



Office of College
Compliance & Ethics

Mid Michigan College's
**Non-Discrimination,
Harassment,
Sexual Misconduct, &
Other Prohibited
Conduct Policy**

midmich.edu

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Document Accessibility Statement

Mid Michigan College's ongoing commitment is to provide equal accessibility of information. However, we acknowledge that barriers to access may occur. In viewing this document, if you encounter any accessibility barrier that inhibits your ability to garner the same meaningful information as those individuals without similar barriers, please contact: compliance@midmich.edu

Non Discrimination, Harassment, Sexual Misconduct & Prohibited Conduct Policy

Policy Statement

Mid's enduring effort is to create a safe, inclusive and welcoming campus atmosphere that promotes equity and respect for all members of the College community. Mid is committed to offer a work and learning environment where individual's rights are protected, under Protected Characteristics, from Discrimination, Harassment and Sexual Misconduct. It also protects members from Retaliation for engaging in a protected activity.

Members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Mid Michigan College has adopted a zero tolerance for any acts of discrimination, harassment, and sexual misconduct. This includes acts of dating violence, domestic violence, sexual assault and stalking. This policy reinforces these principles and provides recourse for those individuals whose rights have been violated. It defines community expectations in the workplace, classroom, college facilities, and in other off-campus sponsored activities and events and applies to all employees, students, and other individuals participating in or attempting to participate in Mid's education program or activity, including education and employment.

To ensure compliance with federal, state, and local civil rights laws and regulations, this policy establishes a standard for determining when expectations have been breached and how the College will respond. It provides for a prompt, fair and impartial resolution in allegations of Protected Characteristic Discrimination, Harassment, Sexual Misconduct, Prohibited Conduct, and Retaliation.

Notice of Non Discrimination

Mid Michigan College prohibits any form of discrimination against any person on the basis of 'protected characteristics.' These include: race, creed, color, ethnicity, religion, sex, gender identity or expression, pregnancy, age, personal appearance, sexual orientation, marital or parental status, national origin, citizenship, genetics, disability, military or veteran status, political affiliation, or any other legally-protected status; as well as victims of intimate partner violence in the administration of and access to the College's programs and activities and in conditions of admission or employment. Mid is committed to and adheres to the principles of all applicable state and federal equal opportunity laws and regulations for its students, faculty, staff, and applicants for admission and employment. Therefore, any member of the Mid community whose acts deny, deprive or limit the educational or employment, and/or social access, benefits, and/or opportunities of any member of the Mid community, guest, or visitor on the basis of the person's actual or perceived protected characteristic is in violation of this policy.

Mid will promptly and effectively address any such Discrimination, when given notice, using the applicable resolutions process outlined within this policy.

Title IX/Civil Rights Coordinator & Deputy Contact Information

The Title IX/Civil Rights Coordinator is the official that is designated and authorized by Mid to oversee the College's Title IX/Civil Rights program and ensure compliance with federal rules and regulations. The Deputy Title IX/Civil Rights Coordinator serves under the coordinator and oversees Mid's response efforts when reports of misconduct are made. This includes the coordination of intake, assessment, investigation, and resolution. The Title IX/Civil Rights Coordinator and Deputy are expected to act with independence and authority, free from bias and conflicts of interest.

Mid's Title IX/Civil Rights Coordinator and Deputy

Title IX/Civil Rights Coordinator

Lori Fassett, AVP of Human Resources

Title IX/Civil Rights Coordinator
1375 S. Clare Ave, Harrison, MI 48625
Office: Harrison Campus Room 213B
2600 S. Summerton Rd., Mt. Pleasant, MI 48858
Mt. Pleasant Campus Doan Center Room 104
(989) 386-6622, Ext. 692
lfassett1@midmich.edu

Deputy Title IX/Civil Rights Coordinator

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

Title IX/Civil Rights Team

Mid has established a pool of individuals that when called upon, may serve as Investigators, Decision-Makers, Appellate Panel members, or Advisors. Mid may also contract with external third-party contractors to serve as team members. All members of this team (internal and external), who are involved in a particular case, are vetted and trained to ensure that they are not biased for or against any party in a specific case or Complainants/Respondents, generally or individually. Additionally, members of the team receive yearly training on the issues related to dating violence, domestic violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of the Complainant and promotes accountability.

The Complainant or Respondent may, at any time during the resolution process, express concern to the Title IX/Civil Rights Coordinator regarding bias or conflict. The Title IX/Civil Rights Coordinator will consider the report and determine if the concern is reasonable and has merit. If so, the Coordinator will assign another member of the team to fill the role, resolving the impact of the bias or conflict. If the concern for bias or conflict is with the Title IX/Civil Rights Coordinator, the concern should be directed to the Vice President of Finance and Business Administration.

