’s fire alarm evacuation procedures can put you and others at risk. All NMU students, faculty, staff and visitors are encouraged to review the entire evacuation procedure, which includes steps for residence hall evacuations, evacuating persons with disabilities and some special requirements for the Jacobetti Complex, Learning Resources Center and Physical Education and Instructional Facility (PEIF).

Here are the general fire alarm procedures:

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 Public Safety officers, no one is allowed to re-enter the building until notification has been given by a representative of NMU's Police Department.
4. If the fire alarm is silenced, this is not an indicator that it is safe to re-enter the building.
5. 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.

For all other emergency evacuations, the University community will be advised of what to do by one of the Emergency Alert systems.

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.**

SECURITY OF AND ACCESS TO NORTHERN MICHIGAN UNIVERSITY BUILDINGS/PROPERTY

Residence Halls/Campus Buildings

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. The University uses CBORD for our door access system. All buildings on campus have card readers to gain entry when the buildings are locked. The Wildcat Express Office prints ID cards for all students, faculty, and staff. The NMU Police Department assign all exterior card reader access. NMU PD is the only department on campus with physical exterior door keys. Everyone else is forced to use their ID card to gain entry and create an audit trail. All exterior doors are locked or have electric strikes to be remotely locked. The NMU Police Department controls the scheduled hours for building to be open. The University has over 700 cameras throughout campus positioned both on the exterior and interior of buildings.

2.3.4 Building Security

Students shall not prop open or adjust, tamper with, change, interfere with, or disable mechanisms that provide security to University buildings, residence halls, and other facilities.

Campus Buildings Hours of Operation

Most campus facilities are open during regular weekday business hours. After hours, access to these facilities is controlled through an automated card access system. If you have any questions or need assistance with the access system, please contact the NMU Police Department at 906-227-2151.

Building Security Checks

All campus non-housing buildings are physically checked every night to make sure they are secure. This task is performed by either NMU Police Department student employees or the patrol officers. A building check sheet is completed each night and a note is made of any problems. The patrol officers also do random walk-throughs of different building and routine visual inspections during patrol.

During the school year, the paraprofessionals (resident advisers, community advisers, and community mentors) do rounds through all on-campus housing options to check that the buildings are secure and report any concerns. They do 2-3 rounds in the evenings, from 9pm to 1am, and go through each individual building. All paraprofessionals go through a week-long training including building security and emergency contact information.

Paraprofessional provide students educational programs about safety and security on campus. The paraprofessionals also cover expectations, rules, and recommendations for keeping the buildings safe at their first community meeting, which each resident living on-campus is expected to attend.

In the summer and over breaks, staff continue to do rounds throughout the buildings, but more frequently due to the reduced number of people in the buildings. During these types, staff members do rounds of the building approximately 4 times a day from 4pm to 10pm. In buildings that are being used for summer housing, paraprofessionals do 3 rounds in the evenings, the same as during the school year. For NMU summer security assistants, they have a day-long workshop where they are trained how to address security concerns. This training includes practice scenarios, practice rounds of the building and emergency contact information.

Student Front Desk employees (AKA: Deskies) all attend a mandatory training before move-in weekend begins where they cover shift duties, processes, and University Policies and Procedures. If they do not attend this meeting, they must schedule a time to make it up. Part of the training is Campus Security Authority (CSA) training, as well as a discussion about how they provide building security. They are to monitor the lobbies & keep an eye/ear out for situations that may require a Resident Director or police presence. Deskies are instructed to not let anyone in the residence hall buildings, and when students are checking out temporary access cards and 3-day keys, they are to verify the identity and residence of the student in question through the use of NMU INs & the Housing Director software. If Deskies are ever unsure on what to do, they are told to call their next level supervisor or the next identified appropriate person in the hierarchy (Student Desk Adviser, Professional Desk Supervisor, Resident Director, NMU PD, or 911.)

Security Considerations for the Maintenance of Campus Facilities

NMU is committed to campus safety and security. At NMU, locks, landscaping, and outdoor lighting are designed for safety and security. Sidewalks are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building. Groundskeeping personnel trim shrubs from sidewalks, walkways, and building entrances to provide a well-lighted route to buildings. All campus walkways are constantly monitored to ensure adequate lighting. Burned-out lights are replaced promptly. 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. We encourage community members to promptly report any security concern, including concerns about locking mechanism, lighting, or landscaping to the University Police Department at 906-227-2151.

CRIME PREVENTION AND EDUCATIONAL PROGRAMMING

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 [Relationship Violence, Sexual Misconduct, and Stalking 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/Crime Prevention Measures

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 provide 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 provides specialty crime prevention and awareness programming to the campus community. Some of these programs include Rape Aggression Defense, general orientation presentations on crime reporting and campus services to enhance safety, alcohol/drug and sexual assault presentation for risk management, alternatives to drug and alcohol use (root beer kegs), and any other topics requested by the on-campus community. The NMU Police Department also participates in community events and grants involving crime prevention education awareness and enforcement.

Safety and education programming are initiated by several groups across campus. Other than the NMU Police Department, those offering regular programming include the Housing and Residence Life, the Dean of Students Office, Title IX, and the Office of the President.

The NMU Police Department provides a Safe Walk service for after hours (typically night-time hours) escorts when a member of the campus community has concerns for their safety. An NMU PD employed student escort will walk the requester from one campus location to another or to their vehicle. If a student employee is not available, the duty will be assigned to an officer. During the summer hours, these duties are assigned to patrol officers.

When NMU is in session, specifically the Fall and Winter semesters, the University property is patrolled by NMU Police Department "lot guards". Typically, these student employees walk the campus property between the hours of 10pm and 3am (this may vary do to class schedule or staffing.) They have radio contact with the NMU Police Department Dispatch and report all suspicious situations. When there are no lot guards working (Summer Semesters, scheduled University breaks, or other unforeseen incidents) the patrol officers are made aware and patrol the campus property diligently.

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 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. 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.

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 906-227-2151 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 not 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 is 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 cash 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 to get 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.

Northern Michigan University CARE Team

The CARE Team is a service provider that prides itself on being a free resource for students, faculty, and staff in need of support, furthering NMU's ongoing commitment to wellbeing. The CARE Team is not a disciplinary entity. Students, faculty, and staff that go to the CARE Team don't get in trouble, they get **help**. The CARE Team is a team of personnel with expertise in student affairs, academic affairs, human resources, mental and physical health, student conduct, and campus safety whose mission is to provide support services for vulnerable students, faculty, and staff who may be struggling. The CARE Team uses a case management system to work with students, faculty and staff to ensure that problems are identified, plans to address them are made, and solutions are achieved through an active partnership between the CARE Team and the client.

NMU offers a myriad of resources and programs, and the CARE Team is there to help people who need support navigate them. The CARE team receives referrals from numerous sources including the NMU Police

Department, DOS, Housing and Residence Life, The Wellbeing Center, professors, and from an online submittal form.

CARE Team members meet with students, faculty, and staff who may be struggling academically, emotionally or psychologically, and ask open-ended questions about their situation. CARE Team members work with clients to understand their desired outcomes, and develop a plan of action to achieve them together - including connecting them with any NMU Department that might be helpful. CARE Team members follow up with the client to monitor progress and, once they reach a solution, that case is closed!

Threat Assessment

The CARE Team uses the risk rubric based on the standards established by the National Association for Behavioral Intervention and Threat Assessment (NABITA). Depending on the evaluated risk level, the CARE Team recommends the appropriate interventions. These interventions can be anything from providing resources, to well being checks, contacting the person's emergency contact, to referral to the Dean of Students, Police Department or appropriate agency.

Northern Michigan University WellBeing Center

The symbolism of housing physical health and mental health services under one roof is a tangible example of the way Wellbeing is regarded at NMU: multi-dimensional, and requiring the attentive and intentional care of the whole person, including both students and employees who make up the NMU community.

NMU's psychologists and counselors provide individual counseling, group counseling, and psycho-educational presentations. Emotional crisis appointments are available daily for urgent support.

Emergency Services

In an emergency situation, where there is concern of immediate or imminent risk to yourself or others, take action.

Please call NMU Police Department at 906-227-2151, or go to the emergency room at UP Health System-Marquette, or call 911 immediately.

Emergency Resources

- [NMU Police Department](#): 906-227-2151
- [UP Health System-Marquette](#)
 - Emergency Room: 906-449-3560
 - 850 W. Baraga, Marquette, MI
- [Pathways](#) 24 Hour Crisis Line: 1 (888) 728-4929
- [Health Advocate](#) - service is 100% free to current NMU students and is available when CCS is closed. Students can access this free crisis counseling by calling (855) 384-1800.
- NMU Counseling and Consultation Services: (906) 227 2980.
 - Fall Semester Hours: 8am – 7pm Monday through Thursday and 8am – 5pm on Friday. The office is CLOSED from 12:00pm - 1:00pm for lunch
 - Summer hours in accordance with the University Schedule, 7:30am - 4:00pm.
 - Limited Same Day Appointments & Emergency sessions are available daily for crisis situations.

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. There is a link to the Michigan SOR on the NMU Police Department website: [NMU Police Department](#)

MISSING STUDENTS

Missing Student 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 and reported as missing - or - a person affiliated with the University but not on campus at the time they were reported missing.

The housing application for each student living in on-campus housing includes the option to identify a contact person or persons whom NMU shall notify within 24 hours of the determination that a student is missing. 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 will be notified within 24 hours. 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. For more information please see the [Missing Person Policy](#).

WEAPONS ON CAMPUS

NMU Weapons and Explosive Policy

It is a violation of Northern Michigan University ordinance to bring any lethal or dangerous weapon on the NMU campus [NMU Weapons and Explosives](#).

These include (but are not limited to) rifles, shotguns, handguns, and explosive devices that are capable of casting a projectile by explosion, air, gas, chemical, or mechanical means.

Students living on campus who own guns for hunting and other purposes must register and store them at NMU Police Department. These weapons are accessible 24 hours a day and 7 days a week. Once a weapon is checked out, it must be immediately be taken off campus until it is returned to the NMU Police Department.

You are not allowed to use, carry, transport, store, or possess lethal or dangerous weapons or explosives anywhere on the NMU campus. The only exception is that public officials licensed by their profession to carry guns can do so as required by their professional duties.

Additionally, NMU is considered a wildlife, fish, and bird sanctuary. As such, shooting, maiming, or capturing of wildlife is prohibited.

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.

NMU Hazing Policy

Purpose:

Northern Michigan University actively seeks to promote the welfare of students by encouraging their involvement in extracurricular activities and student organizations. In keeping with this goal, the University has established a [policy that prohibits hazing](#).

Applicability:

All students, faculty, and staff.

Policy:

No registered student organization, athletic team, or other organized student group shall engage in or be a party to any intentional act(s) of hazing, that is, and act(s) which embarrasses, injures, frightens, degrades, or endangers any member or prospective member of an organization. In the event that the hazing act(s) of an individual member of the group or organization is condoned, known, or repeated, sanctions against the group or organization will be imposed. Possible sanctions include:

1. **Probation.** Probation is a period during which additional incidents of hazing will be dealt with more severely than they would be otherwise.
2. **Special Conditions.** Special Conditions prescribe a certain course of activity or behavior that must occur.
3. **Loss of Privileges.** Privileges granted to the group or organization are suspended for a period of time that will be determined by the severity of the offense and the conditions surrounding it.
Suspension of Activities. A group or organization is prohibited from sponsoring or participating in activities. This penalty is invoked when violations are particularly serious or of a repeated nature.
5. **Disbanding of the Organization.** The group or organization is disbanded and must cease operations. This penalty is applied when the violations are severe, of a repeated nature, or constitute a threat to the well-being of members of the University community.

Alleged violations of this policy will be heard by the Dean of Students.

RELATIONSHIP VIOLENCE, SEXUAL MISCONDUCT AND STALKING

Defining Sexual Assault/Rape, Domestic Violence, and Stalking

Rape/Criminal Sexual Assault Defined

750.520b Criminal sexual conduct in the first degree; circumstances; felony; consecutive terms.

Sec. 520b.

(1) A person is guilty of criminal sexual conduct in the first degree if he or she engages in sexual penetration with another person and if any of the following circumstances exists:

- (a) That other person is under 13 years of age.
- (b) That other person is at least 13 but less than 16 years of age and any of the following:
 - (i) The actor is a member of the same household as the victim.
 - (ii) The actor is related to the victim by blood or affinity to the fourth degree.
 - (iii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.
 - (iv) The actor is a teacher, substitute teacher, or administrator of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled.
 - (v) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
 - (vi) The actor is an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group home in which that other person is a resident, and the sexual penetration occurs during the period of that other person's residency. As used in this subparagraph, "child care organization", "foster family home", and "foster family group home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111.
- (c) Sexual penetration occurs under circumstances involving the commission of any other felony.
- (d) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists:
 - (i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
 - (ii) The actor uses force or coercion to accomplish the sexual penetration. Force or coercion includes, but is not limited to, any of the circumstances listed in subdivision (f).
- (e) The actor is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon.
- (f) The actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration. Force or coercion includes, but is not limited to, any of the following circumstances:
 - (i) When the actor overcomes the victim through the actual application of physical force or physical violence.
 - (ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute these threats.
 - (iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute this threat. As used in this subdivision, "to retaliate" includes threats of physical punishment, kidnapping, or extortion.

- (iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes that are medically recognized as unethical or unacceptable.
- (v) When the actor, through concealment or by the element of surprise, is able to overcome the victim.
- (g) The actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
- (h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following:
 - (i) The actor is related to the victim by blood or affinity to the fourth degree.
 - (ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.
- (2) Criminal sexual conduct in the first degree is a felony punishable as follows:
 - (a) Except as provided in subdivisions (b) and (c), by imprisonment for life or for any term of years.
 - (b) For a violation that is committed by an individual 17 years of age or older against an individual less than 13 years of age by imprisonment for life or any term of years, but not less than 25 years.
 - (c) For a violation that is committed by an individual 18 years of age or older against an individual less than 13 years of age, by imprisonment for life without the possibility of parole if the person was previously convicted of a violation of this section or section 520c, 520d, 520e, or 520g committed against an individual less than 13 years of age or a violation of law of the United States, another state or political subdivision substantially corresponding to a violation of this section or section 520c, 520d, 520e, or 520g committed against an individual less than 13 years of age.
 - (d) In addition to any other penalty imposed under subdivision (a) or (b), the court shall sentence the defendant to lifetime electronic monitoring under section 520n.
- (3) The court may order a term of imprisonment imposed under this section to be served consecutively to any term of imprisonment imposed for any other criminal offense arising from the same transaction.

750.520c Criminal sexual conduct in the second degree; felony.

Sec. 520c.

- (1) A person is guilty of criminal sexual conduct in the second degree if the person engages in sexual contact with another person and if any of the following circumstances exists:
 - (a) That other person is under 13 years of age.
 - (b) That other person is at least 13 but less than 16 years of age and any of the following:
 - (i) The actor is a member of the same household as the victim.
 - (ii) The actor is related by blood or affinity to the fourth degree to the victim.
 - (iii) The actor is in a position of authority over the victim and the actor used this authority to coerce the victim to submit.
 - (iv) The actor is a teacher, substitute teacher, or administrator of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled.
 - (v) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
 - (vi) The actor is an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group home in which that other person is a resident and the sexual contact occurs during the period of that other person's residency. As used in this subdivision, "child care organization", "foster family home", and "foster family group home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111.
- (c) Sexual contact occurs under circumstances involving the commission of any other felony.

- (d) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists:
- (i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
 - (ii) The actor uses force or coercion to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in section 520b(1)(f).
- (e) The actor is armed with a weapon, or any article used or fashioned in a manner to lead a person to reasonably believe it to be a weapon.
- (f) The actor causes personal injury to the victim and force or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in section 520b(1)(f).
- (g) The actor causes personal injury to the victim and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
- (h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following:
- (i) The actor is related to the victim by blood or affinity to the fourth degree.
 - (ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.
 - (i) That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, the department of corrections who knows that the other person is under the jurisdiction of the department of corrections.
 - (j) That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, a private vendor that operates a youth correctional facility under section 20g of the corrections code of 1953, 1953 PA 232, MCL 791.220g, who knows that the other person is under the jurisdiction of the department of corrections.
 - (k) That other person is a prisoner or probationer under the jurisdiction of a county for purposes of imprisonment or a work program or other probationary program and the actor is an employee or a contractual employee of or a volunteer with the county or the department of corrections who knows that the other person is under the county's jurisdiction.
 - (l) The actor knows or has reason to know that a court has detained the victim in a facility while the victim is awaiting a trial or hearing, or committed the victim to a facility as a result of the victim having been found responsible for committing an act that would be a crime if committed by an adult, and the actor is an employee or contractual employee of, or a volunteer with, the facility in which the victim is detained or to which the victim was committed.
- (2) Criminal sexual conduct in the second degree is a felony punishable as follows:
- (a) By imprisonment for not more than 15 years.
 - (b) In addition to the penalty specified in subdivision (a), the court shall sentence the defendant to lifetime electronic monitoring under section 520n if the violation involved sexual contact committed by an individual 17 years of age or older against an individual less than 13 years of age.

750.520d Criminal sexual conduct in the third degree; felony.

Sec. 520d.

- (1) A person is guilty of criminal sexual conduct in the third degree if the person engages in sexual penetration with another person and if any of the following circumstances exist:
- (a) That other person is at least 13 years of age and under 16 years of age.
 - (b) Force or coercion is used to accomplish the sexual penetration. Force or coercion includes but is not limited to any of the circumstances listed in section 520b(1)(f)(i) to (v).
 - (c) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
 - (d) That other person is related to the actor by blood or affinity to the third degree and the sexual penetration occurs under circumstances not otherwise prohibited by this chapter. It is an affirmative defense to a

prosecution under this subdivision that the other person was in a position of authority over the defendant and used this authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation.

(e) That other person is at least 16 years of age but less than 18 years of age and a student at a public school or nonpublic school, and either of the following applies:

(i) The actor is a teacher, substitute teacher, or administrator of that public school, nonpublic school, school district, or intermediate school district. This subparagraph does not apply if the other person is emancipated at the time of the alleged violation.

(ii) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses the actor's employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.

(f) That other person is at least 16 years old but less than 26 years of age and is receiving special education services, and either of the following applies:

(i) The actor is a teacher, substitute teacher, administrator, employee, or contractual service provider of the public school, nonpublic school, school district, or intermediate school district from which that other person receives the special education services. This subparagraph does not apply if both persons are not less than 18 years of age and were lawfully married to each other at the time of the alleged violation.

(ii) The actor is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses the actor's employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.

(g) The actor is an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group home, in which that other person is a resident, that other person is at least 16 years of age, and the sexual penetration occurs during that other person's residency. As used in this subdivision, "child care organization", "foster family home", and "foster family group home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111.

(2) Criminal sexual conduct in the third degree is a felony punishable by imprisonment for not more than 15 years.

750.520e Criminal sexual conduct in the fourth degree; misdemeanor.

Sec. 520e.

(1) A person is guilty of criminal sexual conduct in the fourth degree if the person engages in sexual contact with another person and if any of the following circumstances exist:

(a) That other person is at least 13 years of age but less than 16 years of age, and the actor is 5 or more years older than that other person.

(b) Force or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the following circumstances:

(i) When the actor overcomes the victim through the actual application of physical force or physical violence.

(ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute that threat.

(iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute that threat. As used in this subparagraph, "to retaliate" includes threats of physical punishment, kidnapping, or extortion.

(iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable.

(v) When the actor achieves the sexual contact through concealment or by the element of surprise.

(c) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

(d) That other person is related to the actor by blood or affinity to the third degree and the sexual contact occurs under circumstances not otherwise prohibited by this chapter. It is an affirmative defense to a prosecution under this subdivision that the other person was in a position of authority over the defendant and used this authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation.

(e) The actor is a mental health professional and the sexual contact occurs during or within 2 years after the period in which the victim is the actor's client or patient and not the actor's spouse. The consent of the victim is not a defense to a prosecution under this subdivision. A prosecution under this subsection shall not be used as evidence that the victim is mentally incompetent.

(f) That other person is at least 16 years of age but less than 18 years of age and a student at a public school or nonpublic school, and either of the following applies:

(i) The actor is a teacher, substitute teacher, or administrator of that public school, nonpublic school, school district, or intermediate school district. This subparagraph does not apply if the other person is emancipated at the time of the alleged violation.

(ii) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses the actor's employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.

(g) That other person is at least 16 years old but less than 26 years of age and is receiving special education services, and either of the following applies:

(i) The actor is a teacher, substitute teacher, administrator, employee, or contractual service provider of the public school, nonpublic school, school district, or intermediate school district from which that other person receives the special education services. This subparagraph does not apply if both persons are not less than 18 years of age and were lawfully married to each other at the time of the alleged violation.

(ii) The actor is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses the actor's employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.

(h) The actor is an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group home, in which that other person is a resident, that other person is at least 16 years of age, and the sexual contact occurs during that other person's residency. As used in this subdivision, "child care organization", "foster family home", and "foster family group home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111.

(2) Criminal sexual conduct in the fourth degree is a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$500.00, or both.

The Clery Act defines Rape as 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.

What is Consent

Consent is defined as:

- knowing, and
- voluntary, and
- clear permission by word or action,
- to engage in sexual activity.

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent is evaluated from the perspective of what a reasonable person would conclude are mutually understandable words or actions. Reasonable reciprocation can establish consent.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, sexual activity should cease within a reasonably immediate time. Silence or the absence of resistance alone should not be interpreted as consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Consent to some sexual contact (such as fondling) cannot be assumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected. If a sexual partner shares the clear expectation for the use of a condom, or to avoid internal ejaculation, and those expectations are not honored, the failure to use a condom, removing a condom, or internal ejaculation can be considered acts of sexual assault.

Proof of consent or non-consent is not a burden placed on either Party involved in a Complaint. Instead, the burden remains on NMU to determine whether its [Policy](#) has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Going beyond the boundaries of consent is prohibited. Thus, unless a sexual partner has consented to slapping, hitting, hair pulling, strangulation, or other physical roughness during otherwise consensual sex, those acts may constitute dating violence or sexual assault. (Consent in relationships must also be considered in context. When Parties consent to BDSM (bondage, discipline, sadism, masochism) or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual.) [NMU Consent Definition](#).

Domestic/Dating Violence Defined

750.81 Assault or assault and battery; penalties; previous convictions; exception; assault of health professional or medical volunteer; enhanced penalties; definitions.

Sec. 81.

(1) Except as otherwise provided in this section, a person who assaults or assaults and batters an individual, if no other punishment is prescribed by law, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both. If the victim of a violation under this subsection is a health professional or medical volunteer and the violation occurs while the victim is performing the victim's duties as a health professional or medical volunteer, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both. The enhanced fine under this subsection does not apply if the defendant is a patient who is receiving treatment from the victim.

(2) Except as provided in subsection (3), (4), or (5), an individual who assaults or assaults and batters the individual's spouse or former spouse, an individual with whom the individual has or has had a dating relationship, an individual with whom the individual has had a child in common, or a resident or former resident of the individual's household, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(3) An individual who assaults or assaults and batters an individual who is pregnant and who knows the individual is pregnant is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(4) An individual who commits an assault or an assault and battery in violation of subsection (2) or (3), and who has previously been convicted of assaulting or assaulting and battering an individual described in either subsection (2) or subsection (3) under any of the following, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both:

(a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section.

(b) Section 81a, 82, 83, 84, or 86.

(c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81a, 82, 83, 84, or 86.

(5) An individual who commits an assault or an assault and battery in violation of subsection (2) or (3), and who has 2 or more previous convictions for assaulting or assaulting and battering an individual described in either subsection (2) or subsection (3) under any of the following, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both:

(a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section.

(b) Section 81a, 82, 83, 84, or 86.

(c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81a, 82, 83, 84, or 86.

(6) This section does not apply to an individual using necessary reasonable physical force in compliance with section 1312 of the revised school code, 1976 PA 451, MCL 380.1312.

(7) The operator of a health facility or agency or a hospital or psychiatric hospital shall post a sign in the health facility or agency or hospital or psychiatric hospital in a prominent and visible location that provides that a person, other than a patient receiving treatment, who assaults a health professional or medical volunteer in violation of this section is subject to the enhanced fine provided for in this section and that a patient receiving treatment who assaults a health professional or medical volunteer may still be subject to prosecution under this section.

(8) As used in this section:

(a) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

(b) "Health facility or agency" means a health facility or agency licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

(c) "Health professional" means an individual who is employed or granted privileges by or under contract with a hospital or psychiatric hospital, health facility or agency, health system, or health care provider, whether operated by a governmental unit or a private entity, and whose duties within the scope of that employment, privilege, or contract involve the provision of direct patient care and require licensure, registration, certification, or other regulation or authorization under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider.

(d) "Hospital or psychiatric hospital" means a hospital or psychiatric hospital licensed under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.

(e) "Medical volunteer" means an individual who is volunteering at a hospital or psychiatric hospital, health facility or agency, in a health system, or with a health care provider, whether operated by a governmental unit or a private entity, and whose duties as a volunteer involve the provision of direct patient care, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider.

750.81a Assault; infliction of serious or aggravated injury; penalties; previous convictions; assault of health professional or medical volunteer; enhanced penalties; definitions.

Sec. 81a.

(1) Except as otherwise provided in this section, a person who assaults an individual without a weapon and inflicts serious or aggravated injury upon that individual without intending to commit murder or to inflict great bodily harm less than murder is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both. If the victim of a violation under this subsection is a health professional or medical volunteer and the violation occurs while the victim is performing the victim's duties as a health professional or medical volunteer, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both. The enhanced fine under this subsection does not apply if the defendant is a patient who is receiving treatment from the victim.

(2) Except as provided in subsection (3), an individual who assaults the individual's spouse or former spouse, an individual with whom the individual has or has had a dating relationship, an individual with whom the individual has had a child in common, or a resident or former resident of the same household without a weapon and inflicts serious or aggravated injury upon that individual without intending to commit murder or to inflict great bodily harm less than murder is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(3) An individual who commits an assault and battery in violation of subsection (2), and who has 1 or more previous convictions for assaulting or assaulting and battering the individual's spouse or former spouse, an individual with whom the individual has or has had a dating relationship, an individual with whom the individual has had a child in common, or a resident or former resident of the same household, in violation of any of the following, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both:

(a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section.

(b) Section 81, 82, 83, 84, or 86.

(c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81, 82, 83, 84, or 86.

(4) The operator of a health facility or agency or a hospital or psychiatric hospital shall post a sign in the health facility or agency or hospital or psychiatric hospital in a prominent and visible location that provides that a person, other than a patient receiving treatment, who assaults a health professional or medical volunteer in violation of this section is subject to the enhanced fine provided for in this section and that a patient receiving treatment who assaults a health professional or medical volunteer may still be subject to prosecution under this section.

(5) As used in this section:

(a) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

(b) "Health facility or agency" means a health facility or agency licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

(c) "Health professional" means an individual who is employed or granted privileges by or under contract with a hospital or psychiatric hospital, health facility or agency, health system, or health care provider, whether operated by a governmental unit or a private entity, and whose duties within the scope of that employment, privilege, or contract involve the provision of direct patient care and require licensure, registration, certification, or other regulation or authorization under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider.

(d) "Hospital or psychiatric hospital" means a hospital or psychiatric hospital licensed under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.

(e) "Medical volunteer" means an individual who is volunteering at a hospital or psychiatric hospital, health facility or agency, in a health system, or with a health care provider, whether operated by a governmental unit or a private entity, and whose duties as a volunteer involve the provision of direct patient care, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider.

The Clery Act defines Domestic Violence 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;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence: Dating Violence is not specifically defined by Michigan state statute. The Clery Act defines Dating Violence 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, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes but is not limited to sexual or physical abuse or the threat of such abuse. Relationship Violence, also referred to as dating violence, domestic violence, or intimate partner violence, is any act (or threatened act) of violence or pattern of abusive behavior that one person uses against a current or former partner in a sexual, dating, spousal, domestic, or intimate relationship, to gain or maintain power and control over another. Relationship violence may include any form of prohibited sexual misconduct under this [University Policy](#).

The determination of whether any conduct constitutes relationship violence is whether the conduct is so severe, pervasive or persistent as to significantly interfere with an individual's ability to learn and/or work or cause

substantial emotional distress, when judged both objectively (meaning that a “reasonable person” would find the behavior to be emotionally abusive) and subjectively (meaning the impacted individual felt the behavior was emotionally abusive.)