Title IX/Civil Rights Training

Members of the Title IX/Civil Rights Team, including the Coordinator and Deputy, receive yearly training, based on their role. The links to completed trainings are available on the College's [Title IX/Civil Rights webpage](#). Topics include, but are not limited to:

- Definitions and issues as they relate to acts of sexual harassment/misconduct including dating violence, domestic violence, stalking and sexual assault
- College policies that address issues of sexual misconduct and the corresponding grievance procedures
- How to conduct investigations and hearings that promote accountability and protect the safety of Complainants and Respondents
- How to serve impartially by avoiding bias, conflicts of interest, and prejudgment of the facts at issue

- How to objectively evaluate all relevant evidence including both inculpatory and exculpatory; determine credibility, without bias, towards a person's status as a Complainant, Respondent, or witness
- How to render findings and generate clear, concise, evidence-based rationales

External Contact Information

Concerns about Mid's application of this policy and compliance with certain federal civil rights laws may be addressed to:

Office for Civil Rights

Cleveland Office

U.S. Department of Education

1350 Euclid Avenue, Suite 325

Cleveland, OH 44115

Telephone: (216) 522-4970; Facsimile: (216) 522-2573

Email: OCR.Cleveland@ed.gov

Michigan Department of Civil Rights

3054 West Grand Boulevard, Suite 3-600

Detroit, MI 48202

Telephone: (800) 482-3604

United States Equal Employment Opportunity Commission

Detroit Field Office

Patrick V. McNamara Bldg.

477 Michigan Ave., #865

Detroit, MI 48226

Telephone: (800) 669-4000; Facsimile: (313) 226-4610

Email: info@eeoc.gov

Duty to Report

Mid encourages all members of the campus community to *promptly* report allegations of Discrimination, Harassment, Sexual Misconduct (including dating violence, domestic violence, sexual assault, and stalking) Retaliation, and/or other prohibited conduct to the Title IX/Civil Rights Deputy or Coordinator as delayed reporting may limit the College's ability to take corrective action. Employees of the College who have been designated as **Officials with Authority** (individuals designated by the College and under the provisions of Title IX – Sexual Harassment who have been explicitly designated with the responsibility to implement corrective measures for sexual harassment) and **Responsible Employees** (individuals designated by the College who have an obligation to report incidents of prohibited conduct) have an obligation to report acts of prohibited conduct as soon as they have been informed. Failure by an Official with Authority or a Responsible Employee to report suspected acts of misconduct may result in significant discipline, which could include removal from their position. Complaints may be verbal, written, or reported as witnessed. Complaints of misconduct, investigative documents, and materials relative to the resolution of the matter will be maintained electronically in the appropriate office. All documents will be confidential to the extent allowed under state and federal law.

The College has determined the following positions to be Officials with Authority

- Title IX/Civil Rights Coordinator and all members of the Title IX Team
- Director of Safety and Security/Student Conduct
- All Vice Presidents and Associate Vice Presidents
- All Deans

The College has determined the following positions to be Responsible Employees

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

Confidential Resources and Support

The College encourages individuals who have witnessed or experienced acts of Discrimination, Harassment, Sexual Misconduct, Retaliation, or other prohibited conduct to report the misconduct. However, the College understands that there are many barriers to reporting, both individual and societal. Not every individual will choose to make a formal report but still may need someone to speak with in confidentiality who is not required to report the incident to the College's Title IX/Civil Rights Coordinator. For such individuals, the College offers limited Counseling through the Office of Counseling and Wellness Services.

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

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

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

The College's counseling services are limited. In an effort to support an individual's rights to speak with someone confidentially, the College maintains a [Community Assistance Resource page](#). Individuals who wish to remain anonymous and have experienced acts of Discrimination, Harassment, Sexual Misconduct, Retaliation or other prohibited conduct on any of Mid's campus locations, at college-sponsored activities or events, or off campus where the perpetrator is a member of the campus community, are encouraged to consider submitting an anonymous report through the [MidCares reporting page](#).

Mid does not employ pastoral (religious) counselors.

Pregnancy and Parental Status Protections

The College will not discriminate against any student or employee or exclude any student or employee from its educational programs or activities (including any class or extracurricular activity) on the basis of such individual's actual or potential parental, family, marital status, pregnancy, childbirth, lactation, false pregnancy, termination of pregnancy or recovery therefrom, unless the individual voluntarily requests to participate in a separate portion of the program or activity of the College. The College has established Pregnancy and Parenting Protections for students and employees and will afford reasonable modifications

Pregnancy or Related Condition

Pregnancy or related conditions refers to:

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

The College will not deny such an individual access to or participation in classes, extracurricular programs, athletics, honor societies, opportunities for student leadership, or other activities. The College will treat pregnancy, childbirth, lactation, false pregnancy, termination of pregnancy and recovery therefrom as justification for a leave of absence for so long a period of time as is deemed medically necessary by the person's physician. At its conclusion, the person shall be reinstated to the status that was held when the leave commenced. The College has established Pregnancy and Parenting Protections for students and employees and will afford Reasonable Modifications to prevent sex discrimination and ensure equal access to the college's education program and activity. To learn about these protections please visit the College's [Pregnancy and Parenting Protections webpage](#).