Stalking Defined

750.411h Stalking; definitions; violation as misdemeanor; penalties; probation; conditions; evidence of continued conduct as rebuttable presumption; additional penalties.

Sec. 411h.

(1) As used in this section:

(a) "Course of conduct" means a pattern of conduct composed of a series of 2 or more separate noncontinuous acts evidencing a continuity of purpose.

(b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

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

(d) "Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

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

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

(i) Following or appearing within the sight of that individual.

(ii) Approaching or confronting that individual in a public place or on private property.

(iii) Appearing at that individual's workplace or residence.

(iv) Entering onto or remaining on property owned, leased, or occupied by that individual.

(v) Contacting that individual by telephone.

(vi) Sending mail or electronic communications to that individual.

(vii) Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.

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

(2) An individual who engages in stalking is guilty of a crime as follows:

(a) Except as provided in subdivision (b), a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(b) If the victim was less than 18 years of age at any time during the individual's course of conduct and the individual is 5 or more years older than the victim, a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

(c) If the victim and the individual are spouses or former spouses, have or have had a dating relationship, have or have had a child in common, or are residents or former residents of the same household, a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(3) The court may place an individual convicted of violating this section on probation for a term of not more than 5 years. If a term of probation is ordered, the court may, in addition to any other lawful condition of probation, order the defendant to do any of the following:

(a) Refrain from stalking any individual during the term of probation.

(b) Refrain from having any contact with the victim of the offense.

(c) Be evaluated to determine the need for psychiatric, psychological, or social counseling and if, determined appropriate by the court, to receive psychiatric, psychological, or social counseling at the individual's own expense.

(4) In a prosecution for a violation of this section, evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue the same or a different form of unconsented contact, and to refrain from any further unconsented contact with the victim, gives rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(5) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

The Clery Act and [University Policy](#) define Stalking as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

What to do if you have been the victim of sexual assault, dating violence, domestic violence or stalking

It is strongly encouraged that a victim of sexual assault, dating or domestic violence, or stalking contact the NMU Police Department or Law Enforcement Agency with jurisdiction over the matter.

After an incident of sexual assault, it is important to seek medical attention as soon as possible. In Michigan, evidence may be collected even if a victim chooses not to make a report to law enforcement. It is important that victims of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 120 hours so that evidence, as may be necessary to the proof of criminal activity or may be helpful in obtaining a protection order, may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. If medical treatment is sought Police will also be notified even if the victim does not wish to make a report.

Relationship Violence, Sexual Misconduct, and Stalking 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 [Relationship Violence, Sexual Misconduct, and Stalking Policy](#) is linked in this report. It includes:

Purpose:

This Policy prohibits specific forms of:

- Relationship Violence
 - Dating Violence/Domestic Violence
- Sexual Misconduct
 - Sexual Assault,
 - Rape,
 - Sodomy,
 - Sexual Assault with an Object,
 - Fondling,
 - Incest, and
 - Statutory Rape
 - Sexual Exploitation, and
 - Sex Discrimination, which includes:
 - Gender identity,
 - Sexual orientation,
 - Sex stereotypes,
 - Pregnancy status*, and
 - Sex-based harassment
- Sexual harassment and,
- Harassment on the basis of sex, gender identity, sexual orientation, or pregnancy status
- Stalking

**Modification and Accommodation concerns related to education and/or work are addressed under the Pregnancy, Childbirth and Pregnancy-Related Conditions Policy.*

All of the above are collectively referred to as “Prohibited Conduct.” This Policy requires all Mandatory Reporters to promptly report any reported conduct or complaints of which they become aware that may be in violation of this Policy to the Title IX Coordinator/Title IX Administrator. Through this policy and supporting procedures, Northern Michigan University (“NMU”) addresses Prohibited Conduct pursuant to its obligations under state and federal law.

Applicability:

This policy applies to Prohibited Conduct by NMU Community Members:

- students,
- faculty,
- and staff,
- volunteers, and/or
- third party/parties participating or involved in an NMU program or activity.

The rights, obligations and privileges included within this policy may not apply to all parties depending on the circumstances of each allegation. Reports involving minors should be immediately reported to the NMU Police Department, and follow the University’s [Minors on Campus Policy](#).

NMU has expanded the scope and applicability of the policy beyond the requirements of the Title IX final regulations. The Title IX Coordinator/Title IX Administrator will follow this Policy’s Guidelines and Procedures but the definition of Prohibited Conduct in the Policy applicable at the time based on the date the alleged conduct occurred shall apply. NMU reserves the right to interpret and apply these expanded protections

in its sole discretion. This policy and related procedures are not intended to, and should not be construed to, establish a contract between NMU and any NMU Community Member or to increase NMU's obligations or responsibilities beyond those required by federal or state law.

This policy applies when prohibited conduct occurs:

- On NMU property; or
- Off NMU property, including online or electronic conduct, if an NMU Community Member is involved or impacted, if the conduct:
- Occurs during an NMU program or activity; or
- Occurs in connection with NMU-sponsored events; (e.g., field trips, social functions, student organization events, NMU-related business, NMU travel, study abroad programs, student recruitment activities, and service learning/internship experiences); or
- May pose a serious threat of harm to any NMU Community Member(s); or
- May have the effect of creating a hostile environment for any NMU Community Member(s); or
- Creates a continued and ongoing adverse impact or effect on any NMU Community Member on campus or during NMU programs or activities.

The regulations require that universities include conduct that occurs in any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. Currently, there are no buildings owned or controlled by student organizations that are officially recognized by NMU.

This policy enables NMU to provide supportive measures to parties, as defined in the definitions regardless of where the Prohibited Conduct occurred and whether or not a formal investigation was initiated.

Policy

NMU is committed to fostering and maintaining a safe and healthy academic, work, and living environment, which safeguards the applicable due process rights of all NMU Community Members, including Complainants and Respondents. Prohibited Conduct is inconsistent with the standards and ideals of the NMU community. NMU will take prompt and suitable action to investigate and stop Prohibited Conduct; prevent its recurrence; and, as appropriate, remedy its effects.

Prohibited Conduct Disclosure

If a Mandatory Reporter receives a Prohibited Conduct disclosure, the University is put on notice and they must report to the Title IX Coordinator/Title IX Administrator per federal regulations. Upon notification, the Title IX Coordinator/Title IX Administrator will make outreach to the Complainant and offer resources, information and supportive measures.

Complaint – Initiating a Formal Investigation

In order to give notice and provide actual knowledge to NMU to trigger NMU's legal response obligations under Title IX and this policy, a Complainant or other reporting person must file a formal complaint, orally or in writing, with the Title IX Office and cooperate during the investigation. To file a formal complaint, a Complainant or other reporting person should contact the Title IX Office at:

Title IX Office of Northern Michigan University
105 Cohodas Hall
Marquette, MI, 49855
Phone: 906-227-2416
Email: TitleIX@nmu.edu

Mandatory Reporters – Employees Required to Report to Title IX Coordinator/Title IX Administrator

All employees, except those specifically identified below, are designated as Mandatory Reporters, and must report, by policy, incidents of Prohibited Conduct observed as well as incidents reported to them orally or in writing. Mandatory Reporters must report to the Title IX Coordinator/Title IX Administrator. The Title IX Coordinator/Title IX Administrator is assigned to implement corrective measures for Prohibited Conduct. A Mandatory Reporter who fails to report a concern or report of a potential violation of this policy within a reasonable time is subject to discipline, up to and including termination.

Employees of NMU Counseling and Consultation Services and the NMU Health Center are designated as Confidential Employees. Confidential Employees will not typically be required to make a report to the Title IX Coordinator/Title IX Administrator without the permission of the person reporting; specific exceptions are allowed by law and regulation, including but not limited to the protection of a minor child, protecting persons at high risk for violence, or to adhere to a court order.

Confidentiality/Anonymity

NMU will treat all information it receives as part of reporting procedures with discretion and will keep all information confidential to the extent permitted or required by law. All employees integral to Prohibited Conduct processes must receive specific training about respecting and safeguarding private information. Persons who wish to strictly protect the confidentiality of information are encouraged to report to a Confidential Employee.

A Complainant or reporting person may make a confidential or anonymous report of Prohibited Conduct. However, depending on the circumstances, including the nature of the allegation and availability of evidence, NMU's ability to investigate and respond to the complaint, or to provide an appropriate remedy, may be limited.

Standard of Evidence

NMU will apply the preponderance of the evidence standard to determine responsibility under this policy. Preponderance of the evidence means that it is more likely than not, based on all the reasonable evidence and reasonable inferences from the evidence, that an event or action violated NMU policy.

Training and Resources

The Title IX Coordinator/Title IX Administrator will be responsible for the development and implementation of all required training and resources to support this policy, which shall be provided, at a minimum, annually.

Addressing Questions and Specific Concerns

The University welcomes and encourages you to report all complaints of harassment, discrimination, retaliation, and sexual misconduct. The University strives to clearly indicate through written policies how to report complaints. Questions may always be directed to the Title IX Coordinator/Title IX Administrator. If there is a concern that a complaint must be escalated to a higher university level, for instance, if there is a complaint against an executive level administrator or a member of the Board of Trustees, reports may be made either to the Title IX Coordinator/Title IX Administrator, or to the University's General Counsel. Alternatively, complaints may be made directly to the Chair or Vice Chair of the Board of Trustees. All will execute their fiduciary duty to ensure that the complaint is thoroughly investigated and that appropriate action will be taken based on the investigation findings, facts, and circumstances.

Related Policies

All incidents of Prohibited Conduct will be handled through this policy, approved by the Board of Trustees, and the procedures approved by the Office of the President.

Incidents of discrimination may be handled through other applicable policies, and may include the Non-

discrimination Policy, Pregnancy and Related Conditions Policy, and/or Retaliation Policy. NMU follows all state and federal regulations regarding harassment, discrimination and retaliation as defined in the above-mentioned policies.

It is a violation of NMU policy to retaliate against, intimidate, discipline, discharge, or harass any individual who has in good faith reported Prohibited Conduct or participated in any proceeding under this policy. Individuals and groups of individuals are prohibited from engaging in retaliation and will be held accountable under NMU's Retaliation Policy.

Supportive Measures

During the grievance procedures or during the informal Complaint/Grievance Process, the Title IX Coordinator/Title IX Administrator will offer and/or provide supportive measures. Supportive measures cannot be unreasonably burdensome to a party and cannot be imposed for punitive or disciplinary reasons. NMU offers non-disciplinary, non-punitive individualized services as appropriate, as reasonably available, and without fee or charge to the Complainant and/or the Respondent upon notice of alleged Prohibited Conduct. Such measures are designed to restore or preserve equal access to the university's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the university's educational environment, and deter Prohibited Conduct.

Supportive measures may include referral to other departments such as Counseling and Consultation Services or the Health Center, or referral to the Employee Assistance Program, modifications of work, Safe Walk Program, mutual restrictions on contact between the Complainant and Respondent, changes in work or housing locations, work leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator/Title IX Administrator may also assist, in coordination with faculty, in other supportive measures that may include adjustment to class schedules, extensions of deadlines or other course-related adjustments, and student leave of absence.

NMU will maintain the privacy of the supportive measures, provided that privacy does not impair NMU's ability to provide the supportive measures. NMU will act to ensure as minimal of an academic impact on the Parties as possible. NMU will implement measures in a way that does not unreasonably burden the other Party.

The Title IX Coordinator/Title IX Administrator promptly makes supportive measures available to the Complainant and/or Respondent, when appropriate, upon receiving notice of Prohibited Conduct. Supportive measures may be offered as the result of such disclosures without formal NMU action. At the time that supportive measures are offered, NMU will inform the Complainant, in writing (via email), that they may file a Formal Complaint with NMU either at that time or in the future, if they have not done so already. The Title IX Coordinator/Title IX Administrator is responsible for coordinating the implementation of supportive measures.

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

The University may place an employee on Administrative Leave when circumstances suggest the presence of the Respondent would significantly hinder the investigation.

Contacts and Resources That Can Help

State Sexual Assault Hotline

- 24 Hour, Confidential Sexual Assault Hotline
 - Call - 1-855-VOICES4
 - Text - 1-866-238-1454
 - Chat - <https://mcedsv.org/sexual-violence-hotline-chat/>
-

Emergency Police

Central Dispatch – 911 Emergencies

NMU Police Department – 100 Services Building, 2073 Sugarloaf Ave., Marquette, MI, 906-227-2151

Michigan State Police Negaunee Post – 180 US Highway 41 South, Negaunee, MI, 906-475-9922

Marquette City Police Department – 300 W. Baraga Ave., Marquette, MI, 906-228-0400

Marquette County Sheriff's Office – 236 W. Baraga Ave., Marquette, MI, 906-228-8435

Confidential Campus Resources

There are confidential resources at Northern Michigan University that can provide you with support while allowing you the time and space you need to process what has happened. Confidential resources can provide you with information about your options and available resources, and are exempt from required reporting.

- [NMU Counseling and Consultation Services](#), The NMU Wellbeing Center, 906-227-2980
 - [University Health Center](#), The NMU Wellbeing Center, 906-227-2355
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Other Campus Resources

- [Dean of Students](#), 2001 C.B. Hedgcock, 906-227-1700
 - [Housing and Residence Life staff, including Resident Directors, Resident Advisors, and Community Advisor](#) 124 Quad I, 906-227-2620
 - [NMU Public Safety](#), 100 Services Building, 2073 Sugarloaf Ave., phone 906-227-2151
 - [Title IX Office](#), 105 Cohodas Hall, 906-227-2417
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Community Agencies

- [Women's Center](#), 1310 S. Front Street, Marquette, MI 49855, 906-225-1346 or Emergency Hotline: 226-6611 or 1-800-455-6611 (24/7 crisis line)
 - [National Sexual Assault Hotline](#): 1-800-656-HOPE (24/7)
 - [National Domestic Violence Hotline](#): 1-800-799-7233
-

Hospitals

- [UP Health Systems – Marquette](#), 850 W. Baraga Ave, Marquette, MI 49855, 905-449-3000
 - [UP Health Systems – Bell](#), Ishpeming, 901 Lakeshore Drive, Ishpeming, MI 49849, 906-486-4431
-

Online Resources

- "[A Resource Handbook for Campus Sexual Assault Survivors, Friends, and Family](#)." (published 2018), Office of the Governor, in conjunction with the First Lady of Michigan.
 - [Advocacy Resource Center \(ARC\)](#), Sault St. Marie Tribe of Chippewa Indians ARC serving Chippewa, Mackinac, Luce, Schoolcraft, Delta, Alger and Marquette Counties
 - [It's On Us](#) - To Stop Sexual Assault.
 - [Know Your Title IX](#): - Empowering students to stop sexual violence.
 - [Let's End Campus Sexual Assault](#)
 - [Love is Respect](#) - Empowering youth to prevent and end dating abuse.
 - [Michigan Coalition to End Domestic and Sexual Violence \(MCEDSV\)](#)
 - [NCAA: Violence Prevention](#)
 - [NMU's Annual Security Report](#)
 - [Not Alone - Together Against Sexual Assault](#) - Official website of the United States Government.
 - [Office for Civil Rights](#)
 - [Public Health Resources Sexual Abuse](#) – Connects patients, students and professionals to the latest and most useful healthcare information and resources.
 - [Resource Center for Institutions of Higher Education](#)
 - [Sexual Assault: Awareness and Recovery for Students](#)
 - [Sexual Assault Awareness Month](#)
 - [Supporting the Academic Success of Pregnant and Parenting Students](#)
 - [The National Sexual Assault Hotline](#) - The hotline provides live help for individuals of sexual assault and their friends and families.
 - [The Pregnant Scholar](#) – An online toolkit for university students, faculty, and administrators on pregnancy and parenting students.
 - [Title IX of the Education Amendments of 1972](#)
 - [Title IX information](#)
-

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 Law Room. 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.

Relationship Violence, Sexual Misconduct and Stalking Guidelines, Procedure

Introductory Information

The following sections provide guidelines, as well as the processes NMU will follow when the University receives notice and/or a Formal Complaint that an NMU Community Member has engaged in Prohibited Conduct as defined in this Policy.

NMU takes complaints of Prohibited Conduct seriously, follows the law and operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

Nothing in the Relationship Violence, Sexual Misconduct and Stalking Policy or Procedures is intended to limit constitutionally protected First Amendment rights, Due Process rights of the 5th and 14th Amendments, or restrict any other Constitutional rights.

First Amendment free speech rights do not protect illegal activity, Prohibited Conduct, destruction of property, or material and substantial disruption of classes or campus activities.

Amnesty for Good Faith Reporting

The NMU community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to give notice to NMU officials or participate in Complaint/Grievance Process because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons. It is in the best interests of the NMU community that Complainants choose to give notice of misconduct to NMU officials, that witnesses come forward to share what they know, and that all Parties be forthcoming during the process.

To encourage reporting and participation in the process, NMU maintains a policy of offering Parties and witnesses amnesty from minor policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident. Granting amnesty is a discretionary decision made by the Title IX Coordinator/Title IX Administrator, and amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution.

A. Students

NMU maintains an amnesty policy for students who offer help to others in need.

B. Employees

Sometimes, employees are hesitant to report discrimination, harassment, or retaliation they have experienced for fear of getting in trouble themselves. NMU may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

Obligation to Provide Truthful Information

NMU Community Members are expected to provide truthful information in any report or proceeding under this Policy. Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation.

Additionally, witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or Complaint/Grievance Process can be subject to

discipline under appropriate NMU policies.

Parties and witnesses should not knowingly offer false or misleading information at any prohibited conduct meeting, investigation, or hearing.

Withdrawals, Resignations, Non-participation, and Graduation

A. Students

Should a student Respondent decide not to participate in the Complaint/Grievance Process, the process proceeds absent their participation to a reasonable resolution. If a student Respondent withdraws from NMU, the Complaint/Grievance Process may continue, or the Title IX Coordinator/Title IX Administrator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, NMU will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the Complaint is dismissed or pursued to completion of the Complaint/Grievance Process, NMU will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When a student withdraws or leaves while the process is pending, the student may not return to NMU in any capacity until the Complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the Title IX Coordinator/Title IX Administrator has discretion to dismiss the Complaint.

If the student Respondent takes a leave for a specified period of time (e.g., one semester or term), the Complaint/Grievance Process may continue remotely. If found in violation, that student is not permitted to return to NMU unless and until the Complaint/Grievance Process is complete and permits return.

B. Employees

Should an employee Respondent decide not to participate in the Complaint/Grievance Process, the process proceeds absent their participation to a reasonable resolution. If an employee Respondent withdraws from NMU with unresolved allegations pending, the Complaint/Grievance Process may continue, or the Title IX Coordinator/Title IX Administrator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, the Title IX Coordinator/Title IX Administrator may still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When an employee resigns and if the Complaint is dismissed, the employee may not return to the NMU in any capacity until the Complaint is resolved. The documents will be reserved in the Title IX Office.

Consent, Force (Coercion), and Incapacitation:

As used in this Policy, the following definitions and understandings apply:

Consent

Consent is defined as:

- knowing, and
- voluntary, and
- clear permission by word or action,
- to engage in sexual activity.

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent is evaluated from the perspective of what a Reasonable Person would conclude are mutually understandable words or actions. Reasonable reciprocation can establish consent.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, sexual activity should cease within a reasonably immediate time.

Silence or the absence of resistance alone should not be interpreted as consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Consent to some sexual contact (such as fondling) cannot be assumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected. If a sexual partner shares the clear expectation for the use of a condom, or to avoid internal ejaculation, and those expectations are not honored, the failure to use a condom, removing a condom, or internal ejaculation can be considered acts of sexual assault.

Proof of consent or non-consent is not a burden placed on either party involved in a Complaint. Instead, the burden remains on NMU to determine whether its Policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a Reasonable Person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Going beyond the boundaries of consent is prohibited. Thus, unless a sexual partner has consented to slapping, hitting, hair pulling, strangulation, or other physical roughness during otherwise consensual sex, those acts may constitute dating violence or sexual assault. (Consent in relationships must also be considered in context. When Parties consent to BDSM (bondage, discipline, sadism, masochism) or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual.)

Force

Force is the use of physical violence and/or physical imposition to gain sexual access. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Force is conduct that, if sufficiently severe, can negate consent.

Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

Coercion is unreasonable pressure for sexual activity. Coercive conduct, if sufficiently severe, can render a person’s consent ineffective, because it is not voluntary. When someone makes clear that they do not want to engage in sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.

Incapacitation

Incapacitation is a state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to

understand the “who, what, when, where, why, and how” of their sexual interaction). A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including because of alcohol or other drug consumption.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

Incapacitation is determined through consideration of all relevant indicators of a person’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

If the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated, the Respondent is not in violation of this Policy. “Should have known” is an objective, Reasonable Person standard that assumes that a Reasonable Person is both sober and exercising sound judgment.

Resources - On and Off-Campus

The following resources are available to assist Parties in Relationship Violence, Sexual Misconduct, and/or Stalking matters as well as to friends and family members who want to report relationship violence, sexual misconduct, and/or stalking.

On-Campus Resources

NMU Police Department (Open 24 hours a day)

906-227-2151

Emergency: 911

100 Services Building, 2073 Sugarloaf Ave.

Title IX Coordinator

906-227-2416

105 Cohodas Hall

Dean of Students Office (DSO)

906-227-1700

2001 Hedgcock

Counseling and Consultation Services

906-227-2980

NMU WellBeing Center

NMU Health Center

906-227-2355

NMU WellBeing Center

Housing and Residence Life

906-227-2620

Room 124 Quad 1 (Spalding Lobby)

Off-Campus Resources

Women's Center (note: Women's Center provides services to all people of all genders and gender identities)

Emergency Hotline 24/7

906-226-6611

(800) 455-6611

General Information

906-225-1346

Harbor House

24/7 crisis line

906-226-6611

(800) 455-6611

Planned Parenthood

906-225-5070

1219 North Third Street

Marquette, MI, 49855

plannedparenthood.org

Employee Assistance Program (for NMU Employees)

Call NorthStar to schedule an appointment:

906-225-3145

northstareap.com

UP Health Systems - Marquette

906-228-9440

850 W. Baraga Avenue

Marquette, MI, 49855

UP Health Systems – Bell (Ishpeming)

906-486-4431

901 Lakeshore Drive

Ishpeming, MI, 49849

Pathways

906-225-1181

(888) 728-4929 24/7 Hotline

200 West Spring Street

Marquette, MI, 49855

National Sexual Assault Hotline

<http://www.rainn.org>

1-800-656-4673 (24/7)

Important Information about Medical Care and Preserving Evidence

NMU encourages all individuals who experienced sexual misconduct and/or relationship violence to seek immediate assistance from a medical provider for emergency services, including treatment of any injury, and to collect and preserve physical and other forms of evidence.

The preservation of evidence can be critical to potential criminal prosecution and to obtaining restraining/protective orders, and it is particularly time sensitive. A Complainant can preserve evidence by taking actions, including but not limited to, the following:

Sexual Assault

- Seek forensic medical assistance at the nearest hospital as soon as possible, ideally within 120 hours of the incident.
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement)
- Seeking medical treatment can be essential, even if it is not for the purposes of collecting forensic evidence.

Stalking/Dating Violence/Domestic Violence/Sex-Based Harassment

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
- Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
- Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of email and social media correspondence, including notifications related to account access alerts.
- Take time stamped photographs of any physical evidence, including notes, gifts, etc., in place when possible.
- Save copies of any messages, including those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

During the initial meeting between the Complainant and Title IX Coordinator/Title IX Administrator, the importance of taking these actions will be discussed, if timely.

NMU Police Department may provide transportation to an examination if requested. Even if an individual has not been physically hurt, a timely medical examination is recommended so that forensic evidence can be collected and preserved. An individual may choose to allow the collection of evidence by medical personnel even if they choose not to make a report to the police.

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 (STIs). In Marquette, sexual assault forensic exams can be coordinated through UP Health Systems - Marquette, 906-228-9440; Women's Center/Harbor House 906-225-1346; Hotline: (800) 455-6611; <http://www.wcmqt.org/> or by calling the National Sexual Assault Hotline at (800) 656-4673.

In Michigan, sexual assault victims have the right to receive a no-cost medical forensic examination and have evidence collected within 120 hours (5 days) of a sexual assault, even if they do not want to participate in the criminal justice process. Health facilities must offer the examination and evidence collection to any person who states they have been assaulted within the previous 120 hours (5 days). If an individual chooses, forensic evidence is also collected through the use of a sexual assault evidence kit. Sexual assault medical forensic examinations are typically performed by a Sexual Assault Nurse Examiner. Patients cannot be billed for evidence collection and the accompanying medical forensic examination.

Where and to Whom to Report

Mandatory Reporters are required to report all Prohibited Conduct (Relationship Violence, Sexual Misconduct, and Stalking) reported to them to the Title IX Coordinator/Title IX Administrator. Any individual (including a student, employee, visitor, guest, or other third party), not just the Complainant, may make a report. An individual may choose to report to law enforcement, an NMU Mandatory Reporter, to both law enforcement and the University, or to make no report at all. Individuals are encouraged to make reports to the police jurisdiction where the violation occurred. NMU Police Department may provide information of police jurisdictions if needed. Support and resources are available, upon request, regardless of the chosen reporting option.

NMU recognizes that deciding among these options can be difficult and is an intensely personal decision. A Complainant has many options to make a report under the Relationship Violence, Sexual Misconduct, and Stalking Policy, including seeking counseling or assistance from a confidential resource and/or making a report to law enforcement.

To File a University Complaint

Reports of Prohibited Conduct can be made to NMU through a number of Mandatory Reporters, including the offices listed below.

If you have a police or medical emergency, call 911.

On-Campus

NMU Police Department
100 Services Building
906-227-2151

NMU Equal Opportunity and Title IX Office
105 Cohodas Hall
906-227-2420

NMU Dean of Students Office
2001 Hedgcock
906-227-1700

NMU Housing and Residence Life (including resident directors and resident advisers)
Room 124 Quad 1 (Spalding Lobby)
906-227-2620

To any Mandatory Reporter

Mandatory Reporters include all NMU employees who, as a requirement of this Policy, must immediately report any information they learn about suspected Prohibited Conduct to the Title IX Coordinator/Title IX Administrator. Failure by a Mandatory Reporter to timely report suspected Prohibited Conduct may subject them to appropriate discipline, up to and including removal from their position.

A Mandatory Reporter includes any employee, including student employees, who have a duty to report to the Title IX Coordinator/Title IX Administrator Prohibited Conduct covered by NMU Policy.

Mandatory Reporters are required by NMU Policy to immediately disclose all reported 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/Title IX Administrator. Mandatory Reporters 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 the Relationship Violence, Sexual Misconduct and Dating Violence Policy. This connects a Complainant to

information and resources and enables NMU to take appropriate action to eliminate, prevent and address any Prohibited Conduct that may exist.

To File a Criminal Complaint

Reports of Prohibited Conduct that may constitute a violation of the criminal laws can also be made to law enforcement; make reports to the police jurisdiction where the violation occurred.

Emergency - 911
NMU Police Department
100 Services Building, 2073 Sugarloaf Ave.
Marquette, MI, 49855
906-227-2151

Marquette City Police Department
300 W. Baraga Avenue
Marquette, MI, 49855
906-228-0400

Marquette County Sheriff
236 W. Baraga Avenue
Marquette, MI, 49855
906-228-8435

Nationwide Police Contact Information:
policelocator.com

If an individual files a report with the NMU Police Department, that information is shared with the Title IX Coordinator/Title IX Administrator. However, action taken through the NMU Police Department and/or NMU are separate. Support and resources are available, regardless of the chosen reporting path.

Initial Evaluation

The Title IX Coordinator/Title IX Administrator conducts an initial evaluation typically within seven (7) business days of receiving Notice/Complaint/Knowledge of alleged misconduct. The initial evaluation typically includes:

- Assessing whether the reported conduct may reasonably constitute a violation of the Policy.
 - If the conduct may not reasonably constitute a violation of the Policy, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. It may then be referred to another process, if applicable.
- Determining whether NMU has jurisdiction over the reported conduct, as defined in the Policy.
 - If the conduct is not within NMU jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. If applicable, the conduct will be referred to the appropriate office for resolution.
- Offering and coordinating supportive measures for the Complainant.
- Offering and coordinating supportive measures for the Respondent, as applicable.
- Notifying the Complainant, or the person who reported the allegation(s), of the Complaint/Grievance Process, including a supportive and remedial response, an Informal Resolution option, or the Complaint/Grievance Process described below.
- Determining whether the Complainant wishes to make a Complaint.

- Notifying the Respondent of the Complaint/Grievance Process, including a supportive and remedial response, an Informal Resolution option, or the Complaint/Grievance Process described below, if a Complaint is made.
- Notifying any need-to-know departmental or human resources unit, as applicable, of the reported conduct.

Helping a Complainant to Understand Options

If the Complainant indicates they wish to initiate a Complaint (in a manner that can reasonably be construed as reflecting intent to make a Complaint), the Title IX Coordinator/Title IX Administrator will help to facilitate the Complaint, which will include:

- Working with the Complainant to determine whether the Complainant wishes to pursue one of three resolution options:
 - a supportive and remedial response, and/or
 - Informal Resolution, or
 - the Complaint/Grievance Process described below.

The Title IX Coordinator/Title IX Administrator will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation. If the Complainant elects for the Complaint/Grievance Process below, and the Title IX Coordinator/Title IX Administrator has determined the Policy applies and that NMU has jurisdiction, they will route the matter to the appropriate Complaint/Grievance Process, will provide the Parties with a Notice of Investigation and Allegation(s), and will initiate an investigation consistent with these procedures. If any Party indicates (either orally or in writing) that they want to pursue an Informal Resolution option, the Title IX Coordinator/Title IX Administrator will assess whether the matter is suitable for Informal Resolution and refer the matter accordingly.

If the Complainant indicates (either orally or in writing) that they do not want any action taken, no Complaint/Grievance Process will be initiated (unless deemed necessary by the Title IX Coordinator/Title IX Administrator), though the Complainant can elect to initiate one later, if desired.

Administrator Authority to Initiate a Complaint

If the Complainant does not wish to file a Complaint, Title IX Coordinator/Title IX Administrator, who has ultimate discretion as to whether a Complaint is initiated, will offer supportive measures and determine whether to initiate a Complaint themselves. To make this determination, the Title IX Coordinator/Title IX Administrator will evaluate that request to determine if there is a serious and imminent threat to someone's safety or if NMU cannot ensure equal access without initiating a Complaint. The Title IX Coordinator/Title IX Administrator will consider the following non-exhaustive factors to determine whether to file a Complaint:

- The Complainant's request not to proceed with initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of Prohibited Conduct would occur if a Complaint is not initiated;
- The severity of the alleged Prohibited Conduct, including whether the Prohibited Conduct, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the Prohibited Conduct and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is an NMU employee;
- The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing Prohibited Conduct, or Prohibited Conduct alleged to have impacted multiple individuals;
- The availability of evidence to assist a Decision-maker in determining whether Prohibited Conduct occurred;
- Whether NMU could end the alleged Prohibited Conduct and prevent its recurrence without initiating its Complaint/Grievance process.

If deemed necessary, the Title Coordinator/Title IX Administrator may consult with appropriate NMU employees, and/or conduct a violence risk assessment with appropriate CARE Team members to aid their determination whether to initiate a Complaint.

When the Title IX Coordinator/Title IX Administrator initiates a Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this Policy. The Complainant's level of participation, if any, in a Title IX Coordinator/Title IX Administrator Complaint process is voluntary.

Dismissal

The Title IX Coordinator/Title IX Administrator may dismiss a Complaint if, at any time during the investigation or Complaint/Grievance Process, one or more of the following grounds are met:

- The Title IX Coordinator/Title IX Administrator is unable to identify the Respondent after taking reasonable steps to do so
- The Title IX Coordinator/Title IX Administrator no longer enrolls or employs the Respondent
- A Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the Title IX Coordinator/Title IX Administrator declines to initiate a Complaint
- The Title IX Coordinator/Title IX Administrator determines the conduct alleged in the Complaint would not constitute a Policy violation, taking Complainant's report as true.

A Decision-maker can recommend dismissal to the Title IX Coordinator/Title IX Administrator, if they believe the grounds are met. A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it.

Upon any dismissal, the Title IX Coordinator/Title IX Administrator will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, the Title IX Coordinator/Title IX Administrator will also notify the Respondent of the dismissal.

The dismissal decision is appealable by any party.

Appeal of Dismissal

The Complainant may appeal a dismissal of their Complaint. The Respondent may also appeal the dismissal of the Complaint if dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be filed within three (3) business days of the notification of the dismissal.

The Title IX Coordinator/Title IX Administrator will notify the Parties of any appeal of the dismissal. If, however, the Complainant appeals, but the Respondent was not notified of the Complaint, the Title IX Coordinator/Title IX Administrator must then provide the Respondent with a Notification of Investigation and Allegations (NOIA) and will notify the Respondent of the Complainant's appeal with an opportunity to respond.

Throughout the dismissal appeal process, the Title IX Coordinator/Title IX Administrator will:

- implement dismissal appeal procedures equally for the Parties,
- assign a trained Dismissal Appeal Officer who did not take part in an investigation of the allegations or dismissal of the Complaint,
- provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal, and
- notify the Parties of the result of the appeal and the rationale for the result.

The grounds for dismissal appeals are limited to:

- procedural irregularity that would change the outcome;
- new evidence that would change the outcome and that was not reasonably available when the dismissal was decided;
- the Title IX Coordinator/Title IX Administrator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

Upon receipt of a dismissal appeal in writing from one or more Parties, the Title IX Coordinator/Title IX Administrator will share the petition with the other party and provide three (3) business days for other Parties to respond to the request. The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. This appeal will be provided in writing to the other Parties, and the Title IX Coordinator/Title IX Administrator, who will be invited to respond in writing. At the conclusion of the response period, the Title IX Coordinator/Title IX Administrator will forward the appeal, as well as any response provided by the other Parties to the Dismissal Appeal Officer for consideration.

If the request for appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Dismissal Appeal Officer, and the Parties, their Advisors, and the Title IX Coordinator/Title IX Administrator will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in this Policy, then the Dismissal Appeal Officer will notify all Parties and their Advisors, and the Title IX Coordinator/Title IX Administrator, of their decision and rationale in writing. The effect will be to reinstate the Complaint.

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Dismissal Appeal Officer has seven (7) business days to review and decide on the appeal, though extensions can be granted at the discretion of the Title IX Coordinator/Title IX Administrator, and the Parties will be notified of any extension.

The Dismissal Appeal Officer may consult with the Title IX Coordinator/Title IX Administrator and/or legal counsel on questions of procedure or rationale for clarification, if needed. The Title IX Coordinator/Title IX Administrator will maintain documentation of all such consultation.

Emergency Removal

The Title IX Coordinator/Title IX Administrator may recommend to the Dean of Students Office, the emergency removal (temporary suspension) of the Respondent. The Dean of Students Office will follow the Temporary Suspension guidelines - 2.7.07 - within the NMU Student Handbook.

Nothing precludes NMU from removing a Respondent from an education program or activity on an emergency basis, provided that the NMU undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of Prohibited Conduct justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

The University may place an employee on Administrative Leave, with or without pay, when circumstances suggest the presence of the Respondent would significantly hinder the investigation or where the Respondent poses an immediate threat to the physical health or safety of an individual.

Informal Resolution

To initiate an Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator/Title IX Administrator at any time prior to a final determination, or the Title IX Coordinator/Title

IX Administrator may offer the option to the Parties, in writing. The Title IX Coordinator/Title IX Administrator will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution. The Title IX Coordinator/Title IX Administrator has the authority to approve or decline an Informal Resolution in any given case and at any given time.

Before initiation of an Informal Resolution process, the Title IX Coordinator/Title IX Administrator will provide the Parties with a NOIA that explains:

- The allegations;
- The requirements of the Informal Resolution process;
- That, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and to initiate or resume NMU's Complaint/Grievance Process;
- That the Parties' agreement to a resolution at the conclusion of the Informal Resolution process will preclude the Parties from initiating or resuming the resolution process arising from the same allegations;
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties; and
- What information the Title IX Coordinator/Title IX Administrator will maintain, and whether and how it could disclose such information for use in its Complaint/Grievance Process.

NMU generally offers two categories of Informal Resolutions:

- 1) **Educational Conversation.** When the Title IX Coordinator/Title IX Administrator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and institutional expectations.
- 2) **Accepted Responsibility.** When the Respondent is willing to accept responsibility for violating Policy and is willing to agree to actions that will be enforced similarly to sanctions, and the Complainant(s) and NMU are agreeable to the resolution terms. The individual facilitating an Informal Resolution must be trained and cannot be the Investigator, Decision-maker, or Appeal Decision-maker.

It is not necessary to pursue Informal Resolution first in order to pursue a Complaint/Grievance Process. Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time prior to its conclusion and initiate or resume the Complaint/Grievance Process.

If an investigation is already underway, the Title IX Coordinator/Title IX Administrator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

Formal Complaint

A complaint may be filed with the Title IX Coordinator/Title IX Administrator, orally or in writing, in person, by mail, online web form submission, or by electronic mail, by using the contact information listed in the Relationship Violence, Sexual Assault and Stalking Policy. If an oral complaint is made a request for certification in writing will be sent to the Complainant.

If notice of a complaint is submitted in a form that does not meet the standard of a Formal Complaint, the Title IX Coordinator/Title IX Administrator will contact the Complainant to ensure that it is filed correctly. A Formal Complaint means a document filed/signed (physical or digital signature or otherwise indicates that the Complainant is the person filing the complaint) by the Complainant. A parent or legal guardian may file a Formal Complaint on behalf of their dependent with a disability.

A Formal Complaint may also be signed by the Title IX Coordinator/Title IX Administrator alleging a policy violation by a Respondent and requesting that NMU investigate the allegation(s). In doing so, the Title IX Coordinator/Title IX Administrator does not become a Complainant or a Party for the case.

Timeframes for Reporting

There is no time limitation on providing Notice/Complaints to the Title IX Coordinator/Title IX Administrator. However, if the Respondent is no longer subject to the NMU's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

If a Complainant chooses not to file a Formal Complaint at the time of the Report, they may file a Formal Complaint at a later date.

If a Complainant decides to withdraw a Formal Complaint, they may later request to reinstate it or refile it.

Complainant Requests for Confidentiality/No Investigation

If a Complainant does not wish for their name or other identifiable information to be shared with the Respondent, does not wish for an investigation to take place, or does not want a Formal Complaint to be pursued, they may make such a request to the Title IX Coordinator/Title IX Administrator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law. NMU will also remain true to principles of fundamental fairness that require notice and an opportunity to respond to all parties in a Formal Complaint process.

In assessing threats, NMU may consult with appropriate offices, which may include the appropriate members of the CARE Team, the Dean of Students Office, and NMU Police Department, and may consider the following in evaluating a Complainant's request for confidentiality, that no investigation occur, or that no formal action be taken:

- the nature and scope of the alleged conduct, including whether the reported Prohibited Conduct involves the use of a weapon;
- the Complainant's wish not to pursue disciplinary action;
- the respective ages and roles of the Complainant and Respondent;
- the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- whether there have been other reports of misconduct by the Respondent;
- whether the Respondent threatened further sexual violence or other violence against the Complainant or others;
- whether the report reveals a pattern of Prohibited Conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group such that there is an increased risk of future acts of sexual violence under similar circumstances;
- whether NMU possesses other means to obtain relevant evidence (e.g., security cameras, personnel, or physical evidence);
- considerations of fundamental fairness and due process with respect to the Respondent should the course of action include disciplinary action against the Respondent; and
- NMU's obligation to provide a safe and non-discriminatory environment.

Where NMU determines what action should be taken that is inconsistent with a Complainant's request not to proceed, the Title IX Coordinator/Title IX Administrator will inform the Complainant about NMU's chosen course of action. As part of providing Supportive Measures, NMU may pursue steps to limit the effects of the alleged Prohibited Conduct and prevent its recurrence in ways that do not involve disciplinary action against a Respondent or disclosing the identity of the Complainant. NMU may be compelled to initiate a Formal Complaint signed by the Title IX Coordinator/Title IX Administrator or otherwise act on alleged employee misconduct irrespective of a Complainant's wishes.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a Formal Complaint at a later date. Upon making a Formal Complaint, a Complainant has the right, and can expect, to have allegations taken seriously by NMU, and to have the incidents investigated and resolved through these procedures.

Supportive Provisions

Supportive Measures

During the grievance procedures or during the informal Complaint/Grievance Process, the Title IX Coordinator/Title IX Administrator will offer and/or provide supportive measures. Supportive measures cannot be unreasonably burdensome to a party and cannot be imposed for punitive or disciplinary reasons. NMU offers non-disciplinary, non-punitive individualized services as appropriate, as reasonably available, and without fee or charge to the Complainant and/or the Respondent upon notice of alleged Prohibited Conduct. Such measures are designed to restore or preserve equal access to the university's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the university's educational environment, and deter Prohibited Conduct.

Supportive measures may include referral to other departments such as Counseling and Consultation Services or the Health Center, or referral to the Employee Assistance Program, modifications of work, Safe Walk Program, mutual restrictions on contact between the Complainant and Respondent, changes in work or housing locations, work leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator/Title IX Administrator may also assist, in coordination with faculty, in other supportive measures that may include adjustment to class schedules, extensions of deadlines or other course-related adjustments, and student leave of absence.

NMU will maintain the privacy of the supportive measures, provided that privacy does not impair NMU's ability to provide the supportive measures. NMU will act to ensure as minimal of an academic impact on the Parties as possible. NMU will implement measures in a way that does not unreasonably burden the other Party.

The Title IX Coordinator/Title IX Administrator promptly makes supportive measures available to the Complainant and/or Respondent, when appropriate, upon receiving notice of Prohibited Conduct. Supportive measures may be offered as the result of such disclosures without formal NMU action. At the time that supportive measures are offered, NMU will inform the Complainant, in writing (via email), that they may file a Formal Complaint with NMU either at that time or in the future, if they have not done so already. The Title IX Coordinator/Title IX Administrator is responsible for coordinating the implementation of supportive measures.

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

The University may place an employee on Administrative Leave when circumstances suggest the presence of the Respondent would significantly hinder the investigation.

Support Person and/or Adviser

Complainant(s) and Respondent(s) may each have a support person and/or Adviser of their choice present at any meeting related to a report of Prohibited Conduct.

During investigative meetings, the Adviser and/or Support Person are both silent and non-participating entities who are there solely to observe and provide support. The Parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the Complaint/Grievance Process. Either Party or

their Adviser and/or Support Person may request a short break during the investigative meetings to confer privately.

If the case proceeds to a hearing, the Adviser is then responsible for asking cross examination questions on behalf of their Party. The Adviser cannot make opening or closing statements, object to questions, ask questions of their own, or engage in advocacy other than to ask questions on behalf of their Party. An Adviser is required at a hearing; if a Party does not have an Adviser at the hearing, the University will provide one at no charge.

An Adviser may be an attorney at the Parties own cost. Advisers should make themselves available for meetings throughout the process when requested by their Party to attend. NMU will communicate directly with the Party. If the Party requests communication to include the Adviser, the determination will be made at the discretion of the Title IX Coordinator/Title IX Administrator.

The Adviser and/or Support Person will be required to abide by the University's policies and procedures, privacy protections and expected rules of participation. The University shall determine what constitutes appropriate behavior on the part of a support person and Adviser.

Any Adviser who oversteps their role as defined will be warned. If the Adviser continues to disrupt or otherwise fails to respect the limits of the Adviser role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator/Title IX Administrator will determine how to address the Adviser's non-compliance and future role.

Advisers are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by NMU. NMU may seek to restrict the role of any Adviser who does not respect the sensitive nature of the process or who fails to abide by NMU's privacy expectations.

NMU may also make reasonable provisions to allow an Adviser who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

The Parties are expected to provide immediate notice to the Title IX Coordinator/Title IX Administrator if they change Advisers at any time.

Complaint/Grievance Process

When responding to a Report of Prohibited Conduct, NMU will undertake one of two Complaint/Grievance Processes, either:

- *Complaint/Grievance Process A (Applies to any reported Prohibited Conduct involving students. It also applies to employee reports of Relationship Violence, Sexual Misconduct (Sexual Assault and Sexual Exploitation), and Stalking)*
 - Relationship Violence (Dating Violence, and Domestic Violence), Sexual Assault (Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape), and Stalking
 - assessment (including Supportive Measures or temporary suspension); formal resolution (investigation, hearing (for Complaint/Grievance Process A / Appendix A only), finding, appeal of outcome, sanction, appeal of sanction)
 - Sex Discrimination (Gender Identity, Sexual Orientation, Sex Stereotypes, and Sex-Based Harassment (Sexual Harassment and other harassment on the basis of sex))
 - assessment (including Supportive Measures or temporary suspension); formal resolution (investigation, hearing (for Complaint/Grievance Process A / Appendix A only), finding, appeal of outcome, sanction, appeal of sanction)

- for conduct involving a student Party/Parties only.
- Complaint/Grievance Process B (*Applies to reported Prohibited Conduct matters between employees of the University, where an employee is reporting the Prohibited Conduct covered below.*)
 - Sex Discrimination (Gender Identity, Sexual Orientation, Sex Stereotypes, and Sex-Based Harassment (Sexual Harassment and other harassment on the basis of sex))

Reports that include allegations from both Complaint/Grievance Processes A & B, will follow Complaint/Grievance Process A.

Reports that include allegations related to the Nondiscrimination Policy will follow Complaint/Grievance Process A or B, as applicable.

The Complaint/Grievance Process will include; assessment (including supportive measures or emergency removal); formal resolution (investigation, hearing (for Complaint/Grievance Process A/Appendix A only), finding, appeal of outcome, sanction, appeal of sanction).

The Complaint/Grievance Process will ensure the following basic rights for all participants:

- Equitable treatment of all Parties
- Supportive Measures offered to both Parties
- Objective evaluation of relevant evidence
- No NMU conflicts of interest or bias by investigators or any Decision Makers involved in the process.
- Presumption of “not responsible” for Respondent
- Reasonably prompt timeframes for all steps in the process, including disciplinary sanctions
- Preponderance of Evidence standard used in all cases
- Appeal provided to both Parties

The Title IX Coordinator/Title IX Administrator will provide supportive measures and assist any Complainant or Respondent in understanding how to navigate the Grievance Process and Procedures. Upon receipt of a Formal Complaint, NMU will conduct an assessment to determine the applicable process for review and investigation.

Unionized/other categorized employees are subject to the terms of their agreements/employees’ rights to the extent those agreements do not conflict with federal or state compliance obligations.

All efforts will be made to complete the Complaint/Grievance Process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. Complainants and Respondents will be provided periodic status updates on the progress of the investigation and resolution of all Formal Complaints and subsequent appeals.

NMU will determine responsibility for violation of this Policy by using the preponderance of evidence standard.

When the Respondent is a third party, defined as any Party who is not a current NMU student or employee, NMU’s ability to take action may be limited. Please see Appendix C: Third Parties.

Prohibited Conduct

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discrimination, harassment, and retaliation. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom or the First Amendment.

The sections below describe the specific forms of legally prohibited discrimination, harassment, and retaliation that are also prohibited under NMU's Policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of NMU's Policy, though supportive measures will be offered to those impacted.

All offense definitions below encompass actual and/or attempted offenses.

Any of the following offenses can be charged as or combined as pattern offenses, in which case the NOIA will clearly indicate that both individual incidents and a pattern of conduct are being investigated. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice-versa. Patterns may exist based on target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis to enhance sanctions, accordingly.

Violation of any other NMU policies may constitute discrimination or harassment when motivated by actual or perceived protected characteristic(s), and the result is a limitation or denial of employment or educational access, benefits, or opportunities.

- Discrimination (on the basis of sex under this Policy)

Throughout this Policy, "on the basis of sex" means conduct that is sexual in nature, or that is directed to the Complainant because of his/her/their actual or perceived sex or gender identity.

Note: For other forms of discrimination see NMU's [Non-Discrimination Policy | Equal Opportunity \(nmu.edu\)](https://www.nmu.edu/non-discrimination-policy)

Discrimination is different treatment with respect to an individual's employment or participation in an education program or activity based, in whole or in part, upon the individual's actual or perceived protected characteristic. Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy.

Discrimination can take two primary forms:

- Disparate Treatment Discrimination:
 - Any intentional differential treatment of a person or persons that is based on an individual's actual or perceived protected characteristic and:
 - excludes an individual from participation in; denies the individual benefits of;
 - or otherwise adversely affects a term or condition of an individual's participation in an NMU program or activity.
- Disparate Impact Discrimination:
 - Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that:
 - excludes an individual from participation in; denies the individual benefits of;
 - or otherwise adversely affects a term or condition of an individual's participation in an NMU program or activity.

- Discriminatory Harassment

Discriminatory Harassment is unwelcome conduct on the basis of actual or perceived protected characteristic(s), that based on the totality of the circumstances, is

- subjectively and objectively offensive, and
- is so severe or pervasive, that it limits or denies a person's ability to participate in or benefit from NMU's education program or activity

- Sex-based Harassment (Applicable under Title IX, Title VII, and the Fair Housing Act)

Sex-based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; sexual assault, dating violence, domestic violence, and stalking.

1) Quid pro quo: an employee agent, or other person authorized by NMU, to provide an aid, benefit, or service under NMU's education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service, on a person's participation in unwelcome sexual conduct.

2) Hostile Environment Harassment: unwelcome sex-based conduct, that based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive, that it limits or denies a person's ability to participate in or benefit from NMU's education program or activity

NMU reserves the right to address offensive conduct and/or harassment that (1) does not rise to the level of creating a hostile environment, or (2) that is of a generic nature and not based on a protected characteristic. Addressing such conduct will not result in the imposition of discipline under NMU Policy, but may be addressed through respectful conversation, remedial actions, education, effective or other Informal Resolution mechanisms.

For assistance with Informal Resolution techniques and approaches, contact the Title IX Coordinator/Title IX Administrator.

3) Sexual Assault: Any sexual act, including Rape, Sodomy, Sexual Assault with an Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also, unlawful sexual intercourse.

- Rape:
 - Penetration, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent
 - because of their age or
 - because of their temporary or permanent mental or physical incapacity
- Sodomy
 - Oral or anal penetration of the Complainant by the Respondent without the consent of the Complainant,
 - including instances where the Complainant is incapable of giving consent
 - because of their age or
 - because of their temporary or permanent mental or physical incapacity
- Sexual Assault with an Object
 - Respondent's use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of the Complainant, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent
 - because of their age or
 - because of their temporary or permanent mental or physical incapacity
- Fondling
 - touching of the private body parts (breasts, buttocks, groin, or inner thigh) of the Complainant by the Respondent
 - causing the Complainant to touch the Respondent's private body parts
 - intentionally for a sexual purpose

- without the consent of the Complainant, including instances where Complainant is incapable of giving consent
- because of their age or
- because of their temporary or permanent mental incapacity or physical incapacity.
- Incest
 - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Michigan State law
- Statutory Rape
 - Non-forcible sexual intercourse with a person who is under the statutory age of consent, which is 16 in Michigan.

4) Dating Violence:

- violence* committed by a Respondent,
- who is in or has been in a social relationship of a romantic or intimate nature with the Complainant; and
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - length of the relationship
 - type of relationship
 - frequency of the interaction between the Parties involved in the relationship.

**For purposes of this Policy, violence is defined as intentionally or recklessly causing the Complainant physical, emotional, or psychological harm. Legitimate use of violence for self-defense is not chargeable under this Policy because the purpose is safety, not harm. Consensual use of violence, such as in kink relationships, would also not meet this definition, in most circumstances.*

5) Domestic Violence

- felony or misdemeanor crimes committed by a person who:
 - is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of the State of Michigan or a person similarly situated to a spouse of the Complainant;
- is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
- shares a child in common with the Complainant; or
- commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of the State of Michigan.

6) Stalking

- engaging in a course of conduct*, that is,
 - 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. ***

**For purposes of this definition, "A 'course of conduct' requires that there be more than one incident and the conduct must be directed at a specific person. Stalking can occur in person or using technology, and the duration, frequency, and intensity of the conduct should be considered. Stalking tactics can include, but are not limited to watching, following, using tracking devices, monitoring online activity, unwanted contact, property invasion or damage, hacking accounts, threats, violence, sabotage, and attacks. Merely annoying conduct, even if repeated, is a nuisance, but is not typically chargeable as stalking.*

***Reasonable Person is an objective standard meaning a person in the Complainant's shoes (having similar characteristics/demographics to the Complainant).*

****In the context of stalking, a Complainant is not required to obtain medical or other professional treatment and counseling is not required to show substantial emotional distress.*

Resolution Timeline

The Title IX Office will make a good faith effort to complete the Complaint/Grievance Process within one hundred and twenty (120) business days, including any appeals, which can be extended as necessary for appropriate cause by the Title IX Coordinator/Title IX Administrator. The Parties will receive regular updates on the progress of the Complaint/Grievance Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process. Investigations are completed expeditiously, normally within one hundred and twenty (120) business days, though some investigations may take longer, depending on issues such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors. If a party or witness chooses not to participate in the Complaint/Grievance Process or becomes unresponsive, the Title IX Office reserves the right to continue it without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Policy and the opportunity to participate in the Complaint/Grievance Process.

The Title IX Office may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to delay the investigation temporarily, the need for language assistance, the absence of Parties and/or witnesses, and/or health conditions. The Title IX Office will promptly resume its Complaint/Grievance Process as soon as feasible. During such a delay, Title IX Office will implement and maintain supportive measures for the Parties as deemed appropriate. The Title IX Office action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced. The Title IX Office will make a good faith effort to complete the Complaint/Grievance Process as promptly as circumstances permit and will communicate regularly with the Parties to update them on the progress and timing of the process.

Additional Information

Coordination with Law Enforcement

NMU encourages Complainants and Respondents to pursue their legal rights regarding criminal claims of Prohibited Conduct that may also violate federal or state law. If requested, NMU will connect involved Parties with resources so they may file criminal reports and/or cooperate with law enforcement agencies.

NMU's Relationship Violence, Sexual Misconduct, and Stalking Policy, Procedures, definitions and burden of proof may differ from Michigan or federal criminal law. Neither law enforcement's determination of whether to prosecute a Respondent, nor the outcome of any criminal prosecution, determine whether a violation of this Policy has occurred. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

At the request of law enforcement, NMU may defer its Complaint/Grievance Process until after the initial stages of a criminal investigation. If NMU delays for this reason, it will communicate with both Parties regarding Supportive Measures, rights, and procedural options under this Policy to assure safety and well-being during the criminal investigation. NMU will promptly resume the Complaint/Grievance Process under this Policy as soon as it is informed that law enforcement has completed its initial investigation. The Title IX Coordinator/Title IX Administrator shall communicate with NMU Police Department concerning any reported Prohibited Conduct that may constitute a crime, but such notification shall not obligate a Complainant to initiate or participate in a law enforcement investigation or criminal proceeding of any kind.

Prevention Education

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

NMU also uses internal and external resources to educate students and employees about harassment, sexual misconduct, relationship violence, safe and positive options for bystander intervention, as well as alcohol and drug awareness. Information is also available for students and employees concerning relationship violence, sexual misconduct, and/or stalking prevention and awareness upon request.

In addition, NMU offices, such as the NMU Police Department, Intercollegiate Athletics and Rec Sports, and Housing and Residence Life, coordinate to offer programming to address important topics such as relationship violence, sexual misconduct, bystander intervention, and substance abuse awareness education.

In addition, NMU follows all federal and state training requirements for all sexual misconduct, relationship violence and/or stalking for reporting, investigations, resolutions, and appeals.

Training Requirements

Every person involved in the resolution of a Formal Complaint of Prohibited Conduct and/or Informal Resolution must complete all legally required training. These individuals include Title IX Coordinator/Title IX Administrators, Investigators, Decision Maker, Appeal Decision Maker and/or Committee Members, Conduct Administrators (designated Dean of Student staff, designated Human Resources staff, and the Provost for Academic Affairs and their designee), and designated NMU Police Department staff and Mandatory Reporters. All employees are also trained on this Policy annually.