Jurisdiction

Under this policy, jurisdiction applies to Mid's Education Program and Activities, with conduct that takes place on property owned or controlled by Mid, at Mid-sponsored events, and in any building owned or controlled by a Mid.

Jurisdiction may also extend to the effects of off-campus misconduct that limit or deny a person's access to Mid's Education Program or Activities. Mid may also extend jurisdiction to off-campus and/or to online conduct when the conduct affects a substantial Mid interest, which includes:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any federal, state, or local law.
- Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any Student, Employee, or other individual.
- Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
- Any situation that substantially interferes with Mid's educational interests or mission.

Jurisdiction under Title IX Sexual Harassment pertains to situations when:

- The alleged conduct occurred within Mid's educational program or activities and defined as locations, events, or circumstances where Mid exercises substantial control over both the Respondent and the context in which the sexual harassment occurs; this may include off-campus buildings owned or controlled by the College

- Mid has control over the Respondent at the time of the complaint
- The alleged misconduct occurs against a Complainant who is in the United States
- A Formal Complaint is filed and at the time of filing, the Complainant is participating in or attempting to participate in Mid's education program or activity

In instances where the alleged sexual harassment does not meet the above jurisdiction, the Title IX/Civil Rights Coordinator or Deputy will dismiss the complaint under the provisions of Title IX Sexual Harassment and may reinstate/reissue under other provisions of this policy, the Student Code of Conduct, or the Employee Nondiscriminatory Harassment Procedure.

Jurisdiction of Discrimination, Harassment, Non-Title IX Sexual Harassment, and Other Prohibited Conduct:

Pertains to situations that do not meet the above, relative to Title IX sexual harassment and include situations when:

- Discrimination, harassment, sexual misconduct, or other prohibited conduct occurs on college property, at college-sponsored activities or events, and/or when both the Complainant and Respondent are a student, faculty, or staff member
- Acts of misconduct occurring off college property when a definite, legitimate and substantial College interest exists or at non-college sponsored activities or events if the Complainant and Respondent are members of the campus community and the alleged misconduct has the potential to create a hostile environment when on campus

When a person is participating in a dual enrollment program, Mid will coordinate with the person's home institution to determine jurisdiction and coordinate supportive measures with them. Mid will assist in responding to the Notice under the appropriate policy and procedures, based on the allegations and identities of the Parties.

When the Respondent is enrolled in or employed by another institution, the Title IX/Civil Rights Coordinator or Deputy can assist the Complainant in contacting the appropriate individual at the Respondent's institution, as it may be appropriate to pursue action under that institution's policies.

Similarly, the Title IX/Civil Rights Coordinator or Deputy may be able to assist and support a Student or Employee Complainant who experiences Discrimination in an externship, study abroad program, or other environment external to Mid when Sexual Harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse. If there are effects of that external conduct that impact a student or Employee's education or employment environment, those effects can often be addressed remedially by the Title IX/Civil Rights Coordinator or Deputy if brought to their attention.

Any actions taken by the College are administrative in nature and separate from any criminal proceedings related to the reported misconduct. These actions may occur while a criminal proceeding is ongoing. Actions taken by the College will not be delayed or dismissed when criminal charges have been reduced, dismissed, or when a criminal proceeding is pending. Further, Mid may continue with its investigation if a Party is no longer a student or employed at the College.

Prohibited Conduct

Students and employees are entitled to an education and employment environment that is free of Discrimination, Harassment, Sexual Misconduct, and Retaliation. The definitions below describe the specific forms of legally prohibited Discrimination, Harassment, Sexual Misconduct and Retaliation that

are also prohibited by Mid through this policy. 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. It is important to note that when speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Mid policy.

Consensual Relationships

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

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

For these aforementioned reasons, Mid prohibits all employees from having romantic, sexual or other close personal relationships with students over whom they have educational evaluation, advisory or supervisory responsibility regardless of whether the relationship was entered into with the consent of both parties. Further, any romantic or sexual relationships between any employee of the College who is a supervisor or has the authority to influence the appointment, employment or promotional status of the other involved employee should be refrained, regardless of whether the relationship was entered into with the consent of both parties. Such relationships are contrary to the appropriate role of an instructor, administrator, manager, or supervisor and conflict with the College's Core Values; these are susceptible to perceptions of favoritism, unprofessional behavior, and conflicts of interest.