Contact Information for External Complaints and Other Resources

Concerns about NMU's application of Title IX, Title VII, the Clery Act, or Michigan's Elliott-Larsen Civil Rights Act or any other applicable federal or state law may be addressed to the Title IX Office at titleix@nmu.edu or 906-227-2416; Clery Officer at cleryofficer@nmu.edu or 906-227-2150; or 906-227-2272 or crcomplaint@nmu.edu and indicate whether you want to speak to NMU's General Counsel; Board Chair; or Board Vice-Chair, or any of these external agencies:

United State Department of Education Clery Act Compliance Division
clery@ed.gov
(800) 421-3481

United States Department of Education Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov

Equal Employment Opportunity Commission
info@eeoc.gov
(800) 669-4000

Michigan Department of Civil Rights
www.michigan.gov/

DEFINITIONS

Adviser

Any person chosen by a party, or appointed by the University, who may accompany the Party to all meetings related to the Complaint/Grievance Process and advise the party on that process. The Adviser's role in meetings is to advise their party privately. The Adviser's role in a hearing is limited to cross-examination of the other Party and witnesses and conferring with their respective party.

Appeal Decision-Maker

The person or committee who accepts or rejects a submitted appeal request, determines whether any of the grounds for appeal are met, and renders a decision.

Amnesty

Make allowances from minor policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident.

Business Day

A day when NMU is in normal operation. All references in the Policy to days refer to business days unless specifically noted as calendar days.

Complainant

- A Student or Employee who is alleged to have been subjected to Prohibited Conduct under the Policy
- A third party who is alleged to have been subjected to Prohibited Conduct under the Policy by an NMU Student or Employee
 - and/or are participating in an NMU educational program or activity at the time of the alleged Prohibited Conduct.

Complaint

An oral or written request to the Title IX Coordinator/Title IX Administrator that can objectively be understood as a request for the Title IX Coordinator/Title IX Administrator to investigate and make a determination about the alleged Policy violation(s).

Complaint/Grievance Process

The process that NMU uses to assess a report and resolve a Formal Complaint.

Confidential Employee

- An employee whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of this definition, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
- An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about discrimination, harassment, or retaliation. The employee's confidential status only applies with respect to information received while conducting the study

Consent

Consent is the voluntary, knowing, and freely given agreement, through words and/or actions, to participate in mutually agreed-upon sexual acts. Consensual sexual activity happens when each partner willingly and affirmatively chooses to participate in each sexual act.

Decision Maker/Hearing Officer

A person(s) authorized to determine whether a Respondent has violated the Relationship Violence, Sexual Misconduct and Stalking Policy and to impose sanctions when it has been determined a violation has been committed. This includes specially trained individuals to administer cases related to Prohibited Conduct.

Education Program or Activity

Locations, events, or circumstances where NMU exercises substantial control over the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by NMU.

Employees

A person employed by NMU either full- or part-time, or student employees when acting within the scope of their employment.

Final Determination

A conclusion by preponderance of evidence that the alleged conduct occurred and whether it did or did not violate policy.

Force

Force is the use of physical violence and/or physical imposition to gain sexual access. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Force is conduct that, if sufficiently severe, can negate consent.

Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

Formal Complaint

A document verified by a Complainant or the Title IX Coordinator/Title IX Administrator alleging Prohibited Conduct against a Respondent requesting that NMU investigate a complaint initially provided orally or in writing.

Incapacitation

Incapacitation is a state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction). A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including because of alcohol or other drug consumption.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

Incapacitation is determined through consideration of all relevant indicators of a person’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. Incapacitation is an objective, Reasonable Person standard that assumes that a Reasonable Person is both sober and exercising sound judgment.

Informal Resolution

A resolution agreed to by the Parties and approved by the Title IX Coordinator/Title IX Administrator that occurs prior to a Final Determination in the Complaint/Grievance Process

Investigation Report

The investigation summary of all relevant evidence gathered during the investigation. Variations include the Draft Investigation Report and the Final Investigation Report.

Investigator

The person or persons charged by NMU with gathering facts about an alleged violation of this Policy, assessing relevance, synthesizing evidence, and compiling the information into an Investigation Report.

Knowledge

When a Mandatory Reporter receives information, a report, or a concern of conduct that reasonably may constitute Prohibited Conduct in an NMU Education Program or Activity requiring Notice.

Leave of Absence

A period of time when a student is not enrolled in classes but typically intends to re-enroll

Mandatory Reporter

All employees, except those specifically identified as Confidential Employees acting within their roles, are designated as Mandatory Reporters, and must report, by policy, Knowledge and/or reports of Prohibited Conduct observed as well as incidents reported to them. Mandatory Campus Reporters must report and provide Notice to the Title IX Coordinator/Title IX Administrator, who is assigned to implement corrective measures for Prohibitive Conduct.

Notice

When an employee, student, or third party informs the Title IX Coordinator/Title IX Administrator of the alleged Prohibited Conduct.

Party/Parties

The Complainant(s) or Respondent(s) in an action relating to a complaint or investigation of Prohibited Conduct.

Pregnancy or Related Conditions

Pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related to, or recovery from.

Preponderance of Evidence

Burden of proof that is met if there is greater than a 50% chance that, based on all the reasonable evidence shown, that a particular fact or event was more likely than not to have occurred.

Prohibited Conduct

Prohibited Conduct is a term used to collectively refer to relationship violence, sexual misconduct (sexual assault, sexual exploitation, and sexual or gender-based harassment), and stalking. Prohibited Conduct can be committed by anyone, regardless of sex or gender, and can occur between people of the same or different gender.

Reasonable Person

Reasonable Person is an objective, comparative standard meaning a hypothetical person who exercises sober and sound judgment and has similar characteristics, demographics, and circumstances.

Relevant Evidence

Evidence that may aid a Decision-maker in determining whether the alleged Prohibited Conduct occurred, or in determining the credibility of the Parties or witnesses.

Remedy

Typically, post-finding actions directed to the Complainant, Respondent and/or the community as mechanisms to address safety, prevent recurrence, and restore or preserve equal access to NMU's Educational Program and/or Activity.

Respondent

A person who is alleged to have engaged in Prohibited Conduct that could constitute a violation under this Policy.

Retaliation

It is a violation of the University's Retaliation Policy to intimidate, discipline, discharge, or harass any individual who has in good faith reported misconduct or fraud, filed a complaint, instituted proceedings, participated in an Informal Resolution Process, assisted in an investigation or compliance review, or formally or informally objected to sexual misconduct and/or discriminatory practices.

Sanction

Consequence(s) imposed by NMU on a Respondent who is found to have violated this Policy.

Sex

Sex assigned at birth, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Coercion

Coercion is unreasonable pressure for sexual activity. Coercive conduct, if sufficiently severe, can render a person's consent ineffective, because it is not voluntary. When someone makes clear that they do not want to engage in sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.

Sexual Exploitation

Sexual Exploitation is defined as an individual taking non-consensual or abusive sexual advantage of another, that does not constitute Sex-Based Harassment as defined, for their own benefit or for the benefit of anyone other than the person being exploited. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy (e.g., doxxing)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the Incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity

- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child sexual abuse images, videos, or recordings
- Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually-related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., deep fakes)

Student

This definition includes all persons enrolled for credit bearing 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 National Training Site 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.

Supportive Measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant and/or the Respondent upon notice of the alleged Prohibited Conduct. Such measures are designed to restore or preserve equal access to the university's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the university's educational environment, and deter the alleged Prohibited Conduct.

Supportive measures may include but are not limited to:

- referral to counseling, medical, and/or other healthcare services
- academic supports,
- modifications of work,
- work leaves of absence,
- changes in work or housing locations,
- providing safety campus escorts (Safe Walk Program),
- mutual restrictions on contact between the Parties,
- increased security and monitoring of certain areas of the campus,
- any other actions deemed appropriate by the Title IX Coordinator/Title IX Administrator.

The Title IX Coordinator/Title IX Administrator may also assist, in coordination with faculty, in other supportive measures that may include adjustment to class schedules, extensions of deadlines or other course-related adjustments, and student leave of absence.

The institution must maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive measures. The Title IX Coordinator/Title IX Administrator is responsible for coordinating the effective implementation of supportive measures.

Third Party

Any individual that is not a current NMU employee or student.

Title IX Coordinator/Title IX Administrator

An official designated by NMU to ensure oversight of compliance with Title IX and NMU's Title IX program.

References to the Coordinator/Administrator throughout the Policy may encompass the Coordinator, Executive Director, or Specialist.

COMPLAINANT/GRIEVANCE PROCEDURES - A (Appendix A)

Complaint/Grievance Procedures - A applies to any reported Prohibited Conduct involving students. It also applies to employee reports of Relationship Violence, Sexual Misconduct (Sexual Assault and Sexual Exploitation), and Stalking. Prohibited Conduct includes:

- Relationship Violence
 - Dating Violence/Domestic Violence
- Sexual Misconduct
 - Sexual Assault,
 - Rape,
 - Sodomy,
 - Sexual Assault with an Object,
 - Fondling,
 - Incest, and
 - Statutory Rape
 - Sexual Exploitation, and
 - Sex Discrimination, which includes:
 - Gender identity,
 - Sexual orientation,
 - Sex stereotypes,
 - Pregnancy status*, and
 - Sex-based harassment
 - Sexual harassment and,
 - Harassment on the basis of sex, gender identity, sexual orientation, or pregnancy status
- Stalking

**Modification and Accommodation concerns due to a pregnancy condition related to education and/or work are addressed under the Pregnancy, Childbirth and Pregnancy-Related Conditions Policy.*

All of the above are collectively referred to as “Prohibited Conduct.” This Policy requires all Mandatory Reporters to promptly report any reported conduct or complaints of which they become aware that may be in violation of this Policy to the Title IX Coordinator/Title IX Administrator. Through this policy and supporting procedures, Northern Michigan University (“NMU”) addresses Prohibited Conduct pursuant to its obligations under state and federal law.

Inclusion of Other NMU Offices

The Title IX Coordinator/Title IX Administrator may invite other NMU units or offices to participate in an investigation if the Title IX Coordinator/Title IX Administrator determines that its investigation may lead to violations of other NMU policies subject to different unit’s jurisdiction.

Conflict of Interest

If the Complainant or Respondent believes that the Investigator or Decision Maker assigned to the Formal Complaint has a conflict of interest or is impermissibly biased in the matter, the Complainant or Respondent

may request an alternative individual conduct the investigation or issue a decision. This request must be made orally or in writing to the Title IX Coordinator/Title IX Administrator within five (5) business days of when the Complainant or Respondent knew or should have known of the alleged conflict of interest or impermissible bias. The written request must contain sufficient information and details to establish that the Investigator or Decision Maker has a conflict of interest or impermissible bias. The Title IX Coordinator/Title IX Administrator will grant or deny this request in writing. The decision to grant or deny a conflict of interest request is not grounds for appeal.

An Investigator or Decision Maker may seek to be recused from an investigation if they believe there may be a conflict of interest that prevents them from being unbiased in carrying out the investigation. A request by an Investigator or Decision Maker to recuse themselves must be made in writing to the Title IX Coordinator/Title IX Administrator and state the basis for the request. The Title IX Coordinator/Title IX Administrator will grant or deny this request in writing. It is within the Title IX Coordinator/Title IX Administrator's discretion to: appoint an alternative Investigator or Decision Maker; direct the Investigator or Decision Maker to fairly address the conflict of interest or impermissible bias during the investigation or Hearing; or reject the request on the grounds that no conflict of interest or impermissible bias was demonstrated.

In the event that the Title IX Coordinator/Title IX Administrator has a conflict of interest or is impermissibly biased, the University's Vice President of Finance and Administration and General Counsel, or designees, may retain a neutral, outside third party that will serve in the role of the Title IX Coordinator/Title IX Administrator with respect to that specific investigation. The University's Vice President of Finance and Administration and General Counsel, or designees, will notify the Title IX Coordinator/Title IX Administrator of the actions taken in the matter and any conclusions therein so that the Title IX Coordinator/Title IX Administrator may carry out their duties, including but not limited to, aggregate reporting and/or other required files per federal and/or state regulations and NMU Policy and procedures.

In the event that a complaint is filed against the Title IX Coordinator/Title IX Administrator, the University's Vice President of Finance and Administration and General Counsel, or designees, may retain a neutral, outside third party that will serve in the role of the Title IX Coordinator/Title IX Administrator with respect to that specific investigation. The University's Vice President of Finance and Administration and General Counsel, or designee, will notify the Title IX Coordinator/Title IX Administrator of the actions taken in the matter and any conclusions therein so that the Title IX Coordinator/Title IX Administrator may carry out duties, including but not limited to aggregate reporting and/or other required files per federal and/or state regulations and NMU Policy and procedures.

Initial Evaluation

The Title IX Coordinator/Title IX Administrator conducts an initial evaluation typically within seven (7) business days of receiving Notice/Complaint/Knowledge of alleged misconduct. The initial evaluation typically includes:

- Assessing whether the reported conduct may reasonably constitute a violation of the Policy
 - If the conduct may not reasonably constitute a violation of the Policy, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. It may then be referred to another process, if applicable
- Determining whether NMU has jurisdiction over the reported conduct, as defined in the Policy
 - If the conduct is not within NMU jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. If applicable, the conduct will be referred to the appropriate university office for resolution

- Offering and coordinating supportive measures for the Complainant
- Offering and coordinating supportive measures for the Respondent, as applicable
- Notifying the Complainant, or the person who reported the allegation(s), of the Complaint/Grievance Process, including a supportive and remedial response, an Informal Resolution option, or the Complaint/Grievance Process described below
- Determining whether the Complainant wishes to make a Complaint
- Notifying the Respondent of the Complaint/Grievance Process, including a supportive and remedial response, an Informal Resolution option, or the Complaint/Grievance Process described below, if a Complaint is made
- Notifying any need-to-know departmental or human resources unit, as applicable, of the reported conduct

Complainant - Initiating a Formal Investigation

To file a formal complaint, a Complainant or other reporting person should contact the Title IX Office at:

Title IX Office of Northern Michigan University

105 Cohodas Hall

Marquette, MI, 49855

Phone: 906-227-2416

Email: TitleIX@nmu.edu

Upon the direction of the Title IX Coordinator/Title IX Administrator, a prompt and equitable investigation of an alleged violation of this Policy will be undertaken.

The University will use its best efforts to complete its Complaint/Grievance Process, including appeals and Notice of Outcome, within one hundred and twenty (120) business days of the initiation of the Formal Complaint, 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.

Formal Complaint

A complaint may be filed with the Title IX Coordinator/Title IX Administrator by the Complainant, other reporter, or Mandatory Reporter, orally or in writing, in person, by mail, online web form submission, or by electronic mail, by using the contact information listed in the Relationship Violence, Sexual Assault and Stalking Policy. If an oral complaint is made a request for certification and confirmation of the desire to move forward in writing will be sent to the Complainant.

If notice of a complaint is submitted in a form that requires clarity, the Title IX Coordinator/Title IX Administrator will contact the Complainant to ensure that it is filed correctly. A parent or legal guardian may file a Formal Complaint on behalf of their minor dependent with a disability.

A Formal Complaint may also be signed by the Title IX Coordinator/Title IX Administrator alleging a policy violation by a Respondent and requesting that NMU investigate the allegation(s). In doing so, the Title IX Coordinator/Title IX Administrator does not become a Complainant or a Party for the case.

Complainant and Respondent's Rights

During any process defined under this Policy and Procedures, the Complainant and Respondent have the Right to:

- be treated equitably
- notice of the allegations and grievance procedures for resolution
- an advisor may be anyone you choose, a University advisor, or may be an attorney. An attorney would be at your own cost
- a presumption Respondent is not responsible until the grievance procedure concludes
- protection against retaliation, including peer retaliation
- a complaint's resolution within a reasonable timeframe
- a trained and impartial Title IX Coordinator/Title IX Administrator, Investigator(s), and Hearing Office/Decision Maker
- written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate
- a Support Person of their choosing to accompany the Party during any stage of the process
- meet with the Title IX Coordinator/Title IX Administrator to discuss resources, interim measures, Supportive Measures, and the investigatory process available
- participate or decline to participate in the process. However, even if a Party declines to participate, NMU may, in some instances, continue to investigate the matter and issue a Determination based on available information in accordance with this Policy and its Procedures
- access the relevant evidence related to the allegations of sex discrimination
- a reasonably confidential proceeding to the extent possible, which shall not limit the parties' ability to access relevant evidence or consult with relevant witnesses or support persons
- have the institution bear the burden to gather sufficient evidence to determine whether sex discrimination occurred
- the exclusion of the following types of evidence as impermissible:
 - confidential employee communication (unless waived)
 - statutory or legal privilege (unless waived)
 - complainant's sexual interests or prior sexual conduct, unless it meets one of the permissible exceptions
- an objective evaluation of all the relevant evidence not otherwise impermissible
- access the relevant evidence related to the allegations of sex discrimination
- a reasonable opportunity to respond to the relevant evidence

Notice to Parties

The Title IX Coordinator/Title IX Administrator will provide written notice of the investigation and allegations (the "NOIA") to the Parties upon commencement of the Formal Complaint/Grievance Process. The NOIA will provide:

- the general nature of the allegations, including (if known): identities of the Parties; conduct allegedly constituting the policy violations; the date and location of incident(s) giving rise to the complaint; and instruction to preserve any and all related evidence, as well as link to the applicable procedures;
- a statement that the Respondent is presumed not responsible and that a determination as to responsibility will be made at the conclusion of the Complaint/Grievance Process;
- a statement that either Party may have an Adviser present through all steps of the Complaint/Grievance Process. An Adviser may be anyone you choose, a University advisor, or may be an attorney. An attorney would be at your own cost.
- notice that the Parties Respondent will be requested to meet with the investigator(s), names of the investigator(s) will be included as well as information and process regarding Conflict of Interest concerns;
- a statement that either Party may examine any and all evidence that is collected during the

- investigation, whether or not NMU intends to use that evidence in reaching a decision;
- a statement that all Parties and witnesses must comply with section 2.3.27, .03, of NMU's Student Code of Conduct, which prohibits students from giving false or misleading information at any disciplinary or administrative hearing, investigation or meetings; or initiating a student conduct proceeding in bad faith;
- all NMU Employees participating in the process are prohibited from giving false or misleading information;
- notice that if the Complainant does not elect to participate in the investigation, the Title IX Coordinator/Title IX Administrator may carry out an investigation based on available information
- notice that if the Respondent does not elect to participate in the investigation, the Title IX Coordinator/Title IX Administrator will carry out an investigation based on available information and the Respondent may still be subject to sanction pursuant to this Policy and Procedures

Any notice to faculty or staff will also comply with any requirements of the applicable collective bargaining agreement, if any, regarding notice of investigation that may lead to discipline.

Additional notifications may be made to other appropriate people as required under state and/or federal laws, or NMU Policy.

Informal Resolution

To initiate an Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator/Title IX Administrator at any time prior to a final determination, or the Title IX Coordinator/Title IX Administrator may offer the option to the Parties, in writing. The Title IX Coordinator/Title IX Administrator will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution. The Title IX Coordinator/Title IX Administrator has the authority to approve or decline an Informal Resolution in any given case and at any given time.

Before initiation of an Informal Resolution process, the Title IX Coordinator/Title IX Administrator will provide the Parties with a NOIA that explains:

- The allegations;
- The requirements of the Informal Resolution process;
- That, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and to initiate or resume NMU's Complaint/Grievance Process;
- That the Parties' agreement to a resolution at the conclusion of the Informal Resolution process will preclude the Parties from initiating or resuming the resolution process arising from the same allegations;
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties; and
- What information the Title IX Coordinator/Title IX Administrator will maintain, and whether and how it could disclose such information for use in its Complaint/Grievance Process

NMU generally offers two categories of Informal Resolutions:

- 1) Educational Conversation. When the Title IX Coordinator/Title IX Administrator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and institutional expectations.
- 2) Accepted Responsibility. When the Respondent is willing to accept responsibility for violating Policy and is willing to agree to actions that will be enforced similarly to sanctions, and the Complainant(s) and NMU are agreeable to the resolution terms. The individual facilitating an

Informal Resolution must be trained and cannot be the Investigator, Decision Maker, or Appeal Decision Maker.

It is not necessary to pursue Informal Resolution first in order to pursue a Complaint/Grievance Process. Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time prior to its conclusion and initiate or resume the Complaint/Grievance Process.

If an investigation is already underway, the Title IX Coordinator/Title IX Administrator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

Categories of Informal Resolution

1) Educational Conversation

The Complainant(s) may request that the Title IX Coordinator/Title IX Administrator address their allegations by meeting with the Respondent(s) to discuss reported conduct, concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend such meetings, nor are they compelled to provide any information if they attend. The conversation will be documented as the Informal Resolution for the matter, if it takes place. If the Respondent declines to meet, the Title IX Coordinator/Title IX Administrator will inform the Parties that they may move forward with a formal complaint, the Title IX Coordinator/Title IX Administrator may move forward with the complaint, or the matter must be closed. Both Parties will be informed of any potential outcomes.

2) Accepted Responsibility

The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for all alleged Policy violations, the ongoing process will be paused, and the Title IX Coordinator/Title IX Administrator will determine whether Informal Resolution is an option.

Informal Resolution is available, the Title IX Coordinator/Title IX Administrator will determine whether all Parties and NMU are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Title IX Coordinator/Title IX Administrator implements the accepted finding that the Respondent is in violation of NMU Policy, implements agreed-upon restrictions and remedies, and determines the appropriate responses in coordination with other appropriate administrator(s), as necessary.

Informal Resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Resolution Process will either continue or resume.

When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the Prohibited Conduct, both on the Complainant and the community.

Investigation and Investigative Report

NMU is permitted to independently, and on its own volition, retrieve any and all information available to it.

All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- assist with referring Complainant or Respondent to the Title IX Coordinator/Title IX Administrator for any necessary supportive measures
- inform the Parties of their right to have the assistance of an Adviser who may be an attorney at their own cost, or a University appointed Adviser for a hearing attended by the Party
- provide the Complainant, Respondent, and witness(es) an opportunity to review and verify the Investigator's summary notes of the relevant evidence/testimony from their respective interviews and meetings
- provide the Complainant and Respondent with written notice of the date, time, and location of the meeting, as well as the purpose
- interview all available, relevant witnesses and conduct follow-up interviews as necessary
- provide regular status updates to the Complainant and the Respondent throughout the investigation
- write an investigation report summarizing the investigation, all witness interviews, and addressing all relevant evidence
- the Investigator(s) gathers information and evidence, makes no conclusions, engages in no policy analysis, and renders no recommendations as part of their report

Upon the conclusion of the investigation into an allegation of a violation of this Policy, the Title IX Coordinator/Title IX Administrator will produce an investigative report to the Parties and their Adviser for a review containing the following: an overview of the investigation undertaken; and a summary of all the evidence and statements reviewed and considered.

The Title IX Coordinator/Title IX Administrator will provide simultaneous written notice to the Parties and their Advisers that the Draft Investigative Report is available for review. The Title IX Coordinator/Title IX Administrator will make the Draft Investigative Report available for ten (10) business days. The Investigator will incorporate any relevant feedback, and the Final Report is then shared with all Parties and their Advisers by the Title IX Coordinator/Title IX Administrator through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The Parties are also provided with a file of any directly related evidence that was not included in the report. The Parties may elect to waive the full ten (10) business days.

Notification Prior to Hearing

The Title IX Coordinator/Title IX Administrator will seek the availability of Parties and their Advisers, and then schedule a hearing. The Title IX Coordinator/Title IX Administrator will notify the Complainant, Respondent and witnesses of the date, time and location of the scheduled hearing no less than ten (10) business days prior to the hearing. Once emailed, (NMU's preferred means of communication), and/or received in person/via mail, notice will be presumptively delivered. The Title IX Coordinator/Title IX Administrator will seek the availability of Parties and their Advisers, and then schedule a hearing. The notice to the Complainant and Respondent will contain:

- The time, date, and location of the cross-examination hearing and a reminder that attendance is requested, superseding all other campus activities
- A statement that if any Party or witness does not appear at the scheduled hearing, the hearing may be held in their absence and any statements or testimony may be considered by the Decision Maker(s)
- For compelling reasons, the Title IX Coordinator/Title IX Administrator may reschedule the hearing
- Notification that the live hearing will occur using technology, such as Zoom, that enables the Decision Maker(s), Complainant, Respondent to see and hear each other and witnesses answering questions
- The name of the Decision Maker. All objections to any Decision Maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator/Title IX

Administrator within three (3) business days upon receipt. Decision Makers will only be removed if the Title IX Coordinator/Title IX Administrator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s)

- A list of all those who are invited to attend the hearing
- Information on how the hearing will be recorded and Complainant and Respondent may have access to review the recording, upon request
- Notification that the Complainant and Respondent may have the assistance of an Adviser of their choosing at the hearing and will be required to have one present for any questions they may desire to have asked. Each Party must have an Adviser present for the cross-examination hearing, and the Adviser must conduct any questioning. There are no exceptions
- Complainant, Respondent, their Advisers, will be given access to review all of the materials provided to the Decision Maker(s) to be used in determining a finding
- An invitation to the Complainant and Respondent to provide to the Title IX Coordinator/Title IX Administrator an impact statement that must be submitted prior to the Hearing that the Decision Maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator/Title IX Administrator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least ten (10) business days prior to the hearing.
- Notification that mobile phones/devices are allowed into the hearing, however, must be silenced. Taking photos or recording any portion of the cross-examination hearing is prohibited

After the hearing date is confirmed, an email is sent to coordinate a prehearing Zoom meeting that will be held with the Decision Maker, Complainant, Respondent, Advisers, and hearing facilitator

The Title IX Coordinator/Title IX Administrator will give the Decision Maker a list of the names of the Complainant, Respondent, witnesses, and Advisers within five (5) business days of the Hearing. Any Decision Maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the Parties, witnesses, and Advisers in advance of the Hearing. If a Decision Maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator/Title IX Administrator as soon as possible.

Cross Examination Hearing

After providing each Party (and Advisers, as necessary) with the Investigative Report, the Title IX Coordinator/Title IX Administrator will schedule a live hearing using technology, such as Zoom, during which each Party's Adviser is permitted to ask the other Party, as well as any witnesses, all relevant cross-examination questions and follow up questions, including those that challenge credibility.

Hearing

- Participants at the hearing may include the Hearing Officer/Decision Maker, Title IX Coordinator/Title IX Administrator, hearing facilitator, the Parties, Advisers to the Parties, any participating witnesses, and anyone providing authorized accommodations or assistive services
- The Hearing Officer/Decision Maker may be a staff member of NMU or a neutral, outside third party. For hearings, neither the Investigator nor the Title IX Coordinator/Title IX Administrator may be the Hearing Officer/Decision Maker
- A hearing facilitator will be present. The hearing facilitator may attend to: logistics of rooms for various Parties/witnesses as they wait; flow of Parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.
- All hearings will be run in a manner that ensures a fair process for both Parties
- Any cross examinations taking place at the Hearing will be conducted directly, orally, and in real time

by the Party's Adviser of choice

- If a Party does not have an Adviser present for the hearing, that Party will provide their questions to the Hearing Officer/Decision Maker to ask the other Party, as well as any witnesses, all relevant cross-examination and follow up questions, including those that challenge credibility
- All hearings are closed to the public
- A sole recording or transcript of the hearing will only be made by the Title IX Office. Any other recording of the hearing is prohibited
- If requested, the Title IX Coordinator/Title IX Administrator will make the recording or transcript available to the Parties for inspection and review. Copies will not be provided to the Parties
- The Investigator(s) may serve as a witness
- New evidence at the hearing will only be permitted under exceptional circumstances
- The Title IX Office will not return any evidence it receives or collects at the hearing
- The Hearing Officer/Decision Maker will announce that the hearing has concluded

Role of the Hearing Officer/Decision Maker:

The Hearing Officer/Decision Maker:

- Explains the procedures and introduces the participants
- Is responsible for maintaining an orderly, fair, impartial and respectful hearing
- Conducts the hearing according to the hearing script
- Has broad authority to respond to disruptive behavior, including adjourning the hearing or excluding any offending individual
- Will determine the method for questioning at the hearing. The methods of cross examination questioning may include, but are not limited to, in-person, via speaker telephone, via video conferencing, or other methods identified by the Hearing Officer/Decision Maker that enables real time questioning
- Will answer all questions of procedure and may consult with the hearing facilitator.
- Will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Hearing Officer/Decision Maker and the Parties and will then be excused
- Will determine if any witness(es) should be recalled

Questioning at the Hearing:

- The Hearing Officer/Decision Maker may ask questions
- The Parties/witnesses will submit to questioning by the Hearing Officer/Decision Maker and then by the Parties through their Advisers ("cross-examination")
- The Hearing Officer/Decision Maker will make determinations whether specific questions are allowed. Only relevant cross-examination questions shall be permitted to be asked of a Party or witness. Relevance will be determined by the Hearing Officer/Decision Maker after each question is asked of a Party or witness. The proceeding will pause to allow the Hearing Officer/Decision Maker to consider the question, and the Hearing Officer/Decision Maker will determine whether the question will be permitted, disallowed, or rephrased. The Hearing Officer/Decision Maker will explain any decision to exclude a question as not relevant
- The Hearing Officer/Decision Maker will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Hearing Officer/Decision Maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance. The Hearing Officer/Decision Maker has final say on all questions and determinations of relevance. The Hearing Officer/Decision Maker may ask Advisers to frame why a question is or is not relevant from their perspective but will not entertain arguments from the Advisers on relevance once the Hearing Officer/Decision Maker has ruled on a question

- The Adviser, who will remain seated during questioning, will pose the question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Hearing Officer/Decision Maker upon request)
- No questions or evidence may be asked or provided about the Complainant's sexual interest or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to provide that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with Respondent that is offered to provide consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred;
- Anyone appearing at the hearing to provide information will respond to questions on their own behalf; and
- Anyone appearing at the hearing may choose to not answer a question by stating so

Deliberation, Decision Making, and Standard of Proof

- Witnesses will be present only while being questioned, but not during deliberations
- Complainant, Complainant's Adviser, Respondent, and Respondent's Adviser will be present during the entire hearing process, but not during deliberations
- At the close of the hearing, the Hearing Officer/Decision Maker has ten (10) business days to deliberate and determine whether the Respondent is responsible, not responsible, or insufficient information to make a determination for the Policy violation(s) in question. The preponderance of the evidence standard of proof is used
- If the Respondent is found responsible, the Hearing Officer/Decision Maker may ask the Title IX Coordinator/Title IX Administrator and/or the Dean of Students Office (DSO) representative to contribute pertinent information in the sanction assessment stage. Pertinent information may include past violations, if any. The Title IX Coordinator/Title IX Administrator and/or the DSO representative shall also be consulted by the Hearing Officer/Decision Maker if there is any particular knowledge to be given that may assist the Hearing Officer/Decision Maker in assessing a sanction or selecting a special condition
- When there is a finding of responsibility on one or more of the allegations, the Hearing Officer/Decision Maker may then consider any previously submitted Party impact statements in determining appropriate sanction(s)
- The Hearing Officer/Decision Maker will include impact statements provided by either Party in their Notice of Outcome. The Hearing Officer/Decision Maker may – at their discretion – consider the statements, but they are not binding
- The Hearing Officer/Decision Maker will determine the appropriate sanction(s)
- The Hearing Officer/Decision Maker will then prepare a written deliberation statement which will include any impact statements, if appropriate, and deliver it to the Title IX Coordinator/Title IX Administrator. The Deliberation Statement details the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions
- The Hearing Officer/Decision Maker has ten (10) business days to deliberate and submit their report to the Title IX Coordinator/Title IX Administrator, unless the Title IX Coordinator/Title IX Administrator, unless the Title IX Coordinator/Title IX Administrator grants an extension. If an extension is granted, the Title IX Coordinator/Title IX Administrator will notify the Parties

If a Party or witness does not submit to cross examination or is unavailable to submit to cross examination at Hearing:

- If a Complainant, Respondent, or witness declines to participate in the cross examination during the hearing, the Hearing Officer/Decision Maker may still proceed, so that a credibility finding may be made based on information available at the time of the hearing
- The Hearing Officer/Decision Maker may rely on any previous statement of that Party or witness in

reaching a determination as to responsibility

- The Hearing Officer/Decision Maker cannot draw an inference about the responsibility determination based solely on a Party's or witness's absence from the hearing or refusal to submit to cross examination or other questions

Notice of Outcome/Sanction

Sanction Process for Student Respondents (Remedy)

Sanctions may be imposed upon any student found to be responsible for violation of this Policy. 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 will result in more severe disciplinary sanctions. Failure of a Respondent to comply with any disciplinary sanction imposed upon them will result in further disciplinary action.

- 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
- Revocation of degree: A degree awarded from NMU may be revoked for fraud, misrepresentation or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation. Being a degree holding alumna is sufficient association with the University and basis for application of this sanction
- Withholding degree: The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code, including the completion of all sanctions imposed, if any
- 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 Chief 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; or if the Respondent 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 Chief 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

Sanction Process for Employee Respondents (Remedy)

Sanctions for employees will be determined by Academic Affairs and/or Human Resources, with input from other offices as appropriate. For union employees, sanctions and any appeal of sanctions will be imposed in accordance with the applicable collective bargaining agreement and NMU Policy and procedures. For nonunion employees, sanctions or any appeal of sanctions shall be determined in accordance with NMU policies and procedures, individual contracts, and/or appointment letters. Sanctions for student employees will be coordinated between applicable departments.

The potential sanctions for an employee 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 (access to NMU ground, a building or portion of a building, access to a program, access to NMU Network, participation in programs/activities, and any other privilege deemed appropriate)
- warning (verbal or written)
- withholding of a promotion, reassignment
- temporary suspension with or without pay
- other discipline up to and including termination from NMU

Student employees may also be subject to discipline pursuant to the Student Code of Conduct.

Notice of Outcome

Using the deliberation statement, the Title IX Coordinator/Title IX Administrator will work with the Hearing Officer/Decision Maker to prepare a Notice of Outcome. The Title IX Coordinator/Title IX Administrator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the Parties and their Advisers within five (5) business days of receiving the Hearing Officer/Decision Makers' deliberation statement.

The Notice of Outcome will then be shared with the Parties simultaneously. Notification will be made in writing to Parties' NMU-issued email (NMU's preferred means of communication), and/or received in person/via mail (mailed to the local or permanent address of the Parties as indicated in official NMU records). Once emailed, mailed and/or received in person, notice will be presumptively delivered.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent NMU is permitted to share such information under state or federal law; any sanctions issued which NMU is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to NMU's educational or employment program or activity, to the extent NMU is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by NMU to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

Appeals

Appeal of the Notice of Outcome

Either Party may file an appeal. Appeals are limited to the following:

- procedural irregularity that would change the outcome,
- new evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility or dismissal was made,
- the Title IX Coordinator/Administrator, Investigator(s), or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome

Appeals - Employee Respondent Matters

Employees appealing must provide the reason(s) for the appeal and sufficient and detailed information that support the reason for appeal.

Appeals must be submitted to the Vice President for Finance and Administration or designee within seven (7) business days of receiving the Notice of Outcome. The Vice President for Finance and Administration Office or designee will convene an Appeal Review Committee of one (1) or three (3) people. The chair of the committee will be determined by the Vice President for Finance and Administration.

The committee shall be empowered to review the case file, and interview witnesses, including the Parties, if the committee deems necessary, within twenty-one (21) business days from the convening of the Appeal Review Committee. The timeline may be extended for cause; all Parties will be notified if an extension occurs. If it is determined that there are material new facts that could have significantly altered the outcome, the case will be sent back to the Title IX Coordinator/Title IX Administrator to determine the appropriate next steps, which may include further investigation. The chair of the Appeal Review Committee will issue a determination to the Vice President for Finance and Administration or designee. If the Appeal Review Committee determines the appeal warrants additional review or reconsideration, 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. If the Appeal Review Committee finds that the Decision Maker's determinations should be upheld, it shall so recommend to the Vice President for Finance and Administration or designee.

The Vice President for Finance and Administration or designee will review the recommendation of the Appeal Review Committee and make a determination. The Notice of Outcome will be sent concurrently, using email if

possible, or other reliable methods if email is not available. The decision of the Vice President for Finance and Administration or designee is final.

Appeals - Student Respondent Matters

Students appealing must provide the reason(s) for the appeal and sufficient and detailed information that supports the reason for appeal. Appeals must be submitted to the Title IX Coordinator/Title IX Administrator within seven (7) business days of receiving the Notice of Outcome. The Provost for Academic Affairs or designee serves as the appeal officer and has twenty-one (21) business days from receipt from the Title IX Coordinator/Title IX Administrator to make and communicate a determination. The timeline may be extended for cause; all Parties will be notified if extension occurs. If it is determined that there are material new facts that could have significantly altered the outcome, the case will be sent back to the Title IX Coordinator/Title IX Administrator or designee to determine the appropriate next steps, which may include further investigation.

All decisions made by the Provost for Academic Affairs or designee are final.

Appeal for Leniency of the Sanction

If the Respondent is a Student:

- Appeals for leniency of the sanction may be submitted to the Provost or designee. A written appeal letter must be submitted to the Title IX Coordinator/Title IX Administrator or designee within seven (7) business days of receiving Notice of Outcome. An appeal letter must meet two conditions: it must cite the basis for the appeal; and it must provide sufficient detailed information to support the appeal. The appeal will not be considered if both these conditions are not met. The Provost or designee for Academic Affairs shall determine if the appeal meets both conditions
- The grounds for an appeal of the sanction are to determine whether the sanction imposed was appropriate for the violation that the student was found to have committed, considering any previous violations. The person appealing must specify why the sanction imposed is too harsh
 - Once an appeal is submitted and determined that it meets the appeal conditions, the Provost or designee may:
 - modify the sanction (enhance or lessen);
 - Uphold the sanction;
 - In extenuating circumstances (conflict of interest, absence of appeal officer, etc.) request the President to appoint an appeal officer designee who shall consider the sanction and render a decision.
 - The Provost or designee shall inform the Respondent, Complainant, Title IX Coordinator/Title IX Administrator, and the Dean of Students or designee in writing as to the decisions within ten (10) business days

All decisions made by the Provost for Academic Affairs or designee are final.

If the Respondent is an Employee:

- Appeal of a sanction may be appealed to the Vice President of Finance and Administration or designee. A written appeal must be submitted to the Vice President or designee within seven (7) business days of receiving the Notice of Outcome. An appeal letter must meet two conditions: it must cite the basis for the appeal, and it must provide sufficient detailed information to support the appeal. The appeal will not be considered if both these conditions are not met. The Vice President of Finance and Administration shall determine if the appeal meets both conditions

- The grounds for an appeal of the sanction are to determine whether the sanction imposed was appropriate for the violation that the employee was found to have committed, considering any previous violations. The person appealing must specify why the sanction imposed is too harsh
 - Once an appeal is submitted and determined that it meets the appeal conditions, the Vice President of Finance and Administration or designee may:
 - modify the sanction (enhance or lessen);
 - uphold the sanction;
 - in extenuating circumstances (conflict of interest, absence of appeal officer, etc.) request the President to appoint an appeal officer designee who shall consider the sanction and render a decision
 - the Vice President shall inform the Respondent, Complainant and the Title IX Coordinator/Title IX Administrator in writing as to the decisions within ten (10) business days

COMPLAINANT/GRIEVANCE PROCEDURES - B (Appendix B)

Complaint/Grievance Procedures - B applies to reported Prohibited Conduct matters between employees of the University, where an employee is reporting the following Prohibited Conduct:

- Sex Discrimination, which includes:
 - Gender identity,
 - Sexual orientation,
 - Sex stereotypes,
 - Pregnancy status*, and
 - Sex-based harassment
- Sexual harassment and,
- Harassment on the basis of sex, gender identity, sexual orientation, or pregnancy status

**Modification and Accommodation concerns related to education and/or work are addressed under the Pregnancy, Childbirth and Pregnancy-Related Conditions Policy.*

This Policy requires all Mandatory Reporters to promptly report any reported conduct or complaints of which they become aware that may be in violation of this Policy to the Title IX Coordinator/Title IX Administrator. Through this policy and supporting procedures, Northern Michigan University (“NMU”) addresses Prohibited Conduct pursuant to its obligations under state and federal law.

Inclusion of Other NMU Offices

The Title IX Coordinator/Title IX Administrator may invite other NMU units or offices to participate in an investigation if the Title IX Coordinator/Title IX Administrator determines that its investigation may lead to violations of other NMU policies subject to different unit’s jurisdiction.

Conflict of Interest

If the Complainant or Respondent believes that the Investigator or Decision Maker assigned to the Formal Complaint has a conflict of interest or is impermissibly biased in the matter, the Complainant or Respondent

may request an alternative individual conduct the investigation or issue a decision. This request must be made orally or in writing to the Title IX Coordinator/Title IX Administrator within five (5) business days of when the Complainant or Respondent knew or should have known of the alleged conflict of interest or impermissible bias. The written request must contain sufficient information and details to establish that the Investigator or Decision Maker has a conflict of interest or impermissible bias. The Title IX Coordinator/Title IX Administrator will grant or deny this request in writing. The decision to grant or deny a conflict of interest request is not grounds for appeal.

An Investigator or Decision Maker may seek to be recused from an investigation if they believe there may be a conflict of interest that prevents them from being unbiased in carrying out the investigation. A request by an Investigator or Decision Maker to recuse themselves must be made in writing to the Title IX Coordinator/Title IX Administrator and state the basis for the request. The Title IX Coordinator/Title IX Administrator will grant or deny this request in writing. It is within the Title IX Coordinator/Title IX Administrator's discretion to: appoint an alternative Investigator or Decision Maker; direct the Investigator or Decision Maker to fairly address the conflict of interest or impermissible bias during the investigation; or reject the request on the grounds that no conflict of interest or impermissible bias was demonstrated.

In the event that the Title IX Coordinator/Title IX Administrator has a conflict of interest or is impermissibly biased, the University's Vice President of Finance and Administration and General Counsel, or designees, may retain a neutral, outside third party that will serve in the role of the Title IX Coordinator/Title IX Administrator with respect to that specific investigation. The University's Vice President of Finance and Administration and General Counsel, or designees, will notify the Title IX Coordinator/Title IX Administrator of the actions taken in the matter and any conclusions therein so that the Title IX Coordinator/Title IX Administrator may carry out their duties, including but not limited to, aggregate reporting and/or other required files per federal and/or state regulations and NMU Policy and procedures.

In the event that a complaint is filed against the Title IX Coordinator/Title IX Administrator, the University's Vice President of Finance and Administration and General Counsel, or designees, may retain a neutral, outside third party that will serve in the role of the Title IX Coordinator/Title IX Administrator with respect to that specific investigation. The University's Vice President of Finance and Administration and General Counsel, or designee, will notify the Title IX Coordinator/Title IX Administrator of the actions taken in the matter and any conclusions therein so that the Title IX Coordinator/Title IX Administrator may carry out duties, including but not limited to aggregate reporting and/or other required files per federal and/or state regulations and NMU Policy and procedures.

Initial Evaluation

The Title IX Coordinator/Title IX Administrator conducts an initial evaluation typically within seven (7) business days of receiving Notice/Complaint/Knowledge of alleged misconduct. The initial evaluation typically includes:

- Assessing whether the reported conduct may reasonably constitute a violation of the Policy
 - If the conduct may not reasonably constitute a violation of the Policy, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. It may then be referred to another process, if applicable
- Determining whether NMU has jurisdiction over the reported conduct, as defined in the Policy

- If the conduct is not within NMU jurisdiction, the matter is typically dismissed from this process, consistent with the dismissal provision in these procedures. If applicable, the conduct will be referred to the appropriate university office for resolution
- Offering and coordinating supportive measures for the Complainant
- Offering and coordinating supportive measures for the Respondent, as applicable
- Notifying the Complainant, or the person who reported the allegation(s), of the Complaint/Grievance Process, including a supportive and remedial response, an Informal Resolution option, or the Complaint/Grievance Process described below
- Determining whether the Complainant wishes to make a Complaint
- Notifying the Respondent of the Complaint/Grievance Process, including a supportive and remedial response, an Informal Resolution option, or the Complaint/Grievance Process described below, if a Complaint is made
- Notifying any need-to-know departmental or human resources unit, as applicable, of the reported conduct

Complainant - Initiating a Formal Investigation

To file a formal complaint, a Complainant or other reporting person should contact the Title IX Office at:

Title IX Office of Northern Michigan University

105 Cohodas Hall

Marquette, MI, 49855

Phone: 906-227-2416

Email: TitleIX@nmu.edu

Upon the direction of the Title IX Coordinator/Title IX Administrator, a prompt and equitable investigation of an alleged violation of this Policy will be undertaken.

The University will use its best efforts to complete its Complaint/Grievance Process, including appeals and Notice of Outcome, within one hundred and twenty (120) business days of the initiation of the Formal Complaint, 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.

Formal Complaint

A complaint may be filed with the Title IX Coordinator/Title IX Administrator by the Complainant, other reporter, or Mandatory Reporter, orally or in writing, in person, by mail, online web form submission, or by electronic mail, by using the contact information listed in the Relationship Violence, Sexual Assault and Stalking Policy. If an oral complaint is made a request for certification and confirmation of the desire to move forward in writing will be sent to the Complainant.

If notice of a complaint is submitted in a form that requires clarity, the Title IX Coordinator/Title IX Administrator will contact the Complainant to ensure that it is filed correctly. A parent or legal guardian may file a Formal Complaint on behalf of their minor dependent with a disability.

A Formal Complaint may also be signed by the Title IX Coordinator/Title IX Administrator alleging a policy violation by a Respondent and requesting that NMU investigate the allegation(s). In doing so, the Title IX Coordinator/Title IX Administrator does not become a Complainant or a Party for the case.

Complainant and Respondent's Rights

During any process defined under this Policy and Procedures, the Complainant and Respondent have the right to:

- be treated equitably
- notice of the allegations and grievance procedures for resolution
- an advisor may be anyone you choose, a University advisor, or an attorney. An attorney would be at your own cost
- a presumption Respondent is not responsible until the grievance procedure concludes
- protection against retaliation, including peer retaliation
- a complaint's resolution within a reasonable timeframe
- a trained and impartial Title IX Coordinator/Title IX Administrator, Investigator(s), and Decision Maker
- written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate
- a Support Person of their choosing to accompany the Party during any stage of the process
- meet with the Title IX Coordinator/Title IX Administrator to discuss resources, interim measures, Supportive Measures, and the investigatory process available
- participate or decline to participate in the process. However, even if a Party declines to participate, NMU may, in some instances, continue to investigate the matter and issue a Determination based on available information in accordance with this Policy and its Procedures
- access the relevant evidence related to the allegations of sex discrimination
- a reasonably confidential proceeding to the extent possible, which shall not limit the parties' ability to access relevant evidence or consult with relevant witnesses or support persons
- have the institution bear the burden to gather sufficient evidence to determine whether sex discrimination occurred
- the exclusion of the following types of evidence as impermissible:
 - confidential employee communication (unless waived)
 - statutory or legal privilege (unless waived)
 - complainant's sexual interests or prior sexual conduct, unless it meets one of the permissible exceptions
- an objective evaluation of all the relevant evidence not otherwise impermissible
- access the relevant evidence related to the allegations of sex discrimination
- a reasonable opportunity to respond to the relevant evidence

Notice to Parties

The Title IX Coordinator/Title IX Administrator will provide written notice of the investigation and allegations (the "NOIA") to the Parties upon commencement of the Formal Complaint/Grievance Process. The NOIA will provide:

- the general nature of the allegations, including (if known): identities of the Parties; conduct allegedly constituting the policy violations; the date and location of incident(s) giving rise to the complaint; and instruction to preserve any and all related evidence, as well as link to the applicable procedures;
- a statement that the Respondent is presumed not responsible and that a determination as to responsibility will be made at the conclusion of the Complaint/Grievance Process;
- a statement that either Party may have an Adviser present through all steps of the Complaint/Grievance Process. An Adviser may be anyone you choose, a University advisor, or may be an attorney. An attorney would be at your own cost.
- notice that the Parties Respondent will be requested to meet with the investigator(s), names of the investigator(s) will be included as well as information and process regarding Conflict of Interest concerns;
- a statement that either Party may examine any and all evidence that is collected during the

- investigation, whether or not NMU intends to use that evidence in reaching a decision;
- all NMU Employees participating in the process are prohibited from giving false or misleading information;
- notice that if the Complainant does not elect to participate in the investigation, the Title IX Coordinator/Title IX Administrator may carry out an investigation based on available information
- notice that if the Respondent does not elect to participate in the investigation, the Title IX Coordinator/Title IX Administrator will carry out an investigation based on available information and the Respondent may still be subject to sanction pursuant to this Policy and Procedures

Any notice to faculty or staff will also comply with any requirements of the applicable collective bargaining agreement, if any, regarding notice of investigation that may lead to discipline.

Additional notifications may be made to other appropriate people as required under state and/or federal laws, or NMU Policy.

Informal Resolution

To initiate an Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator/Title IX Administrator at any time prior to a final determination, or the Title IX Coordinator/Title IX Administrator may offer the option to the Parties, in writing. The Title IX Coordinator/Title IX Administrator will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution. The Title IX Coordinator/Title IX Administrator has the authority to approve or decline an Informal Resolution in any given case and at any given time.

Before initiation of an Informal Resolution process, the Title IX Coordinator/Title IX Administrator will provide the Parties with a NOIA that explains:

- The allegations;
- The requirements of the Informal Resolution process;
- That, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and to initiate or resume NMU's Complaint/Grievance Process;
- That the Parties' agreement to a resolution at the conclusion of the Informal Resolution process will preclude the Parties from initiating or resuming the resolution process arising from the same allegations;
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties; and
- What information the Title IX Coordinator/Title IX Administrator will maintain, and whether and how it could disclose such information for use in its Complaint/Grievance Process

NMU generally offers two categories of Informal Resolutions:

- 1) Educational Conversation. When the Title IX Coordinator/Title IX Administrator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and institutional expectations.
- 2) Accepted Responsibility. When the Respondent is willing to accept responsibility for violating Policy and is willing to agree to actions that will be enforced similarly to sanctions, and the Complainant(s) and NMU are agreeable to the resolution terms. The individual facilitating an Informal Resolution must be trained and cannot be the Investigator, Decision Maker, or Appeal Decision Maker.

It is not necessary to pursue Informal Resolution first in order to pursue a Complaint/Grievance Process. Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time prior to its conclusion and initiate or resume the Complaint/Grievance Process.

If an investigation is already underway, the Title IX Coordinator/Title IX Administrator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

Categories of Informal Resolution

1) Educational Conversation

The Complainant(s) may request that the Title IX Coordinator/Title IX Administrator address their allegations by meeting with the Respondent(s) to discuss reported conduct, concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend such meetings, nor are they compelled to provide any information if they attend. The conversation will be documented as the Informal Resolution for the matter, if it takes place. If the Respondent declines to meet, the Title IX Coordinator/Title IX Administrator will inform the Parties that they may move forward with a formal complaint, the Title IX Coordinator/Title IX Administrator may move forward with the complaint, or the matter must be closed. Both Parties will be informed of any potential outcomes.

2) Accepted Responsibility

The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for all alleged Policy violations, the ongoing process will be paused, and the Title IX Coordinator/Title IX Administrator will determine whether Informal Resolution is an option.

Informal Resolution is available, the Title IX Coordinator/Title IX Administrator will determine whether all Parties and NMU are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Title IX Coordinator/Title IX Administrator implements the accepted finding that the Respondent is in violation of NMU Policy, implements agreed-upon restrictions and remedies, and determines the appropriate responses in coordination with other appropriate administrator(s), as necessary.

Informal Resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Resolution Process will either continue or resume.

When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the Prohibited Conduct, both on the Complainant and the community.

Investigation and Investigative Report

NMU is permitted to independently, and on its own volition, retrieve any and all information available to it.

All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Assist with referring Complainant or Respondent to the Title IX Coordinator/Title IX Administrator

for any necessary supportive measures

- Inform the Parties of their right to have the assistance of an Adviser who may be an attorney at their own cost, or a University appointed Adviser
- Provide the Complainant, Respondent, and witness(es) an opportunity to review and verify the Investigator's summary notes of the relevant evidence/testimony from their respective interviews and meetings
- Provide the Complainant and Respondent with written notice of the date, time, and location of the meeting, as well as the purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Provide regular status updates to the Complainant and the Respondent throughout the investigation
- Write an investigation report summarizing the investigation, all witness interviews, and addressing all relevant evidence
- The Investigator(s) gathers information and evidence, makes no conclusions, engages in no policy analysis, and renders no recommendations as part of their report

Upon the conclusion of the investigation into an allegation of a violation of this Policy, the Title IX Coordinator/Title IX Administrator will produce an investigative report to the Parties and their Adviser for a review containing the following: an overview of the investigation undertaken; and a summary of all the evidence and statements reviewed and considered.

The Title IX Coordinator/Title IX Administrator will provide simultaneous written notice to the Parties and their Advisers that the Draft Investigative Report is available for review. The Title IX Coordinator/Title IX Administrator will make the Draft Investigative Report available for ten (10) business days. The Investigator will incorporate any relevant feedback, and the Final Report is then shared with all Parties and their Advisers by the Title IX Coordinator/Title IX Administrator through secure electronic transmission or hard copy at least ten (10) business days prior to a determination. The Parties are also provided with a file of any directly related evidence that was not included in the report. The Parties may elect to waive the full ten (10) business days.

Notice of Outcome/Sanction

Notice of Outcome

The Investigator(s) will prepare a written Notice of Outcome as the Decision Maker. The Notice of Outcome will then be shared with the Parties simultaneously. Notification will be made in writing to Parties' NMU-issued email (NMU's preferred means of communication), and/or received in person/via mail (mailed to the local or permanent address of the Parties as indicated in official NMU records). Once emailed, mailed and/or received in person, notice will be presumptively delivered.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination and conclusions regarding the application of the relevant policy to the facts at issue.

The Notice of Outcome will also include information on when the results are considered by NMU to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

Sanction Process for Employee Respondents (Remedy)

Sanctions for employees will be determined by Academic Affairs and/or Human Resources, with input from other offices as appropriate. For union employees, sanctions and any appeal of sanctions will be imposed in accordance with the applicable collective bargaining agreement and NMU Policy and procedures. For nonunion employees, sanctions or any appeal of sanctions shall be determined in accordance with NMU policies and procedures, individual contracts, and/or appointment letters. Sanctions for student employees will be coordinated between applicable departments.

The potential sanctions for an employee 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 (access to NMU ground, a building or portion of a building, access to a program, access to NMU Network, participation in programs/activities, and any other privilege deemed appropriate)
- warning (verbal or written)
- withholding of a promotion, reassignment
- temporary suspension with or without pay
- other discipline up to and including termination from NMU

Student employees may also be subject to discipline pursuant to the Student Code of Conduct.

Appeals

Appeal of the Notice of Outcome

Either Party may file an appeal. Appeals are limited to the following:

- procedural irregularity that would change the outcome,
- new evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility or dismissal was made,
- the Title IX Coordinator/Administrator, Investigator(s), or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome

Appeals - Employee Respondent Matters

Employees appealing must provide the reason(s) for the appeal and sufficient and detailed information that support the reason for appeal.

Appeals must be submitted to the Vice President for Finance and Administration or designee within seven (7) business days of receiving the Notice of Outcome. The Vice President for Finance and Administration Office or designee will convene an Appeal Review Committee of one (1) or three (3) people. The chair of the committee will be determined by the Vice President for Finance and Administration.

The committee shall be empowered to review the case file, and interview witnesses, including the Parties, if the committee deems necessary, within twenty-one (21) business days from the convening of the Appeal Review Committee. The timeline may be extended for cause; all Parties will be notified if an extension occurs. If it is determined that there are material new facts that could have significantly altered the outcome, the case will be sent back to the Title IX Coordinator/Title IX Administrator to determine the appropriate next steps, which may include further investigation. The chair of the Appeal Review Committee will issue a determination to the Vice President for Finance and Administration or designee. If the Appeal Review

Committee determines the appeal warrants additional review or reconsideration, 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. If the Appeal Review Committee finds that the Decision Maker's determinations should be upheld, it shall so recommend to the Vice President for Finance and Administration or designee.

The Vice President for Finance and Administration or designee will review the recommendation of the Appeal Review Committee and make a determination. The Notice of Outcome will be sent concurrently, using email if possible, or other reliable methods if email is not available. The decision of the Vice President for Finance and Administration or designee is final.