In the event that an instructor, administrator, manager, or supervisor is placed in a position that would require them to assume educational instruction, evaluation or supervisory authority over a person with whom they have/had a romantic or sexual relationship, or in situations where a supervisory employee becomes romantically or sexually involved with a subordinate, the situation should immediately be disclosed to their immediate supervisor/dean and the Associate Vice President of Human Resources. The direct report/authority work alliance should be immediately addressed. The Associate Vice President (AVP) of Human Resources (HR), Supervisor and/or Dean shall work with the parties to address, reassign, and mitigate any potential conflicts. Failure to timely self-report such relationships to a Supervisor/Dean and the AVP of HR (as required) can result in disciplinary action for an Employee, following resolution processes outlined within this policy.

Any employee or student who obtains knowledge of such a romantic or sexual relationship between an employee/student or a supervisor/subordinate should disclose it to the Director of College Compliance and Ethics for appropriate mitigation.

First Amendment Rights versus Verbal Harassment

First Amendment Rights apply in the work environment and in all educational programs, classrooms, and activities. It is **not** the intent of this Policy to infringe upon those rights. Rather, this Policy is established to protect all members of the campus community from acts of harassment and discrimination that may

create a hostile environment and prohibit someone from participating in or benefiting from College programs, work, or activities. The College recognizes that an individual's offensiveness to a particular expression or interpretation does not provide sufficient basis to establish a hostile environment by itself. To establish a hostile environment arising from verbal harassment, the harassment must be sufficiently severe, persistent or pervasive enough that it limits or denies an individual the ability to participate in or benefit from programs, activities, or work.

Online Harassment and Misconduct

Mid policies are written and interpreted broadly to include online manifestations of any of the prohibited behaviors below when those behaviors occur in or have an effect on Mid's Education Program or Activities or when they involve the use of Mid networks, technology, or equipment.

Although Mid may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to Mid, it will engage in a variety of means to address the effects.

Members of the Mid community are encouraged to be good digital citizens and to refrain from online misconduct, such as bolstering anonymous gossip sites; sharing inappropriate content via social media; participating in unwelcomed sexual or sex-based messaging; distributing, or threatening to distribute, nude or semi-nude photos or recordings; breaches of privacy; or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of Mid community.

Any student's online postings or other electronic communications, including technology-facilitated Bullying, Stalking, Harassment, etcetera, occurring completely outside of Mid's control (e.g., not on Mid networks, websites, or between Mid email accounts) will only be subject to the Policy when such online conduct can be shown to cause (or will likely cause) a substantial in-program disruption or infringement/harm to the rights of others. Otherwise, such communications are considered speech protected by the First Amendment.

Employees' off-campus harassing speech, whether online or in-person, may be regulated by Mid only when such speech is made in an employee's official or work-related capacity.

Discrimination

Discrimination is different treatment with respect to a person's employment or participation in an Education Program or Activity based, in whole or in part, upon the person's actual or perceived Protected Characteristic(s). Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy, such as for disability, religion, or creed.

Discrimination can take two forms:

1. *Disparate Treatment Discrimination*: is any intentional differential treatment of a person or persons that is based on the person's actual or perceived protected characteristic and that:
 - Excludes a person from participation in
 - Denies the person benefit of, or
 - Otherwise adversely affects a term or condition of a person's participation in a Mid program or activity
2. *Disparate Impact Discrimination*: occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that:
 - Excludes a person from participation in
 - Denies the person benefit of, or

- Otherwise adversely affects a term or condition of a person's participation in a Mid program or activity

Discriminatory Harassment

Is unwelcome conduct on the basis of actual or perceived protected characteristic(s) based on the totality of the circumstances that is:

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

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

Sexual Harassment

The Department of Education's Office of Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Michigan regard Sexual Harassment as a specific form of Discriminatory Harassment. It is an unlawful discriminatory practice. The term ***Sexual Harassment*** is a term applied to a number of unwelcomed behaviors of a sexual nature that would constitute sex-based harassment.

To address the unique environment of an academic community and compliance with federal law, Mid has adopted two definitions of Sexual Harassment. Sexual Harassment may vary in its severity, occur in any sex or gender composition--between members of different sexes or the same sex, regardless of gender, gender identity or sexual orientation and consists of a wide range of behaviors.

Title VII Sexual Harassment: applies to situations where an Employee is subjected to workplace sexual harassment. It is unwelcome sexual conduct that can be verbal, written, graphic, and/or physical, on the basis of sex, that is severe or pervasive and objectively offensive, that unreasonably interferes with, limits or effectively denies an individual's educational or employment access, benefits, or opportunities.

Title IX Sexual Harassment: is an umbrella term that includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. It is defined as conduct on the basis of sex that meets one or more of the following:

- An employee of Mid suggesting provisions of an aid, benefit, or College service in exchange for an individual's participation in unwelcomed sexual conduct. This is commonly referred to as Quid Pro Quo sexual harassment and includes unwanted sexual advances, requests for sexual favors, or other verbal/physical conduct of a sexual nature; the submission to or rejection of such conduct would result in adverse educational or employment actions
- Any unwelcomed sex-based conduct that a reasonable person would find SO severe, pervasive and objectively offensive that it effectively denies a person equal access to the College's programs and activities, and effectively creates a hostile environment.
- ***Sexual Assault:*** Any attempted or actual sexual act directed against another person without their consent; it encompasses situations where the victim is incapable of giving consent because of their age or because of temporary or permanent mental incapacity; sexual assault includes:

- **Rape:** the penetration, no matter how slight, of the vagina or anus with any body part or object; oral penetration by a sex organ of another person without the consent of the victim
- **Criminal Sexual Contact:** the intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliations. (This term replaces the term fondling, as used in prior policies, and creates a more expansive definition, as updated June 23, 2025 in the FBI's National Incident-Based Reporting System User Manual.)
- **Incest:** sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
- **Statutory Rape:** sexual intercourse with a person who is under the statutory age of consent in Michigan
- **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; existence of the relationship shall be determined based on the reporting party's statement and with consideration given to the length of the relationship, type of relationship, and the frequency of interaction between the persons involved in the relationship; violence may include but is not limited to, sexual or physical abuse or the threat of such abuse
- **Domestic Violence:** includes felony or misdemeanor crimes committed by a person who is:
 - A current or former spouse or intimate partner of the victim
 - A person with whom the victim shares a child in common
 - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
 - A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
 - Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred
- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress (Mid considers cyberstalking, recording or transmitting sexual images, and voyeurism to be a form of stalking and a violation of this Policy)
 - *Course of Conduct* means two or more acts including but not limited to, acts in which the stalker directly, indirectly or through a third party by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property
 - *Reasonable Person* means a reasonable person under similar circumstances and with similar identities to the victim
 - *Substantial Emotional Distress* means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling

Sexual Misconduct

Sexual Exploitation: Any person taking non-consensual or abusive sexual advantage of another, that does not constitute Sexual Harassment as defined above, 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)
- Electronically distributing (e.g., Airdropping, Snapchatting) nude or sexual photos or videos of another person without their consent
- Invasion of sexual privacy (e.g., doxing)
- 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 person 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 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., Deepfakes)

Other Prohibited Conduct

Retaliation

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

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

False Statement

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

Failure to Comply/Process Interference

- Intentional failure to comply with the reasonable directives of the Title IX/Civil Rights Coordinator or Deputy in the performance of their official duties, including with the terms of a no contact order
- Intentional failure to comply with emergency removal or interim suspension terms
- Intentional failure to comply with sanctions
- Intentional failure to adhere to the terms of an Informal Resolution agreement
- Intentional failure to comply with mandated reporting duties as defined in the Policy
- Intentional interference with a resolution process, including, but not limited to:
- Destroying or concealing evidence
- Seeking or encouraging false testimony or providing false testimony or evidence
- Intimidating or bribing a witness or party

Consent, Force, and Incapacitation

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

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

Making a Report or Filing a Formal Complaint

Mid strongly encourages anyone who experiences or observes any acts of discrimination, harassment, retaliation, or other prohibited conduct to promptly report the incident(s) and seek assistance from the College. The College can only take corrective action when it becomes aware of a problem. The submission of a report provides the Title IX/Civil Rights Coordinator and/or Deputy an opportunity to provide information, resources, and supportive measures. The filing of a formal complaint informs Mid that a Complainant would like to initiate an investigation or another appropriate resolution procedure. A Complainant may initially submit a report and may decide at a later time to make a formal complainant.

Any student, staff member, third-party or bystander who experiences, observes, or becomes aware of any acts of Discrimination, Harassment, Retaliation, or other prohibited conduct is urged to report it to the College's Title IX/Civil Rights Coordinator, the Deputy Title IX/Civil Rights Coordinator, Campus Security, or by using the online incident report form.

Reports may be filed as follows:

1. Through the [Mid Cares Reporting webpage](#) and completing the Campus Non-Discrimination, Harassment and Sexual Misconduct Report Form. While access to this form is available 24 hours a day, 365 days a year, submission may not be reviewed outside of normal business hours, on weekends, or during College holidays. If there is immediate risk to health or safety, contact 911
2. Contacting Security (Liaison Officer/Building Monitors)
Harrison Campus (989) 339-4204, Security Office, 139
Mt. Pleasant Campus (989) 339-7323, Center for Student Services, Office 146
3. By contacting the College's Title IX/Civil Rights Coordinator or Deputy (listed herein)

For incidents occurring at off-campus events or activities, please contact 911 or law enforcement with the responding jurisdiction. Please complete notification by contacting Campus Security or the Title IX/Civil Rights Coordinator/Deputy.