Appeal for Leniency of the Sanction

- Appeal of a sanction may be appealed to the Vice President of Finance and Administration or designee. A written appeal must be submitted to the Vice President or designee within seven (7) business days of receiving the Notice of Outcome. An appeal letter must meet two conditions: it must cite the basis for the appeal, and it must provide sufficient detailed information to support the appeal. The appeal will not be considered if both these conditions are not met. The Vice President of Finance and Administration shall determine if the appeal meets both conditions
- The grounds for an appeal of the sanction are to determine whether the sanction imposed was appropriate for the violation that the employee was found to have committed, considering any previous violations. The person appealing must specify why the sanction imposed is too harsh
 - Once an appeal is submitted and determined that it meets the appeal conditions, the Vice President of Finance and Administration or designee may:
 - modify the sanction (enhance or lessen);
 - uphold the sanction;
 - in extenuating circumstances (conflict of interest, absence of appeal officer, etc.) request the President to appoint an appeal officer designee who shall consider the sanction and render a decision
 - the Vice President shall inform the Respondent, Complainant and the Title IX Coordinator/Title IX Administrator in writing as to the decisions within ten (10) business days

DRUGS AND ALCOHOL ON CAMPUS

Federal law requires Northern Michigan University to notify all faculty, staff, and students of certain information pertaining to the unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as part of its activities. The information included in this report complies with the notification requirements of the Drug-Free Schools and Communities Act and its implementing regulations.

Drugs

Students shall not 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, anabolic steroids, and chemicals used in production.

In order to promote the health and safety of students, NMU has adopted a Medical Amnesty Policy. Please visit [2.3.12 Drugs: Possession, Use or Sale](#) for details.

Although possession and use of marijuana, for adults over the age of 21 and/or persons possessing a medical marijuana card, is no longer a crime under Michigan law, the possession and use of marijuana remains illegal under federal law. Consistent with federal law, including the Controlled Substances Act and the Drug Free Schools and Communities Act, the use and/or possession of marijuana in any form is prohibited on campus and/or on any property owned, leased or operated by NMU, including NMU student housing.

Alcohol

The possession, use, distribution and sale of alcoholic beverages is prohibited upon the property of Northern Michigan University unless specifically authorized in accordance with [NMU Policy 01.00](#), Possession, Use and Distribution of Alcoholic Beverages. Where such possession, use, distribution and/or sale is authorized, strict compliance with the laws of the Michigan is required.

The NMU Police Department Police Chief has been given the responsibility to approve all applications for special license for the sale of beer and wine at any event on property owned or controlled by Northern Michigan University. The Michigan Liquor Control Commission will be notified when approval has been granted.

01.00 Alcoholic Beverages: Possession or Use of

There are three areas on campus that have liquor licenses for beer and wine; the Recreation Building (Superior Dome, Berry Events Center and Physical Education Instructional Facility), The Northern Center and The Pub (On campus eatery). During events in the Recreation Building the alcohol sales and use area are monitored by NMU Police Department student employees to assure compliance. During certain larger events at the Northern Center (Weddings, large parties) the NMU Police Department also has Student employees on-site to monitor the event. Daily liquor inspection are conducted at The Pub.

Tailgating is permitted in the Sports Recreation Facilities parking lots. During events these lots are patrolled by the NMU Police Department and NMU PD student employees.

There are designated areas in NMU housing for students 21 years of age or older to possess alcoholic beverages. The possession and consumption of alcohol is permitted in University apartments for those students and their guests who are 21 years of age or older in accordance with applicable University policies. The University expects responsible behavior from all members of the on-campus apartment community and their guests.

Expectations Regarding the Use of Alcohol in Designated Residence Hall Areas

It is the mission of the Housing and Residence Life Department at Northern Michigan University to foster personal development of students living in residence halls, which includes ensuring that students have a broad range of opportunities to make good decisions as well as to demonstrate responsible behavior.

Recognizing that the State of Michigan has extended the privilege of possessing and consuming alcohol to students who are twenty-one years of age or older, the University will permit those students over the age of 21

who are living in residence hall areas specifically designated as an upperclassman housing to possibly possess and consume alcoholic beverages.

The University reserves the right to designate specific areas (e.g., private residence hall rooms, television lounge, social lounge, etc.), and specific times when consumption of alcoholic beverages is permitted as long as students do so in a mature and responsible manner. This policy is intended to:

- Extend the privilege of possessing and consuming alcoholic beverages to students twenty-one years of age or older who live in residence hall areas designated for upper division students and students over the age of 21.
- Clarify expected responsible behavior, consistent with applicable laws and regulations, from those individuals to whom this privilege is extended and who choose to consume alcohol.
- Support members of the residence hall community who choose not to possess or consume alcohol.
- Protect the interests and rights of all members of the residence hall communities with respect to the preservation of a comfortable educational environment.

Approved Areas

Student Rooms

Alcoholic beverages may be possessed and consumed in student rooms in designated residence hall areas by those residents and their invited guests who are at least twenty-one years of age. In the event that there is a guest in a residence hall room who is under the age of twenty-one, no one in the room is permitted to consume alcohol.

Television Lounges

Alcoholic beverages may be possessed and consumed by residence hall students twenty-one years of age or older and their invited guests who are also at least twenty-one years old in the television lounge in designated residence hall living areas. For Spalding Hall residents, alcohol is permitted in the Spalding basement between the hours of 6pm and midnight. All alcohol must be removed from public spaces at 2am in halls other than Spalding Hall.

Common Areas

Group-sponsored activities which include alcoholic beverages may be held in approved common areas only in residence halls with space designated specifically for upperclassmen students and students over the age of 21. The appropriate registered student governing organization and the Resident Director for the hall may designate a common area for their hall (Woodland Park only). There may be no more than one common area designated in a residence hall at one time and the main residence hall lobby may not be designated as a common area.

Reservations

A common area may be reserved on Friday or Saturday (or on other days for special events) between noon and midnight. Only registered student organizations from the designated residence hall areas may reserve a common area for a social activity which includes the availability of alcoholic beverages. The group must submit an "Approval Request for Group-Sponsored Activities Including Alcoholic Beverages" at least seven (7) days prior to the date of the activity. Approval Request forms must be submitted to the Woodland Park Apartment Coordinator. The request is then approved by the Apartment Round Table.

Attendance

Only the members of the sponsoring residence hall group and their individually invited guests may attend these group-sponsored activities. Each member of the group may invite one guest who must be 21 years of age or older. All members of the sponsoring group may attend, but their guests must be 21 years of age or

older. Although members of the group who have not reached 21 years of age may attend, they are not permitted to possess or consume alcoholic beverages. The activity organizers are responsible for providing a list of the names of everyone who will be admitted to the activity to the Resident Director at least twenty four hours before the activity is scheduled to begin. This list must include name, address, and birth date for all who will be attending. In addition, the list must state who has supervisory responsibilities and who is the host or hostess for each guest.

Conditions:

- Alcoholic beverages may not be sold or given away.
- Residents and their invited guests who have attained the legal age for consumption of such beverages may consume their own alcoholic beverages.
- A group may furnish alcoholic beverages in a designated common area to its members only with funds derived from its membership, provided, however, that student activity fees collected as part of residence hall room and board fees are not used for such purposes.
- Persons under 21 years of age are not permitted to use, possess, or consume alcoholic beverages.
- Supervision. It is the responsibility of those students planning the activity to ensure that the activity is properly supervised by members of their organization.

Rights of Residents

The right of residents to an environment in which they can study, sleep, and enjoy the peace and quiet at any time supersedes the privilege of possessing and consuming alcoholic beverages. Students and their guests who possess or consume alcohol in conjunction with this policy are expected to always be respectful of others and must honor all reasonable requests from them with respect to their right to a quiet living environment.

Conduct

The conduct of residents and their invited guests must be in accordance with the regulations and ordinances of the University and the liquor laws of the State of Michigan including but not limited to, the age of the purchaser, furnishing alcoholic beverages to a minor, transporting alcoholic beverages, and falsely representing age by a minor. At no time should a party atmosphere (e.g., excessive noise and/or large numbers) exist in either a student room or other area designated for the consumption of alcoholic beverages. Complaints regarding inappropriate behavior related to the possession or consumption of alcohol will be processed in accordance with the appropriate University policies, procedures, and practices.

Transportation of Alcohol Beverages

Open cans or bottles, glasses, cups, or mugs and all other containers with anything other than a factory-produced and sealed lid are not permitted outside of student rooms in designated areas, designated television rooms or designated common areas in conjunction with an approved group-sponsored event. Alcoholic beverages may be transported to and from these rooms only in factory-produced and sealed containers.

Clean-up and Damage

Residents will be held responsible for cleaning any approved common area immediately after their activity. In addition, residents will be responsible for all damages, including those caused by their guests.

Cancellation

The Associate Vice President for Northern Student Experience, or their designate (i.e., Director of Housing and Residence Life, Associate Director of Residence Life, Coordinator of Apartment Services, or Resident Director) may decide that an individual or individuals has abused the privilege of using alcoholic beverages in accordance with this policy and as a result may suspend the policy until such time and upon such terms and conditions as deemed appropriate. In addition, the Associate Vice President for Northern Student Experience, or their designate may decide that this privilege may be revoked for varying other reasons (including but not limited to health or safety concerns, weather, facility issues, poor planning of event, etc.).

Medical Amnesty

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.

Drug-Free Schools and Communities Act Student Notification

In accordance with the Alcohol and Drug Policies - Drug-Free Schools and Communities Act Amendments of 1989 an email notification is sent out four times per year to current Northern Michigan University Students. The University conducts a [Drug-Free School and Communities Biennial Review](#).

Purpose:

Northern Michigan University complies with the Drug-Free Schools and Communities Act Amendments of 1989 by sending annual notifications regarding the university drug prevention program to student and employees, as well as completing biennial reviews.

Applicability:

This policy pertains to University students.

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.

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. Please see the Drug-Free Schools Biennial Review for more information.

Please see the [Drug-Free Schools Biennial Review](#) for more information.

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 the 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 Services

NMU Health Center

Well Being Center located near The Woods residential area and Northern Lights Dining Facility.

Lot #15 off of Lincoln Ave.

906-227-2355

NMU Counseling and Consultation Services

Well Being Center located near The Woods residential area and Northern Lights Dining Facility.

Lot #15 off of Lincoln Ave.

906-227-2980

Off-Campus

Marquette Area Services

Alcoholic Treatment Center (24-hour helpline)

800-260-4014

Alcoholics Anonymous

906-249-4430

800-605-5043

<http://www.aa-marquettecounty.org>

Drug Abuse Treatment Center (24-hour helpline)

800-259-7115

UP Health System – Marquette

Behavioral Health – Outpatient Services

Robert C. Neldberg Building, Sixth Floor

580 W. College Avenue

Marquette, MI, 49855

906-449-1600

<http://www.mgh.org/our-services/behavioral-health>

Great Lakes Recovery Centers

Outpatient Services

1009 W. Ridge Street, Suite C

Marquette, MI, 49855

906-228-9696 or (855) 906-GLRC (4572)

<https://www.greatlakesrecovery.org>

Drug-Free Workplace Act of 1988

The Drug-Free Workplace notification is sent out by email to faculty, staff and student employees at the beginning of the Fall and Winter semesters.

Purpose:

This policy establishes Northern Michigan University's Drug-Free Workplace requirements.

Applicability:

This policy pertains to all university faculty, staff, and student employees.

Policy

Northern Michigan University's policy, in compliance with the Drug-Free Workplace Act of 1988, P.L. 100-690, is committed to providing a drug-free workplace by prohibiting the unlawful manufacture, distribution, dispensing, possession, or use of any controlled substance by any employee in the workplace.

Drug-Free Workplace Education. NMU Human Resources department will ensure that a drug-free workplace education program is provided for NMU faculty, staff, and student employees. This policy is available on the NMU Policies and Procedures database for ease of access; and will be reviewed every two (2) years. All new hires will receive a copy of the policy during orientation.

Health Risks. Health (and other) risks associated with the use of alcohol and other drugs include, but are not limited to: psychological and/or physical dependence; impaired learning ability, memory, and ability to solve complex problems; increased risk of sexually transmitted diseases; complications due to the combination of prescription medication and other drugs/alcohol; death, coma or toxic reactions; guilt/regret over activities performed while under the influence of alcohol/drugs; 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); and other physiological, psychological or interpersonal problems.

Resources/assistance. NMU supports programs aimed at the prevention of substance abuse by its employees, and encourages faculty, staff, and student employees with alcohol and other drug dependency problems to obtain assistance. Leaves of absence to obtain treatment may be obtained under the medical leave provision of the appropriate collective bargaining agreement, non-represented employee handbook, or other university procedures.

NMU encourages faculty, staff, and students with alcohol or other drug dependency problems to contact the Human Resources Department or counseling centers for referral services or assistance. Employees may be eligible for benefits for substance abuse treatment through university-sponsored health insurance plans. If treatment for drug and/or alcohol dependency is needed, you should contact your insurance carrier to obtain information concerning coverage. A contact list of assistance programs and services can be found at the end of this policy.

Compliance as a condition of employment. All faculty, staff, and student employees will, as a condition of employment, abide by the terms of these procedures and guidelines.

Internal sanctions for violation or non-compliance. NMU will impose violation sanctions consistent with local ordinances, state and federal law, and with applicable collective bargaining agreements, employee handbooks, and university regulations. Violations of these procedures and guidelines will result in personnel action against the employee which may include 1) verbal warning; 2) written reprimand; 3) suspension without pay; or 4) discharge. The discipline administered will be reasonable in light of the violation, frequency of the violation, and the employment history of the employee.

The university encourages counseling and rehabilitation for substance abusers and has made available employee assistance services, alcohol and drug education programs, and support groups for this purpose. Reasonable effort will be made to rehabilitate the employee; however, rehabilitation will not replace disciplinary action.

Legal sanctions for violation. Violations of laws and ordinances may result in misdemeanor or felony convictions accompanied by the imposition of legal sanctions, which include, but are not limited to, the following:

- ☐ Fines as determined under local, state, or federal laws;
- ☐ Imprisonment, including up to life imprisonment, for possession or trafficking in drugs such as heroin, cocaine, marijuana and prescription drugs;
- ☐ Forfeiture of personal and real property;
- ☐ Denial of federal benefits such as grants, contracts and student loans;
- ☐ Loss of driving privileges;
- ☐ Required attendance at substance abuse education or treatment programs.

A full description of federal sanctions for drug felonies can be found [here](#). This section is not intended as legal advice; consult with an attorney regarding your specific legal issues.

Alcohol: Under Michigan law, it is illegal for anyone under the age of 21 to purchase, consume or possess, or have any bodily content of alcohol. A first-time conviction may result in a fine, substance abuse education and treatment, community service, and court-ordered drug screenings. There also is a provision for possible imprisonment or probation for a second or subsequent offense. Use of false identification by minors in obtaining alcohol is punishable with a fine, loss of driver's license, probation, and community service.

Individuals can be arrested and/or convicted of operating a vehicle while intoxicated with a blood alcohol concentration (BAC) level at .08 or higher. If an individual is under 21, there is a "zero tolerance" law in the state of Michigan and any blood alcohol level of .01 or higher can lead to a minor in possession (MIP) citation as well as being cited for operating a vehicle while intoxicated, if applicable. This is in addition to suspension of driving privileges in the state of Michigan.

Michigan Law Governing Marijuana: The Michigan Regulation and Taxation of Marijuana Act and the Michigan Medical Marijuana Act (MMMA) conflict with federal criminal laws governing controlled substances, as well as federal laws requiring institutions receiving federal funds, by grant or contract, to maintain drug-free campuses and workplaces. NMU receives federal funding that would be in jeopardy if those federal laws did not take precedence over state law. Thus, the use, possession, or cultivation of marijuana in any form and for any purpose violates the Drug-Free Workplace Policy and is prohibited at NMU.

Prescription drugs and OTC medication. Any person taking prescription drugs or over-the-counter (OTC) medication is personally responsible for ensuring that while taking such drugs or medications, he or she is not a safety risk to themselves and others while on university property, while driving a university or privately-owned vehicle, or while otherwise engaged in university business. It is illegal to misuse prescription medication, i.e. continue to use medication when the prescription is no longer valid, use prescribed drugs contrary to the prescription, and give or sell prescribed drugs to another person. Misusing prescription drugs can result in conviction with jail time.

Employee obligation for notification of conviction. The employee must notify NMU of any criminal drug statute conviction for a violation occurring on any property owned or controlled by NMU no later than five (5) calendar days after such conviction. The employee shall notify his or her immediate supervisor in writing of any such conviction, who will immediately report the conviction to the head of human resources, or designee. If a report of a conviction is received from a person other than the convicted employee, the head of human resources, or designee, will verify the conviction. NMU will take appropriate action within thirty (30) days of notification.

Employer obligation for notification of conviction. Upon verification of a criminal drug statute conviction, NMU is obligated to provide written notification to any federal funding agency or agencies within ten (10) calendar days as required by the Drug-Free Workplace Act of 1988, as amended.

Assistance Programs and Resources Contact List. Below is a list of some drug and alcohol prevention, counseling, treatment and rehabilitation programs. Additional programs may be listed in local telephone directories.

NMU/On-Campus Services

NorthStar Employee Assistance Program
710 Chippewa Square, Suite 206
Marquette, MI, 49855
906-225-3145
www.northstareap.com

NMU Counseling and Consultation Services
Located near The Woods residential area and Northern Lights Dining Facility,
includes dedicated parking off of Lincoln Avenue
906-227-2980

Marquette Area Services

Alcoholic Treatment Center (24-hour helpline)
800-260-4014

Alcoholics Anonymous
906-249-4430
800-605-5043
www.aa-marquettecounty.org

Drug Abuse Treatment Center (24-hour helpline)
800-259-7115

UP Health System – Marquette
Behavioral Health – Outpatient Services
Robert C. Neldberg Building, Sixth Floor
580 W. College Avenue
Marquette, MI, 49855
906-449-1600 or (800) 562-9753 x1600
www.uphealthsystems.com/behavioral-health/outpatient-services

Great Lakes Recovery Centers
Outpatient Services
1009 W. Ridge Street, Suite C
Marquette, MI, 49855
906-228-9696 or (855) 906-GLRC (4572)
www.greatlakesrecovery.org/recovery-services/

Great Lakes Recovery Centers
Youth Residential Services
104 Malton Road
Negaunee, MI, 49866
906-228-4692
www.greatlakesrecovery.org/residential-services/teen-residential

For additional Upper Peninsula Alcohol, Substance Abuse and Mental Health Services
visit: <https://www.uphp.com/cc4h/>, enter the zip code and click on Health.

Northern Michigan University Tobacco Free Campus

Northern Michigan University is committed to providing a healthy environment for students, faculty, staff, and visitors. To demonstrate this commitment the NMU Board of Trustees made the decision to implement a campus-wide, [tobacco-free policy](#) on Aug. 1, 2014.

The policy prohibits products defined by the American College Health Association, including cigarettes, vapor cigarettes (e-cigarettes), cigars, cigarillos, hookah-smoked products and oral tobacco (spit, spitless, smokeless, chew, snuff).

he tobacco-free policy is meant to support a healthy NMU community, not punish those who use tobacco. Assume that a person using tobacco on NMU's campus is unaware of the tobacco-free policy. If you see a person using a tobacco product on campus, respectfully inform the person of the tobacco-free policy. You may direct them to this website for more information. If someone repeatedly violates the policy the following disciplinary guidelines will apply.

Enforcement for Employees

Discipline of employees will be determined based on any applicable union agreement, the personnel policy manual and tobacco-free policy. If an employee is reported to his/her supervisor for violating the ban, the supervisor will first meet with the employee and conduct a corrective discussion. A second report will result in a documented verbal warning, submitted to the employee's personnel file. Any third report will result in a written warning, clarifying the expectations under the policy and the potential consequences of future violations. Subsequent instances of policy violations will be subject to additional disciplinary action, up to and including termination of employment.

Enforcement for Students

Discipline of students will go through the Student Code. If a student is reported to the Dean of Students Office, the student will need to talk to a Dean of Students staff member about the policy. A second violation results in a warning and is noted on a student's record. The third violation will result in conduct charges. Every subsequent violation will result in charges. If the violations continue, the student could be suspended from the university for one year.

In accordance with Federal Law Marijuana is not allowed on campus in any circumstances.

RELATED MICHIGAN ALCOHOL OFFENSES

Alcohol Offenses Defined

Minor in Possession of Alcohol Defined

MICHIGAN LIQUOR CONTROL CODE OF 1998 (EXCERPT) Act 58 of 1998

436.1703 Purchase, consumption, or possession of alcoholic liquor by minor; attempt; violation; fines; sanctions; furnishing fraudulent identification to minor; use by minor; prior violation; screening and assessment; prior judgment; chemical breath analysis; notice to parent, custodian, or guardian; exceptions; recruitment of minor for undercover operation prohibited; affirmative defense; definitions.

Sec. 703.

(1) A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. A minor who violates this subsection is responsible for a state civil infraction or guilty of a misdemeanor as follows and is not subject to the penalties prescribed in section 909:

(a) For the first violation, the minor is responsible for a state civil infraction and must be fined not more than \$100.00. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, and may order the minor to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5). A minor may be found responsible or admit responsibility only once under this subdivision.

(b) If a violation of this subsection occurs after 1 prior judgment, the minor is guilty of a misdemeanor. A misdemeanor under this subdivision is punishable by imprisonment for not more than 30 days if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than \$200.00, or both. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5).

(c) If a violation of this subsection occurs after 2 or more prior judgments, the minor is guilty of a misdemeanor. A misdemeanor under this subdivision is punishable by imprisonment for not more than 60 days, if the court finds that the minor violated an order of probation, failed to successfully complete any treatment,

screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than \$500.00, or both, as applicable. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5).

(2) An individual who furnishes fraudulent identification to a minor or, notwithstanding subsection (1), a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(3) If an individual who pleads guilty to a misdemeanor violation of subsection (1)(b) or offers a plea of admission in a juvenile delinquency proceeding for a misdemeanor violation of subsection (1)(b), the court, without entering a judgment of guilt in a criminal proceeding or a determination in a juvenile delinquency proceeding that the juvenile has committed the offense and with the consent of the accused, may defer further proceedings and place the individual on probation. The terms and conditions of that probation include, but are not limited to, the sanctions set forth in subsection (1)(c), payment of the costs including minimum state cost as provided for in section 18m of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18m, and section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j, and the costs of probation as prescribed in section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3. If a court finds that an individual violated a term or condition of probation or that the individual is utilizing this subsection in another court, the court may enter an adjudication of guilt, or a determination in a juvenile delinquency proceeding that the individual has committed the offense, and proceed as otherwise provided by law. If an individual fulfills the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. A discharge and dismissal under this section is without adjudication of guilt or without a determination in a juvenile delinquency proceeding that the individual has committed the offense and is not a conviction or juvenile adjudication for purposes of disqualifications or disabilities imposed by law on conviction of a crime. An individual may obtain only 1 discharge and dismissal under this subsection. The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation and if there is a discharge and dismissal under this subsection. The secretary of state shall retain a nonpublic record of a plea and of the discharge and dismissal under this subsection. These records shall be furnished to any of the following:

(a) To a court, prosecutor, or police agency on request for the purpose of determining if an individual has already used this subsection.

(b) To the department of corrections, a prosecutor, or a law enforcement agency, on the department's, a prosecutor's, or a law enforcement agency's request, subject to all of the following conditions:

(i) At the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency.

(ii) The record is used by the department of corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment.

(4) A misdemeanor violation of subsection (1) successfully deferred, discharged, and dismissed under subsection (3) is considered a prior judgment for the purposes of subsection (1)(c).

(5) A court may order an individual found responsible for or convicted of violating subsection (1) to undergo screening and assessment by a person or agency as designated by the department-designated community mental health entity as defined in section 100a of the mental health code, 1974 PA 258, MCL 330.1100a, to determine whether the individual is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. A court may order an individual subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a violation of subsection (1) to submit to a random or regular preliminary chemical breath analysis. The parent, guardian, or custodian of a minor who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, may request a random or regular preliminary chemical breath analysis as part of the probation.

(6) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may request that individual to submit to a preliminary chemical breath analysis. If a minor does not consent to a preliminary chemical breath analysis, the analysis must not be administered without a court order, but a peace officer may seek to obtain a court order. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a state civil infraction proceeding or criminal prosecution to determine if the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.

(7) A law enforcement agency, on determining that an individual who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, allegedly consumed, possessed, or purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (1) shall notify the parent or parents, custodian, or guardian of the individual as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The law enforcement agency shall notify the parent, guardian, or custodian not later than 48 hours after the law enforcement agency determines that the individual who allegedly violated subsection (1) is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6. The law enforcement agency may notify the parent, guardian, or custodian by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first-class mail. If an individual less than 17 years of age is incarcerated for violating subsection (1), his or her parents or legal guardian must be notified immediately as provided in this subsection.

(8) This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by this act, by the commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(9) The following individuals are not considered to be in violation of subsection (1):

(a) A minor who has consumed alcoholic liquor and who voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a minor.

(b) A minor who accompanies an individual who meets both of the following criteria:

(i) Has consumed alcoholic liquor.

(ii) Voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a minor.

(c) A minor who initiates contact with a peace officer or emergency medical services personnel for the purpose of obtaining medical assistance for a legitimate health care concern.

(10) If a minor who is less than 18 years of age and who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, voluntarily presents himself or herself to a health facility or agency for treatment or for observation as provided under subsection (9), the health facility or agency shall notify the parent or parents, guardian, or custodian of the individual as to the nature of the treatment or observation if the name of a parent, guardian, or custodian is reasonably ascertainable by the health facility or agency.

(11) This section does not limit the civil or criminal liability of a vendor or the vendor's clerk, servant, agent, or employee for a violation of this act.

(12) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this act if the purpose of the consumption is solely educational and is a requirement of the course.

(13) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this act.

(14) Subsection (1) does not apply to a minor who participates in either or both of the following:

(a) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

(b) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the commission, or the local police agency and was not part of the undercover operation.

(15) The state police, the commission, or a local police agency shall not recruit or attempt to recruit a minor for participation in an undercover operation at the scene of a violation of subsection (1), section 701(1), or section 801(1).

(16) In a prosecution for the violation of subsection (1) concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.

(17) As used in this section:

(a) "Any bodily alcohol content" means either of the following:

(i) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(ii) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(b) "Emergency medical services personnel" means that term as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.

(c) "Health facility or agency" means that term as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.

(d) "Prior judgment" means a conviction, juvenile adjudication, finding of responsibility, or admission of responsibility for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States that substantially corresponds to a law of this state, or a law of another state that substantially corresponds to a law of this state:

(i) This section or section 701 or 707.

(ii) Section 624a, 624b, or 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.624a, 257.624b, and 257.625.

(iii) Section 80176, 81134, or 82127 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, 324.81134, and 324.82127.

(iv) Section 167a or 237 of the Michigan penal code, 1931 PA 328, MCL 750.167a and 750.237.

Altered or Fake ID Defined

STATE PERSONAL IDENTIFICATION CARD (EXCERPT)

Act 222 of 1972

28.295 Conduct constituting felony or misdemeanor; penalties; exceptions; cancellation or return.

Sec. 5.

(1) A person who intentionally reproduces, alters, counterfeits, forges, or duplicates an official state personal identification card photograph, the negative of the photograph, an official state personal identification card image, an official state personal identification card, or the electronic data contained on an official state personal identification card or a part of an official state personal identification card or who uses an official state personal identification card, image, or photograph that has been reproduced, altered, counterfeited, forged, or duplicated is subject to 1 of the following:

(a) If the intent of reproduction, alteration, counterfeiting, forging, duplication, or use was to commit or aid in the commission of an offense that is a felony punishable by imprisonment for 10 or more years, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$20,000.00, or both.

(b) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use was to commit or aid in the commission of an offense that is a felony punishable by imprisonment for less than 10 years or a misdemeanor punishable by imprisonment for 6 months or more, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a felony punishable by imprisonment for not more than 5 years, or a fine of not more than \$10,000.00, or both.

(c) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use was to commit or aid in the commission of an offense that is a misdemeanor punishable by imprisonment for less than 6 months, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both.

(2) A person who sells or possesses with the intent to deliver to another a reproduced, altered, counterfeited, forged, or duplicated official state personal identification card photograph, negative of the photograph, official state personal identification card image, official state personal identification card, or electronic data contained on an official state personal identification card or part of an official state personal identification card, or who possesses 2 or more reproduced, altered, counterfeited, forged, or duplicated official state identification card photographs, negatives of the photograph or photographs, image or images, official state identification card or cards, or electronic data contained on official state identification card or cards, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

(3) A person who is in possession of an altered, counterfeited, forged, or duplicated official state personal identification card photograph, negative of the photograph, official state personal identification card image, official state personal identification card, or electronic data contained on an official state personal identification card or part of an official state personal identification card is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both.