The term 'formal complaint,' as used in this policy, means a document or electronic submission (such as by electronic mail or through an online portal provided by Mid for this purpose) that contains the Complainant's physical or digital signature or otherwise indicates that the Complainant is the person filing the complaint and requests that Mid investigate the allegations. If the request is submitted in a format that does not meet this standard, the Title IX/Civil Rights Coordinator/Deputy will contact the Complainant to determine whether the Complainant is requesting that Mid initiate an investigation or other appropriate resolution procedures.

Reporting carries no obligation to file a Formal Complaint and, in most situations, Mid is able to respect a Complainant's request to not initiate an investigation or other appropriate resolution procedures. However, there may be circumstances, such as a pattern of behavior, allegations of severe misconduct, or a compelling threat to health and/or safety, where Mid may need to initiate an investigation or other appropriate resolution procedures. If a Complainant does not wish to file a Formal Complaint, Mid will maintain the privacy of information to the extent possible. The Complainant should not fear a loss of privacy by submitting a report that allows Mid to discuss and/or provide supportive measures.

Time Limitations on Reporting

There is no time limitation on submitting a report or filing a formal complaint to the Title IX/Civil Rights Coordinator. However, if the Respondent is no longer subject to Mid's jurisdiction and/or significant time

has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible. The decision to act upon a late report/complaint, impacted by the passage of time, is at the discretion of the Title IX/Civil Rights Coordinator; they may document the allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

Amnesty

Mid encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report alleged misconduct to Mid officials or participate in resolution processes 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 Mid community that Complainants choose to report misconduct to Mid 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, Mid offers 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 Mid. Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution.

Supportive Measures

The Title IX/Civil Rights Coordinator or Deputy will offer and implement supportive measures to either the Complainant or the Respondent (or both) regardless of whether a Formal Complaint is filed. Supportive measures are free non-disciplinary, non-punitive services offered to the Complainant and/or Respondent as appropriate and reasonably available.

In applying supportive measures, any services that are provided to the Complainant or the Respondent will be kept confidential unless disclosure is necessary to provide the service. Supportive measures restore or preserve equal access to the College's educational and work programs and activities without unreasonably burdening the other Party. They are designed to protect the safety of all Parties, the College's educational environment, and/or deter sexual misconduct.

Examples of Supportive Measures may include, but are not limited to:

- Referral to confidential resources, including counseling and other mental-health services; as well as external community-based service providers
- Extension of deadlines or other course-related adjustments
- Modifications of work or class schedule
- Campus escort services
- Mutual restrictions on contact between the Parties
- Change in work location
- Leave of absence
- Increased security monitoring of certain areas of the campus
- Information regarding the availability of counseling, health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available both on-campus and through off-campus external agencies
- Issuance of a Timely Warning, per the Clery Act
- Any other actions deemed reasonable and appropriate by the Title IX/Civil Rights Coordinator.

Confidentiality

The College will make reasonable and appropriate efforts to ensure privacy to involved individuals and protect confidentiality when conducting an investigation and resolving a complaint, except as otherwise required by law.

At its discretion, Mid may release ‘directory information,’ which is defined as information about students or employees which generally would not be considered harmful or an invasion of privacy if disclosed. Individuals who have experienced crimes of violence or other matters may not want the College to share directory information and can request that the College withhold such information. Students interested in learning about their rights and options to opt-out of directory information are encouraged to complete the [Request for Directory Information Opt-Out](#) Form; or contact the Office of the Registrar at enrollment@midmich.edu. Employees should contact Human Resources directly to make similar requests at hr@midmich.edu.

Regardless of whether a complainant or other person has opted-out of allowing the College to share ‘directory information,’ Personal Identifiable Information (PII) about the complainant and/or other necessary parties will be kept confidential. Personal Identifiable Information (PII) will only be shared with persons who have a specific need-to-know, such as those investigating/adjudicating the matter or those involved in providing support services, including accommodations and supportive measures. Doing this allows the College the ability to confidentially maintain any provided accommodations or supportive measures to the extent that maintaining such confidentiality would impair the ability of the College to provide the accommodations or supportive measures.

As the Title IX/Civil Rights Coordinator and Deputy are also considered Campus Security Authorities, they are required by the Federal Clery Act to statistically report certain categories of crimes including certain types of sexual misconduct. Confidentiality is maintained when filing the report and no personal information about the Complainant or Respondent is disclosed. The Annual Disclosure of Crime Statistics reports the types of criminal incidents, only.

Should a Complainant ask that a complaint not be investigated or that their name be withheld from the Respondent, the request will be considered. However, the College cannot guarantee that said request will be honored. If a Complainant insists that their name not be disclosed to the Respondent, the College’s ability to respond may be limited. In limited circumstances involving serious or repeated conduct or when the Respondent may pose a persistent threat to the campus community, the College reserves the right to investigate regardless of a Complainant’s request for confidentiality. In such circumstances, the Title IX/Civil Rights Coordinator may sign a formal complaint to initiate an investigation.

Emergency Removal

In instances where a risk possibility exists, Mid may act to remove a Respondent partially or entirely from its education program or activity on an emergency basis after an individualized risk and safety analysis has determined and would justify removal on the basis that the Respondent poses a danger to the physical health or safety of any student or other individual. The individualized risk and safety analysis for students will be conducted by MidCares Team and will focus upon the particular Respondent. The committee will examine the specific circumstances “arising from the allegations of sexual misconduct” posing an immediate threat to a person’s physical health or safety. It will utilize a Risk Rubric (such as the NaBITA Risk Rubric) or another comparable tool. It should be noted that there is no “one-size fits all” for an individualized safety and risk analysis and Respondents will be assessed on a case-by-case basis. The Respondent will be provided with notice and an opportunity to challenge the decision, immediately following the removal, if enacted. Mid has the authority and discretion to place an employee Respondent on a paid or unpaid non-

disciplinary administrative leave only after a Formal Complaint has been filed, even where the requirements for an emergency removal are not met.

Policy Violation – Standard of Evidence

Mid uses the preponderance of the evidence standard when determination whether a Policy violation has occurred. This means that Mid will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent violated a College Policy.

Preservation of Evidence

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining/personal protection orders from the Court and is particularly time sensitive. Mid will inform the Complainant of the importance of preserving evidence by taking actions such as the following:

Sexual Assault

- Seek immediate medical attention and/or a forensic examination (ideally within the first 120 hours) at a local hospital. This specialized examination includes a compilation of medical history, a physical examination, treatment for injury, emergency contraception, and preventive treatment for sexually transmitted infections.
- Consider a sexual assault forensic exam (commonly referred to as a rape kit) through a Sexual Assault Nurse Examiner (SANE). SANE Nurses have received specialized training in treating victims of sexual assault and are generally on-call 24 hours a day. They not only examine a victim as a health professional but they approach their work with specialized sensitivity and knowledge. They assess, document, and preserve evidence for the legal aspects, should the victim choose to file a criminal complaint. SANE personnel can provide the victim with additional information such as counseling care or follow-up testing, such as HIV.
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if done.
- 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 secure evidence container (if provided by law enforcement)

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

- Evidence in the form of text and voice messages will be lost in most cases if a party or witness 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 e-mail 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, to include 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
- If changing devices, make sure to transfer any files needed to the new device

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

Procedures the College Will Follow When a Report of Sexual Misconduct Is Received

When a report of sexual misconduct (dating violence, domestic violence, sexual assault, or stalking) is received, the College has anticipated processes that are designed to be sensitive to the affected individual and offer supportive assistance. Upon receipt of a report, the College will respond as follows:

Report of Sexual Assault

The College will:

- Assess the immediate safety and security needs of the affected individual
- Assist the individual with contacting local police if requested AND provide the individual with contact information for the local police department with responding jurisdiction
- Depending on when the incident occurred and is reported, provide information on how to preserve evidence; provide information on options to obtain a sexual assault medical examination
- Provide the individual with a referral to on and off campus counseling/victim advocacy
- Assess the need for supportive measures, if appropriate
- Provide the individual with a written explanation of their Rights and Options along with a [‘Resource Guide for Survivors of Sexual Misconduct’](#)
- Provide information on a Mutual College No-Contact directive and issue such a directive if deemed appropriate
- Provide information on how to request/petition for a Personal Protection Order through the legal/court system
- Provide copies of the applicable College Policy that addresses Sexual Misconduct and review the investigation and resolution process with the victim

Report of Stalking

The College will:

- Assess the immediate safety and security needs of the individual
- Assist the individual with contacting local police if requested AND provide the individual with contact information for local police department with responding jurisdiction
- Provide information on preserving evidence
- Provide the individual with a referral to on and off campus counseling/victim advocacy
- Assess the need for supportive measures, if appropriate
- Provide the individual with a written explanation of their Rights and Options along with a [‘Resource Guide for Survivors of Sexual Misconduct’](#)
- Provide information on a Mutual College No-Contact directive and issue such a directive if deemed appropriate
- Provide information on how to request/petition for a Personal Protection Order through the legal/court system
- Provide copies of the applicable College Policy that addresses Stalking and review the investigation and resolution process with them