(4) A person shall not steal or, without the cardholder's permission, knowingly take or knowingly remove an official state personal identification card from the person or possession of another. A person shall not use an official state personal identification card that is stolen or knowingly taken or knowingly removed from the person or possession of another. Except as provided in subsection (5), a person who violates this subsection is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year.

(5) A person shall not use an official state personal identification card in the commission of a felony if the card is stolen or knowingly taken or knowingly removed from the person or possession of another. A person who violates this subsection is guilty of the penalties provided for the felony committed with the use of the card.

(6) Subsections (2) and (3) do not apply to a person who is in possession of 1 or more photocopies, reproductions, or duplications of an official state personal identification card or part of an official state personal identification card to document the person's identity for a legitimate business purpose.

(7) Subsections (1)(a) and (b) and (2) do not apply to a minor whose intent is to violate section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.

(8) The department may cancel the official state personal identification card of a person who violates this section. The person shall return his or her official state personal identification card upon the request or order of the department.

Operating While Intoxicated Defined

MICHIGAN VEHICLE CODE (EXCERPT) Act 300 of 1949

257.625 Operating motor vehicle while intoxicated; "operating while intoxicated" defined; operating

motor vehicle when visibly impaired; penalties for causing death or serious impairment of a body function; operation of motor vehicle by person less than 21 years of age; "any bodily alcohol content" defined; requirements; controlled substance; costs; enhanced sentence; guilty plea or nolo contendere; establishment of prior conviction; special verdict; public record; burden of proving religious service or ceremony; ignition interlock device; definitions; prior conviction; violations arising out of same transaction.

Sec. 625.

(1) A person, whether licensed or not, shall not operate a vehicle on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person is operating while intoxicated. As used in this section, "operating while intoxicated" means any of the following:

(a) The person is under the influence of alcoholic liquor, a controlled substance, or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

(b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning 5 years after the state treasurer publishes a certification under subsection (28), the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state by a person if any of the following apply:

(a) The person is under the influence of alcoholic liquor, a controlled substance, other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

(b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning 5 years after the state treasurer publishes a certification under subsection (28), the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person's ability to operate the motor vehicle is visibly impaired due to the consumption of alcoholic liquor, a controlled substance, or other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

(3) A person, whether licensed or not, shall not operate a vehicle on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state when, due to the consumption of alcoholic liquor, a controlled substance, or other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.

(4) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1), (3), or (8) and by the operation of that motor vehicle causes the death of another person is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(b) If the violation occurs while the person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, and within 7 years of a prior conviction, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both. The judgment of sentence may impose the sanction permitted under section

625n. If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(c) If, at the time of the violation, the person is operating a motor vehicle in a manner proscribed under section 653a and causes the death of a police officer, firefighter, or other emergency response personnel, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both. This subdivision applies regardless of whether the person is charged with the violation of section 653a. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(5) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1), (3), or (8) and by the operation of that motor vehicle causes a serious impairment of a body function of another person is guilty of a crime as follows:

(a) Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(b) If the violation occurs while the person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, and within 7 years of a prior conviction, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered to be forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(6) A person who is less than 21 years of age, whether licensed or not, shall not operate a vehicle on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person has any bodily alcohol content. As used in this subsection, "any bodily alcohol content" means either of the following:

(a) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning 5 years after the state treasurer publishes a certification under subsection (28), the person has an alcohol content of 0.02 grams or more but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(7) A person, whether licensed or not, is subject to the following requirements:

(a) He or she shall not operate a vehicle in violation of subsection (1), (3), (4), (5), or (8) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a crime punishable as follows:

(i) Except as provided in subparagraph (ii), a person who violates this subdivision is guilty of a misdemeanor and must be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and to 1 or more of the following:

(A) Imprisonment for not more than 1 year.

(B) Community service for not less than 30 days or more than 90 days.

(ii) If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates this subdivision is guilty of a felony and must be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and to either of the following:

(A) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(B) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of this imprisonment must be served consecutively.

(iii) A term of imprisonment imposed under subparagraph (ii)(A) or (B) must not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program.

(b) He or she shall not operate a vehicle in violation of subsection (6) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a misdemeanor punishable as follows:

(i) Except as provided in subparagraph (ii), a person who violates this subdivision may be sentenced to 1 or more of the following:

(A) Community service for not more than 60 days.

(B) A fine of not more than \$500.00.

(C) Imprisonment for not more than 93 days.

(ii) If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates this subdivision must be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and to 1 or more of the following:

(A) Imprisonment for not less than 5 days or more than 1 year. This term of imprisonment must not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program.

(B) Community service for not less than 30 days or more than 90 days.

(c) In the judgment of sentence under subdivision (a)(i) or (b)(i), the court may, unless the vehicle is ordered to be forfeited under section 625n, order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (a)(ii) or (b)(ii), the court shall, unless the vehicle is ordered to be forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(d) This subsection does not prohibit a person from being charged with, convicted of, or punished for a violation of subsection (4) or (5) that is committed by the person while violating this subsection. However, points shall not be assessed under section 320a for both a violation of subsection (4) or (5) and a violation of this subsection for conduct arising out of the same transaction.

(8) A person, whether licensed or not, shall not operate a vehicle on a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person has in his or her body any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214.

(9) If a person is convicted of violating subsection (1) or (8), all of the following apply:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:

(i) Community service for not more than 360 hours.

(ii) Imprisonment for not more than 93 days, or, if the person is convicted of violating subsection (1)(c), imprisonment for not more than 180 days.

(iii) A fine of not less than \$100.00 or more than \$500.00, or, if the person is guilty of violating subsection (1)(c), a fine of not less than \$200.00 or more than \$700.00.

(b) If the violation occurs within 7 years of a prior conviction, the person must be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and 1 or more of the following:

(i) Imprisonment for not less than 5 days or more than 1 year.

(ii) Community service for not less than 30 days or more than 90 days.

(c) If the violation occurs after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, the person is guilty of a felony and must be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and to either of the following:

(i) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(ii) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subparagraph must be served consecutively.

(d) A term of imprisonment imposed under subdivision (b) or (c) must not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program.

(e) In the judgment of sentence under subdivision (a), the court may order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (b) or (c), the court shall, unless the vehicle is ordered to be forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(f) In the judgment of sentence under subdivision (b) or (c), the court may impose the sanction permitted under section 625n.

(10) A person who is convicted of violating subsection (2) is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not less than \$100.00 or more than \$500.00, or both.

(b) If the person operating the motor vehicle violated subsection (4), a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,500.00 or more than \$10,000.00, or both.

(c) If the person operating the motor vehicle violated subsection (5), a felony punishable by imprisonment for not more than 2 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both.

(11) If a person is convicted of violating subsection (3), all of the following apply:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:

(i) Community service for not more than 360 hours.

(ii) Imprisonment for not more than 93 days.

(iii) A fine of not more than \$300.00.

(b) If the violation occurs within 7 years of 1 prior conviction, the person must be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00, and 1 or more of the following:

(i) Imprisonment for not less than 5 days or more than 1 year.

(ii) Community service for not less than 30 days or more than 90 days.

(c) If the violation occurs after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, the person is guilty of a felony and must be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and either of the following:

(i) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(ii) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subparagraph must be served consecutively.

(d) A term of imprisonment imposed under subdivision (b) or (c) must not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program.

(e) In the judgment of sentence under subdivision (a), the court may order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (b) or (c), the court shall, unless the vehicle is ordered to be forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(f) In the judgment of sentence under subdivision (b) or (c), the court may impose the sanction permitted under section 625n.

(12) If a person is convicted of violating subsection (6), all of the following apply:

(a) Except as otherwise provided in subdivision (b), the person is guilty of a misdemeanor punishable by 1 or both of the following:

(i) Community service for not more than 360 hours.

(ii) A fine of not more than \$250.00.

(b) If the violation occurs within 7 years of 1 or more prior convictions, the person may be sentenced to 1 or more of the following:

(i) Community service for not more than 60 days.

(ii) A fine of not more than \$500.00.

(iii) Imprisonment for not more than 93 days.

(13) In addition to imposing the sanctions prescribed under this section, the court may order the person to pay the costs of the prosecution under the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69.

(14) A person sentenced to perform community service under this section must not receive compensation and must reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

(15) If the prosecuting attorney intends to seek an enhanced sentence under this section or a sanction under section 625n based on the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information, or an amended complaint and information, filed in district court, circuit court, municipal court, or family division of circuit court, a statement listing the defendant's prior convictions.

(16) If a person is charged with a violation of subsection (1), (3), (4), (5), (7), or (8) or section 625m, the court shall not permit the defendant to enter a plea of guilty or nolo contendere to a charge of violating subsection (6) in exchange for dismissal of the original charge. This subsection does not prohibit the court from dismissing the charge on the prosecuting attorney's motion.

(17) A prior conviction must be established at sentencing by 1 or more of the following:

- (a) A copy of a judgment of conviction.
- (b) An abstract of conviction.
- (c) A transcript of a prior trial or a plea-taking or sentencing proceeding.
- (d) A copy of a court register of actions.
- (e) A copy of the defendant's driving record.
- (f) Information contained in a presentence report.
- (g) An admission by the defendant.

(18) Except as otherwise provided in subsection (20), if a person is charged with operating a vehicle while under the influence of a controlled substance or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance in violation of subsection (1) or a local ordinance substantially corresponding to subsection (1), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether the person was under the influence of a controlled substance or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance at the time of the violation.

(19) Except as otherwise provided in subsection (20), if a person is charged with operating a vehicle while his or her ability to operate the vehicle was visibly impaired due to his or her consumption of a controlled substance or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance in violation of subsection (3) or a local ordinance substantially corresponding to subsection (3), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether, due to the consumption of a controlled substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance, the person's ability to operate a motor vehicle was visibly impaired at the time of the violation.

(20) A special verdict described in subsections (18) and (19) is not required if a jury is instructed to make a finding solely as to either of the following:

(a) Whether the defendant was under the influence of a controlled substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance at the time of the violation.

(b) Whether the defendant was visibly impaired due to his or her consumption of a controlled substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance at the time of the violation.

(21) If a jury or court finds under subsection (18), (19), or (20) that the defendant operated a motor vehicle under the influence of or while impaired due to the consumption of a controlled substance or a combination of a controlled substance, an alcoholic liquor, or other intoxicating substance, the court shall do both of the following:

(a) Report the finding to the secretary of state.

(b) On a form or forms prescribed by the state court administrator, forward to the department of state police a record that specifies the penalties imposed by the court, including any term of imprisonment, and any sanction imposed under section 625n or 904d.

(22) Except as otherwise provided by law, a record described in subsection (21)(b) is a public record and the department of state police shall retain the information contained on that record for not less than 7 years.

(23) In a prosecution for a violation of subsection (6), the defendant bears the burden of proving that the consumption of alcoholic liquor was a part of a generally recognized religious service or ceremony by a preponderance of the evidence.

(24) The court may order as a condition of probation that a person convicted of violating subsection (1) or (8), or a local ordinance substantially corresponding to subsection (1) or (8), shall not operate a motor vehicle unless that vehicle is equipped with an ignition interlock device approved, certified, and installed as required under sections 625k and 625l.

(25) As used in this section:

(a) "Intoxicating substance" means any substance, preparation, or a combination of substances and preparations other than alcohol or a controlled substance, that is either of the following:

(i) Recognized as a drug in any of the following publications or their supplements:

(A) The official United States Pharmacopoeia.

(B) The official Homeopathic Pharmacopoeia of the United States.

(C) The official National Formulary.

(ii) A substance, other than food, taken into a person's body, including, but not limited to, vapors or fumes, that is used in a manner or for a purpose for which it was not intended, and that may result in a condition of intoxication.

(b) "Prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state, subject to subsection (27):

(i) Except as provided in subsection (26), a violation or attempted violation of any of the following:

(A) This section, except a violation of subsection (2), or a violation of any prior enactment of this section in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(B) Section 625m.

(C) Former section 625b.

(ii) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(iii) Section 601d or 626(3) or (4).

(26) Except for purposes of the enhancement described in subsection (12)(b), only 1 violation or attempted violation of subsection (6), a local ordinance substantially corresponding to subsection (6), or a law of another state substantially corresponding to subsection (6) may be used as a prior conviction.

(27) If 2 or more convictions described in subsection (25) are convictions for violations arising out of the same transaction, only 1 conviction must be used to determine if the person has a prior conviction.

(28) Not later than 30 days after this state no longer receives annual federal highway construction funding conditioned on compliance with a national blood alcohol limit, the state treasurer shall certify that fact. The state treasurer shall publish a certification under this subsection on the department of treasury's website.

Selling or Furnishing Alcohol to Minors Defined

MICHIGAN LIQUOR CONTROL CODE OF 1998 (EXCERPT) Act 58 of 1998

436.1701 Selling or furnishing alcoholic liquor to minor; failure to make diligent inquiry; violation as misdemeanor; penalty; signs; consumption of alcoholic liquor as cause of death or injury; felony;

enforcement against licensee; consent of parent or guardian in undercover operation; defense in action for violation; report; use of security identification device; definitions.

Sec. 701.

(1) A person shall not sell or furnish alcoholic liquor to a minor. Except as otherwise provided in subsection (2) and subject to subsections (4), (5), and (6), a person who knowingly sells or furnishes alcoholic liquor to a minor, or who fails to make diligent inquiry as to whether the individual is a minor, is guilty of a misdemeanor. A retail licensee or a retail licensee's clerk, agent, or employee who violates this subsection shall be punished in the manner provided for licensees in section 909 except that if the violation is the result of an undercover operation in which the minor received alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action, the retail licensee's clerk, agent, or employee is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$100.00. Except as otherwise provided in subsection (2), an individual who is not a retail licensee or a retail licensee's clerk, agent, or employee and who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 and imprisonment for not more than 60 days for a first offense, a fine of not more than \$2,500.00 and imprisonment for not more than 90 days for a second or subsequent offense, and may be ordered to perform community service. A suitable sign describing the content of this section and the penalties for its violation must be posted in a conspicuous place in each room where alcoholic liquor is sold. The commission shall approve and furnish a sign under this section.

(2) An individual who is not a retail licensee or the retail licensee's clerk, agent, or employee and who violates subsection (1) is guilty of a felony, punishable by imprisonment for not more than 10 years or a fine of not more than \$5,000.00, or both, if the subsequent consumption of the alcoholic liquor by the minor is a direct and substantial cause of the minor's death or an accidental injury that causes the minor's death.

(3) If a violation occurs in an establishment that is licensed by the commission for consumption of alcoholic liquor on the licensed premises, a person who is a licensee or the clerk, agent, or employee of a licensee must not be charged with a violation of subsection (1) or section 801(1) unless the licensee or the clerk, agent, or employee of the licensee knew or should have reasonably known with the exercise of due diligence that a minor possessed or consumed alcoholic liquor on the licensed premises and the licensee or clerk, agent, or employee of the licensee failed to take immediate corrective action.

(4) If the enforcing agency involved in the violation is the state police or a local police agency, a licensee must not be charged with a violation of subsection (1) or section 801(1) unless all of the following occur, if applicable:

(a) Enforcement action is taken against the minor who purchased or attempted to purchase, consumed or attempted to consume, or possessed or attempted to possess alcoholic liquor.

(b) Enforcement action is taken under this section against the individual 21 years of age or older who is not the retail licensee or the retail licensee's clerk, agent, or employee who sold or furnished the alcoholic liquor to the minor.

(c) Enforcement action under this section is taken against the clerk, agent, or employee who directly sold or furnished alcoholic liquor to the minor.

(5) If the enforcing agency is the commission and an appearance ticket or civil infraction citation has not been issued, then the commission shall recommend to a local law enforcement agency that enforcement action be taken against a violator of this section or section 703 who is not a licensee. However, subsection (4) does not apply if the minor against whom enforcement action is taken under section 703, the clerk, agent, or employee of the licensee who directly sold or furnished alcoholic liquor to the minor, or the individual 21 years of age or older who sold or furnished alcoholic liquor to the minor is not alive or is not present in this state at the time the licensee is charged. Subsection (4)(a) does not apply under either of the following circumstances:

(a) The violation of subsection (1) is the result of an undercover operation in which the minor purchased or received alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

(b) The violation of subsection (1) is the result of an undercover operation in which the minor purchased or received alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action.

(6) Any initial or contemporaneous purchase or receipt of alcoholic liquor by the minor under subsection (5)(a) or (b) must have been under the direction of the state police, the commission, or the local police agency and must have been part of the undercover operation.

(7) If a minor participates in an undercover operation in which the minor is to purchase or receive alcoholic liquor under the supervision of a law enforcement agency, his or her parents or legal guardian shall consent to the participation if the minor is less than 18 years of age.

(8) In an action for the violation of this section, proof that the defendant or the defendant's agent or employee demanded and was shown, before furnishing alcoholic liquor to a minor, a motor vehicle operator's or chauffeur's license, a military identification card, or other bona fide documentary evidence of the age and identity of that person, is a defense to an action brought under this section.

(9) The commission shall provide, on an annual basis, a written report to the department of state police as to the number of actions heard by the commission involving violations of this section and section 801(1). The commission shall include in the report the disposition of each action and figures representing all of the following categories:

(a) Decoy operations.

(b) Off-premises violations.

(c) On-premises violations.

(d) Repeat offenses within the 3 years preceding the date of the report.

(10) Subsection (11)(b)(ii) does not impose a duty or obligation on the secretary of state that is not otherwise required by law.

(11) As used in this section:

(a) "Corrective action" means action taken by a licensee or a clerk, agent, or employee of a licensee designed to prevent a minor from further possessing or consuming alcoholic liquor on the licensed premises. Corrective action includes, but is not limited to, contacting a law enforcement agency and ejecting the minor and any other person suspected of aiding and abetting the minor.

(b) "Diligent inquiry" means a diligent good-faith effort to determine the age of an individual, which includes at least 1 of the following:

(i) An examination of an official Michigan operator's or chauffeur's license, an official Michigan personal identification card, a military identification card, or any other bona fide picture identification that establishes the identity and age of the individual.

(ii) Use of a secure identity verification device if all of the following conditions are met:

(A) The electronic scan of a biometric of the individual is referenced against any form of picture identification described in subparagraph (i).

(B) The authenticity of the picture identification was previously verified by an electronic authentication process.

(C) The identity of the individual was previously verified through a commercially available knowledge-based electronic authentication process.

(D) The authenticated picture identification was securely linked to biometrics contemporaneously collected from the individual.

(c) "Retail licensee" means a person licensed to sell alcoholic liquor at retail for consumption on or off the licensed premises.

(d) "Secure identity verification device" means a commercial device that instantly verifies the identity and age of an individual by an electronic scan of a biometric of the individual.

Open Intoxicants in a Motor Vehicle Defined

MICHIGAN VEHICLE CODE (EXCERPT) Act 300 of 1949

257.624a Transportation or possession of alcoholic liquor in open or uncapped container open or upon which seal broken; violation as misdemeanor; exception; subsections (1) and (2) inapplicable to passenger in commercial quadricycle; definitions.

Sec. 624a.

(1) Except as provided in subsections (2) and (5), a person who is an operator or occupant shall not transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger area of a vehicle upon a highway, or within the passenger area of a moving vehicle in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in this state.

(2) Except as otherwise provided in subsection (5), a person may transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger area of a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles in this state, if the vehicle does not have a trunk or compartment separate from the passenger area, and the container is in a locked glove compartment, behind the last upright seat, or in an area not normally occupied by the operator or a passenger.

(3) A person who violates this section is guilty of a misdemeanor. As part of the sentence, the person may be ordered to perform community service and undergo substance abuse screening and assessment at his or her own expense as described in section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703. A court shall not accept a plea of guilty or nolo contendere for a violation of this section from a person charged solely with a violation of section 625(6).

(4) This section does not apply to a passenger in a chartered vehicle authorized to operate by the state transportation department.

(5) Except as otherwise provided in this subsection, unless prohibited by local ordinance, subsections (1) and (2) do not apply to a passenger in a commercial quadricycle. A passenger in a commercial quadricycle shall not transport or possess alcoholic liquor other than beer, wine, spirits, or a mixed spirits drink.

(6) As used in this section:

(a) "Glove compartment" means a recess with a hinged and locking door in the dashboard of a motor vehicle.

(b) "Passenger area" means the area designed to seat the operator and passengers of a motor vehicle while it is in operation and any area that is readily accessible to the operator or a passenger while in his or her seating position, including the glove compartment.

RELATED MICHIGAN DRUG LAWS DEFINED

Minor in Possession of Marijuana/Amount allowed to Possess Defined

MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT (EXCERPT) Initiated Law 1 of 2018

333.27965 Violations; penalties.

Sec. 15.

A person who commits any of the following acts, and is not otherwise authorized by this act to conduct such activities, may be punished only as provided in this section and is not subject to any other form of punishment or disqualification, unless the person consents to another disposition authorized by law:

1. Except for a person who engaged in conduct described in sections 4(1)(a), 4(1)(b), 4(1)(c), 4(1)(d), 4(1)(g), or 4(1)(h), a person who possesses not more than the amount of marihuana allowed by section 5, cultivates not more than the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than the amount of marihuana allowed by section 5, is responsible for a civil infraction and may be punished by a fine of not more than \$100 and forfeiture of the marihuana.

2. Except for a person who engaged in conduct described in section 4, a person who possesses not more than twice the amount of marihuana allowed by section 5, cultivates not more than twice the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than twice the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than twice the amount of marihuana allowed by section 5:

(a) for a first violation, is responsible for a civil infraction and may be punished by a fine of not more than \$500 and forfeiture of the marihuana;

(b) for a second violation, is responsible for a civil infraction and may be punished by a fine of not more than \$1,000 and forfeiture of the marihuana;

(c) for a third or subsequent violation, is guilty of a misdemeanor and may be punished by a fine of not more than \$2,000 and forfeiture of the marihuana.

3. Except for a person who engaged in conduct described by section 4(1)(a), 4(1)(d), or 4(1)(g), a person under 21 years of age who possesses not more than 2.5 ounces of marihuana or who cultivates not more than 12 marihuana plants:

(a) for a first violation, is responsible for a civil infraction and may be punished as follows:

(1) if the person is less than 18 years of age, by a fine of not more than \$100 or community service, forfeiture of the marihuana, and completion of 4 hours of drug education or counseling; or

(2) if the person is at least 18 years of age, by a fine of not more than \$100 and forfeiture of the marihuana.

(b) for a second violation, is responsible for a civil infraction and may be punished as follows:

(1) if the person is less than 18 years of age, by a fine of not more than \$500 or community service, forfeiture of the marihuana, and completion of 8 hours of drug education or counseling; or

(2) if the person is at least 18 years of age, by a fine of not more than \$500 and forfeiture of the marihuana.

4. Except for a person who engaged in conduct described in section 4, a person who possesses more than twice the amount of marihuana allowed by section 5, cultivates more than twice the amount of marihuana allowed by section 5, or delivers without receiving any remuneration to a person who is at least 21 years of age more than twice the amount of marihuana allowed by section 5, shall be responsible for a misdemeanor, but shall not be subject to imprisonment unless the violation was habitual, willful, and for a commercial purpose or the violation involved violence.

Michigan Medical Marijuana Law Defined

MICHIGAN MEDICAL MARIHUANA ACT (EXCERPT) Initiated Law 1 of 2008

333.26424 Qualifying patient or primary caregiver; arrest, prosecution, or penalty prohibited; conditions; privilege from arrests; presumption; compensation; physician subject to arrest, prosecution, or penalty prohibited; marihuana paraphernalia; person in presence or vicinity of medical use of marihuana; registry identification card issued outside of department; sale of marihuana as felony; penalty; marihuana-infused product.

4. Protections for the Medical Use of Marihuana.

Sec. 4. (a) A qualifying patient who has been issued and possesses a registry identification card is not subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for the medical use of marihuana in accordance with this act, provided that the qualifying patient possesses an amount of marihuana that does not exceed a combined total of 2.5 ounces of usable marihuana and usable marihuana equivalents, and, if the qualifying patient has not specified that a primary caregiver will be allowed under state law to cultivate marihuana for the qualifying patient, 12 marihuana plants kept in an enclosed, locked facility. Any incidental amount of seeds, stalks, and unusable roots shall also be allowed under state law and shall not be included in this amount. The privilege from arrest under this subsection applies only if the qualifying patient presents both his or her registry identification card and a valid driver license or government-issued identification card that bears a photographic image of the qualifying patient.

(b) A primary caregiver who has been issued and possesses a registry identification card is not subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for assisting a qualifying patient to whom he or she is connected through the department's registration process with the medical use of marihuana in accordance with this act. The privilege from arrest under this subsection applies only if the primary caregiver presents both his or her registry identification card and a valid driver license or government-issued identification card that bears a photographic image of the primary caregiver. This subsection applies only if the primary caregiver possesses marihuana in forms and amounts that do not exceed any of the following:

(1) For each qualifying patient to whom he or she is connected through the department's registration process, a combined total of 2.5 ounces of usable marihuana and usable marihuana equivalents.

(2) For each registered qualifying patient who has specified that the primary caregiver will be allowed under state law to cultivate marihuana for the qualifying patient, 12 marihuana plants kept in an enclosed, locked facility.

(3) Any incidental amount of seeds, stalks, and unusable roots.

(c) For purposes of determining usable marihuana equivalency, the following shall be considered equivalent to 1 ounce of usable marihuana:

(1) 16 ounces of marihuana-infused product if in a solid form.

(2) 7 grams of marihuana-infused product if in a gaseous form.

(3) 36 fluid ounces of marihuana-infused product if in a liquid form.

(d) A person shall not be denied custody or visitation of a minor for acting in accordance with this act, unless the person's behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated.

(e) There is a presumption that a qualifying patient or primary caregiver is engaged in the medical use of marihuana in accordance with this act if the qualifying patient or primary caregiver complies with both of the following:

(1) Is in possession of a registry identification card.

(2) Is in possession of an amount of marihuana that does not exceed the amount allowed under this act. The presumption may be rebutted by evidence that conduct related to marihuana was not for the purpose of alleviating the qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, in accordance with this act.

(f) A registered primary caregiver may receive compensation for costs associated with assisting a registered qualifying patient in the medical use of marihuana. Any such compensation does not constitute the sale of controlled substances.

(g) A physician shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by the Michigan board of medicine, the Michigan board of osteopathic medicine and surgery, or any other business or occupational or professional licensing board or bureau, solely for providing written certifications, in the course of a bona fide physician-patient relationship and after the physician has completed a full assessment of the qualifying patient's medical history, or for otherwise stating that, in the physician's professional opinion, a patient is likely to receive

therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient's serious or debilitating medical condition or symptoms associated with the serious or debilitating medical condition, provided that nothing shall prevent a professional licensing board from sanctioning a physician for failing to properly evaluate a patient's medical condition or otherwise violating the standard of care for evaluating medical conditions.

(h) A person shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for providing a registered qualifying patient or a registered primary caregiver with marihuana paraphernalia for purposes of a qualifying patient's medical use of marihuana.

(i) Any marihuana, marihuana paraphernalia, or licit property that is possessed, owned, or used in connection with the medical use of marihuana, as allowed under this act, or acts incidental to such use, shall not be seized or forfeited.

(j) A person shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, solely for being in the presence or vicinity of the medical use of marihuana in accordance with this act, or for assisting a registered qualifying patient with using or administering marihuana.

(k) A registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows the medical use of marihuana by a visiting qualifying patient, or to allow a person to assist with a visiting qualifying patient's medical use of marihuana, shall have the same force and effect as a registry identification card issued by the department.

(l) Any registered qualifying patient or registered primary caregiver who sells marihuana to someone who is not allowed the medical use of marihuana under this act shall have his or her registry identification card revoked and is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both, in addition to any other penalties for the distribution of marihuana.

(m) A person shall not be subject to arrest, prosecution, or penalty in any manner or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for manufacturing a marihuana-infused product if the person is any of the following:

(1) A registered qualifying patient, manufacturing for his or her own personal use.

(2) A registered primary caregiver, manufacturing for the use of a patient to whom he or she is connected through the department's registration process.

(n) A qualifying patient shall not transfer a marihuana-infused product or marihuana to any individual.

(o) A primary caregiver shall not transfer a marihuana-infused product to any individual who is not a qualifying patient to whom he or she is connected through the department's registration process.

The Michigan Medical Marijuana Law conflicts with federal criminal laws governing controlled substances, as well as federal laws requiring institutions receiving federal funds, by grant or contract, to maintain drug-free campuses and workplaces. Northern Michigan University receives federal funding that would be in jeopardy if those federal laws did not take precedence over state law.

Synthetic Marijuana

In 2012, Michigan amended the Public Health Code to create a general class ban on numerous synthetic cannabinoids. 5 Brands or samples of K2/Spice containing one of these chemicals are illegal. However, as new formulas or versions of these drugs are marketed, they may not contain chemicals covered by the current law.

Possession of Drug Paraphernalia

"Drug Paraphernalia" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting; propagating; cultivating; growing; harvesting;

manufacturing; compounding; converting; producing; processing; preparing; testing; analyzing; packaging; repackaging; storing; containing; concealing; injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance

Controlled Substances Act — The Controlled Substances Act places all substances that are regulated under existing federal law into one of five schedules. The place is based on the substance’s medical use, potential for abuse, and safety or dependence ability. Below is a description of the **five schedules** and examples of drugs in each schedule. The list is not comprehensive.

Schedule	Characteristics	Examples
Schedule I	<ul style="list-style-type: none"> •high potential for abuse •no currently accepted medical use in US •lack of accepted safety for use under medical supervision 	Heroin •Gamma Hydroxybutyric Acid (GHB) •LSD •Marijuana •MDMA (Ecstasy) •Mescaline (peyote) •Psilocybin/Psilocyn (mushrooms) •Tetrahydrocannabinols (THC) •Delta-8 TH
Schedule II	<ul style="list-style-type: none"> •high potential for abuse •currently accepted for medical use or with severe restrictions in US •abuse may lead to severe psychological or physical dependence 	•Adderall® •Amphetamine •Cocaine •Fentanyl •Hydrocodone •Methadone •Methamphetamine •Morphine •Oxycodone •Phencyclidine (PCP) •Ritalin®
Schedule III	<ul style="list-style-type: none"> •less potential for abuse than drugs in Schedules I and II •currently accepted for medical use in US •abuse may lead to moderate or low physical dependence or high psychological dependence 	•Anabolic Steroids •Codeine compounds •Some barbiturates •Ketamine
Schedule IV	<ul style="list-style-type: none"> •low potential for abuse compared to drugs in Schedule III •currently accepted medical use in US •abuse may lead to limited physical dependence or psychological dependence 	•Ativan® •Rohypnol® (not manufactured or legally marketed in the US) •Valium® •Xanax®
Schedule V	<ul style="list-style-type: none"> •low potential for abuse compared to drugs in Schedule IV •currently accepted medical use in US •abuse may lead to limited physical dependence or psychological dependence 	•Cough medicines with codeine

Source: U.S. Department of Justice. (2022). Drugs of Abuse. Washington, DC: U.S. Government Printing Office. Retrieved from <http://www.justice.gov/>.

Federal Tracking Penalties – Marijuana

Drug	Quantity	1 st Offense	2 nd Offense
Marijuana (Schedule I)	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> •Not less than 10 yrs., not more than life •If death or serious injury, not less than 20 yrs., or more than life •Fine not more than \$10 million if an individual, \$50 million if other than an individual 	<ul style="list-style-type: none"> •Not less than 20 yrs., not more than life •If death or serious injury, mandatory life •Fine not more than \$20 million if an individual, \$75 million if other than an individual

Marijuana (Schedule I)	100 kg to 999 kg mixture; or 100 to 999 plants	•Not less than 5 yrs., not more than 40 yrs. •If death or serious injury, not less than 20 yrs., or more than life •Fine not more than \$5 million if an individual, \$25 million if other than an individual	•Not less than 10 years, not more than life •If death or serious injury, mandatory life •Fine not more than \$20 million if an individual, \$75 million if other than an individual
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg mixture More than 1 kg of hashish oil; 50 to 99 plants	•Not more than 20 yrs. •If death or serious injury, not less than 20 yrs., or more than life •Fine \$1 million if an individual, \$5 million if other than an individual	•Not less than 30 years •If death or serious injury, life imprisonment •Fine \$2 million if an individual, \$10 million if other than individual
Marijuana (Schedule I)	1 to 49 plants; less than 50 kg	•Not less than 5 years •Fine not more than \$250,000, \$1 million other than individual	•Not less than 10 years •Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual. Source: U.S. Department of Justice. (2022). Drugs of Abuse. Washington, DC: U.S. Government Printing Office. Retrieved from <http://www.justice.gov/>

Federal Tracking Penalties- Other Drugs

Drug Schedule	Quantity	Penalties	Quantity	Penalties
Cocaine (Schedule II)	500–4999 gms mixture	First Offense: Not less than 5 yrs., and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. Second Offense: Not less than 10 yrs., and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individua		First Offense: Not less than 10 yrs., and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.
Cocaine Base (Schedule II)	28–279 gms mixture			
Fentanyl (Schedule II)	40–399 gms mixture			
Fentanyl Analogue (Schedule I)	10–99 gms mixture			Second Offense: Not less than 20 yrs., and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Heroin (Schedule I)	100–999 gms mixture			
LSD (Schedule I)	1–9 gms mixture			
Methamphetamine (Schedule II)	5–49 gms pure or 50–499 gms mixture			2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
PCP (Schedule II)	10–99 gms pure or 100–999 gms mixture			
		Penalties		
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	1 gm	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 years, or more than life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual	
Flunitrazepam (Schedule IV)				
Other Schedule III drugs	Any amount	First Offense: Not more than 10 yrs. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount	First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual		
Flunitrazepam (Schedule IV)	Other than 1 gm or more			

All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.
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Source: U.S. Department of Justice. (2022). Drugs of Abuse. Washington, DC: U.S. Government Printing Office. Retrieved from <http://www.justice.gov/>.

Mixing Alcohol with Other Drugs

Mixing alcohol with other drugs is harmful to your health.

Drug	Increased effects when mixed with alcohol.
Cannabis	Impaired coordination impaired judgement, reduced reaction time, confusion, difficulty concentrating
Xanax or other anxiety medications	Drowsiness, dizziness, increased risk for overdose, slowed or difficulty breathing, impaired coordination, unusual behavior, memory problems
Adderall and other ADHA medications	Dizziness, drowsiness, impaired concentration, possible risk of heart problems, liver damage
Depression medications	Drowsiness, dizziness, increased risk for overdose, increased feelings of depression or hopelessness, impaired coordination, liver damage
Over the counter pain relievers	Upset stomach, stomach and intestinal bleeding, ulcers, liver damage, rapid heartbeat

Sources: National Institute on Alcohol Abuse and Alcoholism, Harmful interactions: Mixing alcohol with medications, November 2020.; Addictions, Drug & Alcohol Institute, University of Washington, Learn about marijuana. 2020; National Institute on Alcohol Abuse and Alcoholism, Rethinking drinking.

Potential Effects of Alcohol and Drugs

	EFFECT ON THE MIND	EFFECT ON THE BODY	OVERDOSE	POTENTIAL FOR DEPENDENCE	EXAMPLES
ALCOHOL	Impairs coordination, judgment, reasoning, and memory.	Slurred speech, loss of motor coordination, weakness, headache, lightheadedness, blurred vision, dizziness, nausea, vomiting, low blood pressure, and slowed breathing.	Mental confusion, stupor, coma, or inability to wake up, vomiting, seizures, slow breathing (fewer than 8 breaths per minute), irregular breathing (10 seconds or more between breaths), hypothermia (low body temperature), bluish skin color, paleness.	Yes	Types: Beer, wine, liquor, and malt liquor
DEPRESSANTS	Impairs memory, judgment, coordination, and can cause confusion; may induce sleep, relieve anxiety and muscle spasms, and prevent seizures.	Slurred speech, loss of motor coordination, weakness, headache, lightheadedness, blurred vision, dizziness, nausea, vomiting, low blood pressure, and slowed breathing.	Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, and possible death.	Yes	Rx: Valium, Xanax, Halcion, Ativan, Klonopin, Restoril. Lunesta, Ambien, and Sonata Non-Rx: GHB, Rohypnol (Roofies)
HALLUCINOGENS	Distortions of thought associated with time and space, confusion, anxiety, depression, paranoia, sleep problems.	Elevated heart rate, increased blood pressure, sweating, loss of appetite, tremors, sleeplessness, dilated pupils, impaired motor coordination.	Respiratory depression, coma, convulsions, seizures, and death due to respiratory arrest. LSD and shrooms: death due to suicide, accidents, and dangerous behavior.		Rx: N/A Non-Rx: MDMA, ecstasy, LSD, acid, shrooms, PCP, ketamine
INHALANTS	Damages area of the brain responsible for thinking, moving, seeing, and hearing. Cognitive abnormalities range from mild impairment to severe dementia.	Slurred speech, loss of motor coordination, euphoria, slowed bodily functions, slight stimulation, loss of inhibition, loss of consciousness.		Loss of consciousness and/or death, "Sudden sniffing death," Asphyxiation.	Names/Forms: Huff, Whippets, butane, aerosols
MARIJUANA	Problems with memory and learning, distorted perception, difficulty in thinking and problem- solving, and loss of coordination.	Sedation, bloodshot eyes, increased heart rate, coughing from lung irritation, increased appetite, and decreased blood pressure.	No deaths from overdose of marijuana have been reported		Names/Forms: cannabis, weed, hash, 710 (oil), wax, budder, shatter
OPIOIDS	When appropriately prescribed reduce tension and pain, anxiety, and aggression. Unwanted effects include	Slowed physical activity, constriction of the pupils, flushing of the face and neck, constipation, nausea,	Constricted (pinpoint) pupils, cold clammy skin, confusion,		Rx: OxyContin, Vicodin, codeine, morphine, methadone, and

	drowsiness, inability to concentrate, and apathy.	vomiting, and slowed breathing.	convulsions, extreme drowsiness, slowed breathing, coma, and respiratory failure		fentanyl Non-Rx: Heroin
STIMULANTS	Produce a sense of exhilaration, enhance self-esteem, improve mental and physical performance, increase activity, reduce appetite, extend wakefulness for prolonged period, and “get high”. Chronic, high-dose use results in agitation, hostility, panic, aggression, and suicidal or homicidal tendencies. Paranoia may also occur.	Dizziness, tremors, headache, flushed skin, chest pain with palpitations, excessive sweating, vomiting, and abdominal cramps.	High fever, convulsions, and cardiovascular collapse.		Rx: Adderall, Concerta, Ritalin Non-Rx: Cocaine, methamphetamine
TOBACCO	Increases dopamine, stimulates the Central Nervous System	Increased blood pressure, breathing and heart rate, chronic bronchitis, cancer, heart disease.	Nicotine poisoning, difficulty breathing, vomiting, fainting, headache, weakness and increased or decreased heart rate, possible death.		Forms: Cigarettes, cigars, bidis, smokeless tobacco, Nicotine

Drug Enforcement Agency. (2022). Drugs of abuse: A DEA resource guide. Retrieved from <https://www.dea.gov/documents/2020/04/13/drugs-abuse> National Institute on Alcohol Abuse and Alcoholism [NIAAA]. (2015). Beyond hangovers: Understanding alcohol’s impact on your health. Retrieved from <https://www.niaaa.nih.gov/alcohol-health/alcohols-effects-body> NIAAA. (2015). Alcohol overdose: The dangers of drinking too much. Retrieved from <https://pubs.niaaa.nih.gov/publications/alcoholoverdosefactsheet/overdosefact.htm> For more information, visit www.drugabuse.gov/ and www.samhsa.gov/

Alcohol and Drug Abuse Education and Awareness Programs

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.

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.

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 Service	906-227-2980
Housing and Residence Life	906-227-2620
NMU Wellbeing Center	906-227-2355
Substance Abuse and Violence Education Support Service	906-227-1455
NMU Case Management Services	906-227-1402

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.

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.

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](#).

NMU STUDENT CONDUCT

NMU Student Conduct Philosophy

Attendance at Northern Michigan University is both voluntary and optional. Admission into the academic community obligates each student to abide by the regulations established by the academic community. 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 to forbid the exercise of a right guaranteed by the Constitution of the United States.

The [Student Handbook](#) informs the NMU community about expectations, acceptable standards of behavior, and procedures for addressing issues/concerns. It is intended to protect the rights of all members of the NMU community.

The Student Handbook supports the educational mission of NMU by helping to maintain a campus environment that is conducive to learning. On a college campus, learning is pervasive and extends far beyond the traditional classroom. This handbook contains regulations, procedures, and policies that impact a student both in and out of class.

Dean of Students Conduct Procedures

Upon receiving a report, the report is reviewed by the conduct staff to see if there has been an alleged violation of the Student Handbook. At that time, a meeting may be requested with the accused student. The student will be notified of the alleged violation prior to a meeting with conduct staff. The notification is typically through NMU email but may also be by mail. During the meeting staff will:

- explain the conduct process and purpose
- allow students the opportunity review the alleged violation and discuss their involvement
- explore the impact of the behavior and how it affected the individual and community
- review expectations when a part of the University community
- allow students to affirm or negate the alleged violations
- explain the hearing process for students who negate alleged violations
- provide resources for students
- talk about possible sanctions if a student affirms responsibility

If a student negates or stands mute on an alleged violation, they may request a conduct board hearing. A conduct board hearing is not a criminal trial. The standard of proof is called the preponderance of evidence. Based on the preponderance of evidence, the conduct board decides if the student is "**more likely than not**" responsible or not responsible.

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 their 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 their 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 may recommend the student conduct process proceed regardless of withdrawal, particularly in cases involving willful homicide, sexual misconduct, dating violence, domestic violence, stalking, robbery, burglary, aggravated assault, larceny, motor vehicle theft, and arson. 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 their 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. 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.

Sanctions:

Sanctions may be imposed upon any student found to be responsible for violation of the Student Code. Sanctions may be imposed independently or in combination depending on the particular circumstances of the violation. Severe and/or multiple violations shall increase the severity of sanctions applied. The sanctions are defined in Section 2.7 of this document.

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.

Revocation of degree: A degree awarded from NMU may be revoked for fraud, misrepresentation or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation. Being a degree holding alumna is sufficient association with the University and basis for application of this sanction.

Withholding degree: The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code, including the completion of all sanctions imposed, if any.

.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 Chief 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.

1. Temporary suspension may be imposed only to promote the safety of an individual, even if that individual is not affiliated with the University community, or preservation of property, or if the respondent poses an ongoing threat of disruption of, or interference with, the normal operations of the University and/or the educational process. The University will complete an individualized threat assessment, and the student will be provided an opportunity to be heard regarding whether their presence on campus poses an immediate threat, prior to imposing the temporary suspension. There is no appeal of a temporary suspension.

2. 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.
3. The temporary suspension does not replace the regular student conduct process. During the student conduct process, the student will be informed of the Student Code charges against them, provided a hearing, and given the right to appeal. The student will be provided an opportunity for an administrative hearing within ten (10) business days of the temporary suspension, unless the Dean of Students or designee, in limited circumstances, determines an extension is appropriate.

.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 Chief 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.

ANNUAL DISCLOSURE OF CRIME STATISTICS

Definition

Incidents are reviewed daily and a determination is made on the correct Clery classification for crime statistic reporting. The crime log classification will not normally match the crime statistics, as the crime log is compiled using the State of Michigan Crimes Code and the crime statistics are required by law to be compiled using the Federal Uniform Crime Reporting Summary Reporting System (SRS) definitions and standards and of National Incident Based Reporting System (NIBRS) definitions as required by the Clery Act.

Clery Crime Definitions

Criminal Homicide -

- **Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.
- **Manslaughter by Negligence:** The killing of another person through gross negligence.

Aggravated Assault - 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.

Arson - 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.

Burglary - The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft - The theft or attempted theft of a motor vehicle, including joyriding or other unauthorized use.

Robbery - 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.

Sexual Assault -

- **Fondling:** 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 due to his or her age or because of his or her temporary or permanent mental incapacity.
- **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Rape:** 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
- **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Hate Crimes

A hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Categories of bias are race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability. Hate crimes include all Criminal Offenses listed above as well as Larceny-Theft, Simple Assault, Intimidation, Destruction /Damage/Vandalism of Property.

Destruction/Damage/Vandalism of Property - Willfully or maliciously destroy, deface, or otherwise damage public or personal property without the consent of the owner or the person having custody or control of it.

Intimidation - 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.

Larceny-Theft - The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Simple Assault - An unlawful physical attack that do not use the use a weapon and the victim did not sustain severe or aggravated injury.

Violence Against Women Act (VAWA) Offenses

Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Domestic Violence - Felony or misdemeanor crimes of violence committed.

- This can be 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 receiving grant monies, or
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

Stalking - A course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Arrests and Referrals for Disciplinary Action

Drug Abuse Violations - 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.

Liquor Law Violations - 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.

Weapons Law Violations - 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.

Crime Reporting Geography -

Clery Act crime reporting is not strictly limited to events that occur on campus or within campus buildings and residences. Institutions must include statistics for crime that occur in any of these geographic areas:

- On-campus (anywhere)
- On-campus student housing
- Public property within campus bounds
- Public property immediately adjacent to the campus
- Noncampus buildings and property owned or controlled by the organization that are used for educational purposes and frequently used by students but not a part of the core campus, or those owned or controlled by a student organization officially recognized by the institution

A map of the Northern Michigan University Clery Geographical Area, Patrol Area, and locations considered campus but not directly adjacent, can be found on the [NMU Police Department Website](#).

CRIME STATISTICS

Criminal Offense Statistics 2021-2023	Year	On-Campus Property	On-Campus Housing	Non-Campus Property	Public Property
Murder and Non-Negligent Manslaughter	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Manslaughter by Negligence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Rape	2021	7	6	0	0
	2022	7	7	1	0
	2023	10	8	0	0
Fondling	2021	4	3	0	0
	2022	3	3	0	0
	2023	3	2	1	0
Incest	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Statutory Rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	3	1	0	0
Robbery	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Aggravated Assault	2021	0	0	0	0
	2022	2	2	0	0
	2023	1	0	0	0
Burglary	2021	1	1	0	0
	2022	2	2	0	0
	2023	0	0	0	0
Motor Vehicle Theft	2021	0	0	0	0
	2022	3	0	0	0
	2023	1	0	0	0
Arson	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Liquor/Drug/Weapons Arrests 2021-2023	Year	On-Campus Property	On-Campus Housing	Non-Campus Property	Public Property
Alcohol	2021	9	4	0	0
	2022	6	3	0	2
	2023	2	1	0	2
Drugs	2021	30	23	0	0
	2022	7	5	0	1
	2023	1	1	0	0
Weapons	2021	1	1	0	0
	2022	1	1	0	0
	2023	0	0	0	2

Liquor/Drug/Weapons Referrals 2021-2023	Year	On-Campus Property	On-Campus Housing	Non-Campus Property	Public Property
Alcohol	2021	12	11	0	0
	2022	14	11	0	2
	2023	78	75	1	0
Drugs	2021	55	52	0	1
	2022	61	45	0	1
	2023	35	19	1	0
Weapons	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

VAWA Offenses 2021-2023	Year	On-Campus Property	On-Campus Housing	Non-Campus Property	Public Property
Domestic Violence	2021	2	2	0	0
	2022	0	0	0	0
	2023	1	0	0	0
Dating Violence	2021	2	2	0	0
	2022	3	3	0	0
	2023	3	3	0	0
Stalking	2021	2	2	0	0
	2022	3	2	0	0
	2023	9	6	0	0

Hate Crimes: There were no statistics reported involving any hate crime bias categories associated for years 2021, 2022, and 2023

Unfounded: There were no unfounded crimes in 2021, 2022, and 2023.

2024 FIRE SAFETY ANNUAL COMPLIANCE REPORT

University buildings are equipped with various safety systems. Fire Safety Systems include suppression and 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 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 of the 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 Drills

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. Anyone who does not promptly evacuate is referred to the Dean of Students for disciplinary action.

Number of Fire Drills Held - 2024

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, 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 (12 Fall Semester, 12 Winter Semester).

Evacuation Procedures

Residence hall students - A flier / building diagram is posted on the back of every residence hall room door.

FIRE ALARM INSTRUCTIONS

- Prepare to leave your room immediately, but feel your room door before opening it.
- If your room door is hot to the touch and you are above the 1st floor, stay in your room (you are safer there).
- Seal off cracks with towels or blankets (wet if possible) around the door to your room.
- Stay near your window and let emergency personnel know where you are by signaling from your window and or call the NMU Police 911. Emergency personnel will let you know what to do and will provide you with assistance.
- 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.
- If your room door is cool, open your door cautiously. Be prepared to close it quickly if smoke or heat comes in:
- 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.
- If the most direct route is blocked by fire, intense smoke or emergency personnel, use another exit.
- If both routes are blocked, return to your room (see procedure above).
- 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.

Fire in Room

- If the fire is in your room, get out and close your room door.
- Pull the nearest fire alarm and leave the building.
- If you have access to a phone, call 911 to report the fire, your hall and room number.
- 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.

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.

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 a phone to call 911 to report your location. 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 or residence halls -- 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 Marshall, 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.

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.

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.

Persons/Organizations 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 University Fire Marshall

Michigan's Bureau of Fire Services, Fire Division (State Fire Marshall)

PLANNED/COMPLETED IMPROVMENTS IN FIRE SAFETY

Planned Improvements

1. Evaluate the need for additional smoke detectors in the University Apartment buildings;
2. 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.

Completed Improvements in 2023

Northern Michigan University continually assesses our fire alarm systems and fire responses. The following provides upgrades performed in the past year.

Residence Halls Hunt and Van Antwerp Fire Alarm Project was completed. Both residence halls upgraded their fire alarm systems. The University also conducted small renovation projects. Each project went through code review by either the State of Michigan, Bureau of Fire Services or the Northern Michigan University Fire Marshall. Upon completion of the projects, all areas were tested to ensure proper function.

Fire Log 2021-2023

Location	Year	Fires	Injuries	Deaths	Damage \$
Center St. Apartments	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
1200 Norwood St. Apartments	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
1100 Norwood St. Apartments	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Lincoln St. Apartments	2021	2 unintentional	0	0	(1) \$0-99 (2) \$100-999
	2022	0	0	0	0
	2023	0	0	0	0
Magers Hall	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Spooner Hall	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
West Hall	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Spalding Hall	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Halverson Hall	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Meyland Hall	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Hunt Hall	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Van Antwerp Hall	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Woodland Apartments	2021	1 unintentional	0	0	\$0-99
	2022	1 unintentional	0	0	\$100-999
	2023	0	0	0	0
Maple East	2021	0		0	0
	2022	0	0	0	0
	2023	0	0	0	0
Maple West	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Cedar East	2021	0	0	0	0
	2022	1 unintentional	0	0	\$0-99
	2023	0	0	0	0
Cedar West	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Birch East	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Birch West	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
The Woods Lodge	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Wilkinson House - 1500 Wilkinson Ave.	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

The Tracy House - 1804 Tracy Ave.	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Schaffer House - 1707 Schaffer St.	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Presque Isle House - 1716 Presque Isle Ave.	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Fire Alarm Drill/Testing/Inspection

Location	Semester	Fire Alarm Drill	Testing	Inspection
Center St. Apartments	Winter	N/A	N/A	May 2024
	Summer	N/A	N/A	May 2024
	Fall	N/A	N/A	May 2024
1200 Norwood St. Apartments	Winter	N/A	N/A	May 2024
	Summer	N/A	N/A	May 2024
	Fall	N/A	N/A	May 2024
1100 Norwood St. Apartments	Winter	N/A	N/A	May 2024
	Summer	N/A	N/A	May 2024
	Fall	N/A	N/A	May 2024
Lincoln St. Apartments	Winter	N/A	N/A	May 2024
	Summer	N/A	N/A	May 2024
	Fall	N/A	N/A	May 2024
Magers Hall	Winter	1/27/2024	N/A	N/A
	Summer	N/A	May 2024	May 2024
	Fall	9/4/2024	N/A	N/A
Spooner Hall	Winter	1/22/2014	N/A	N/A
	Summer	5/15/2024	May 2024	May 2024
	Fall	9/4/2024	N/A	N/A
West Hall	Winter	N/A	N/A	N/A
	Summer	N/A	N/A	N/A
	Fall	N/A	N/A	N/A
Spalding Hall	Winter	1/22/2024	N/A	N/A
	Summer	N/A	May 2024	May 2024
	Fall	9/3/2024	N/A	N/A
Halverson Hall	Winter	N/A	N/A	N/A
	Summer	N/A	N/A	N/A
	Fall	N/A	N/A	N/A
Meyland Hall	Winter	1/23/2024	N/A	N/A
	Summer	N/A	May 2024	May 2024
	Fall	9/4/2024	N/A	N/A
Hunt Hall	Winter	1/17/2024	N/A	N/A
	Summer	N/A	May 2024	May 2024
	Fall	9/4/2024	N/A	N/A

Van Antwerp Hall	Winter	1/17/2024	N/A	N/A
	Summer	N/A	May 2024	May 2024
	Fall	9/4/2024	N/A	N/A
Woodland Apartments	Winter	1/24/2024	N/A	N/A
	Summer	5/15/2024	May 2024	May 2024
	Fall	9/3/2024	N/A	N/A
Maple East	Winter	1/18/2024	N/A	N/A
	Summer	N/A	May 2024	May 2024
	Fall	9/5/2024	N/A	N/A
Maple West	Winter	1/18/2024	N/A	N/A
	Summer	N/A	May 2024	May 2024
	Fall	9/5/2024	N/A	N/A
Cedar East	Winter	1/18/2024	N/A	N/A
	Summer	N/A	May 2024	May 2024
	Fall	9/5/2024	N/A	N/A
Cedar West	Winter	1/18/2024	N/A	N/A
	Summer	N/A	May 2024	May 2024
	Fall	9/5/2024	N/A	N/A
Birch East	Winter	1/18/2024	N/A	N/A
	Summer	N/A	May 2024	May 2024
	Fall	9/5/2024	N/A	N/A
Birch West	Winter	1/18/2024	N/A	N/A
	Summer	N/A	May 2024	May 2024
	Fall	9/5/2024	N/A	N/A
The Woods Lodge	Winter	1/18/2024	N/A	N/A
	Summer	N/A	May 2024	May 2024
	Fall	9/5/2024	N/A	N/A
Wilkinson House - 1500 Wilkinson Ave.	Winter	N/A	N/A	May
	Summer	N/A	May 2024	May 2024
	Fall	N/A	N/A	May 2024
Tracy House - 1804 Tracy Ave.	Winter	N/A	N/A	August 2024
	Summer	N/A	August 2024	August 2024
	Fall	N/A	N/A	August 2024
Schaffer House - 1707 Schaffer St.	Winter	N/A	N/A	N/A
	Summer	N/A	N/A	N/A
	Fall	N/A	N/A	N/A
Presque Isle House - 1716 Presque Isle Ave.	Winter	N/A	N/A	N/A
	Summer	N/A	N/A	N/A
	Fall	N/A	N/A	N/A

Student Housing - Suppression Systems

Student Housing	Suppression System
Center St. Apartments	N/A
1200 Norwood St. Apartments	N/A
1100 Norwood St. Apartments	N/A
Lincoln St. Apartments	N/A
Magers Hall	Wet and Dry System
Spooner Hall	Wet System
West Hall	N/A
Spalding Hall	Wet System
Meyland Hall	Wet and Dry System
Hunt Hall	Wet and Dry System
Van Antwerp Hall	Wet and Dry System
Woodland Apartments	Wet and Dry System
Maple East	Wet System
Maple West	Wet System
Cedar East	Wet System
Cedar West	Wet System
Birch East	Wet System
Birch West	Wet System
The Woods Lodge	Wet System
Wilkinson House - 1500 Wilkinson Ave.	N/A
Tracy House - 1804 Tracy Ave.	N/A
Schaffer House - 1707 Schaffer St.	N/A
Presque Isle House - 1716 Presque Isle Ave.	N/A

Conclusion:

On behalf of the entire Northern Michigan University Police Department we want to thank you for taking the time to view our Annual Security and Fire Safety Report (ASFR). The ASFR is a valuable resource for information pertaining to safety and security initiatives on our campus and provides critical information to the NMU community. If you have any questions please feel free to contact me at (906) 227-2151

Respectfully

Michael J. Bath, Police Chief NMU Police Department