Report of Dating/Domestic Violence

The College will:

- Assess the immediate safety and security needs of the individual
- Assist the victim with contacting local police if requested AND provide the individual with contact information for local police department with responding jurisdiction
- Provide the individual with a referral to on and off campus counseling/victim advocacy
- Assess the need supportive measures, if appropriate

- Provide the individual with a written explanation of their Rights and Options along with a ‘Resource Guide for Survivors of Sexual Misconduct’
- Provide information on a Mutual College No-Contact Directive and issue such a directive if deemed appropriate
- Provide information on how to request/petition for a Personal Protection Order through the legal/court system
- Provide copies of the applicable College Policy that addresses Dating/Domestic Violence and review the investigation and resolution process with them

Resolution Process for Alleged Policy Violations

Mid will act upon any report or formal complaint of a violation of the Non Discrimination, Harassment, Sexual Misconduct and other Prohibit Conduct Policy that the Title IX/Civil Rights Coordinator, Deputy or any other Official with Authority receives. Mid uses two sets of procedures, known as the Title IX – Sexual Harassment Adjudication Process (commonly referred to as Process A) and the Civil Rights Adjudication Process (commonly referred to as Process B). While adjudication processes are different, they are designed to provide a prompt, fair, impartial, and reliable determination whether a violation of College policy has occurred. If a violation has occurred, the College will implement remedies designed to end the misconduct, prevent its recurrence and address its effects on the Complainant and others, as appropriate. For sexual misconduct findings, the College will take these actions regardless of whether or not the sexual violence is the subject of a criminal investigation.

Determining Applicable Adjudication Process

Title IX – Sexual Harassment Adjudication Process A

This process is applicable to acts of Title IX Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking and pertains when:

- The alleged conduct occurred within Mid’s educational program or activities and defined as locations, events, or circumstances where Mid exercises substantial control over both the Respondent and the context in which the sexual harassment occurs; This may include off-campus buildings owned or controlled by the College
- Mid has control over the Respondent at the time of the complaint
- The alleged misconduct occurs against a Complainant who is in the United States
- A Formal Complaint is filed and at the time of filing, the Complainant is participating in or attempting to participate in Mid’s education program or activity

This resolution process is compliant with the 2020 Title IX Regulations and provides for an investigation, live hearing, and cross examination. This process also includes an informal resolution process.

Civil Rights Adjudication Process B

Process B is utilized to resolve allegations of discrimination, harassment, other prohibited conduct AND sexual misconduct that falls outside the scope of Title IX Sexual Harassment. Typically, this is because:

- Alleged conduct does not meet the specified definitions of Title IX Sexual Harassment
- Alleged conduct violates college policy but is outside the College’s ‘education program and activity,’ as defined under Title IX regulations

Therefore, Process B is applicable to complaints of Discrimination, Harassment, Sexual Misconduct (non-Title IX), Retaliation, or Other Prohibited Conduct on the basis of an individual’s perceived or actual Protected Characteristics. This includes Title VII (discrimination, retaliation that does not fall under Title IX, as well as race, color, national origin, and religion); Section 504 and other federal civil rights laws; state

civil right protections regarding sexual orientation/gender identity; and cases that fall under institutional policy. This process also includes an informal resolution process.

The choice to apply Process A or B is at the discretion of the Title IX/Civil Rights Coordinator/Deputy

Initial Assessment

The Title IX/Civil Rights Coordinator or Deputy conducts an initial assessment, typically within five (5) business days of receiving Notice or a Formal Complaint. The initial assessment typically includes:

- Assessing whether the reported conduct may reasonably constitute a Policy violation
- Determining whether Mid has jurisdiction over the reported conduct
- Offering and coordinating supportive measures for the Parties
- Notifying the Complainant, or the person who reported the allegation(s), of the available resolution options
- Determining whether the Complainant wishes to move forward

Helping a Complainant Understand Resolution Options

If the Complainant indicates they wish to file a Formal Complaint, the Title IX/Civil Rights Coordinator will work with the Complainant to determine which resolution option they prefer. The Title IX/Civil Rights Coordinator will seek to adhere to the Complainant's wishes but may have to take another approach depending upon their assessment of the situation.

If the Formal Grievance Process is pursued, the Title IX/Civil Rights Coordinator will initiate an investigation. If any party indicates that they want to pursue an Informal Resolution option, the Title IX/Civil Rights Coordinator will refer the matter to the appropriate individual(s) if the Title IX/Civil Rights Coordinator determines Informal Resolution is available and the other Parties consent to participate. Informal Resolution cannot be used to resolve a Formal Complaint of Title IX Sexual Harassment involving an Employee Respondent and a Student Complainant.

If the Complainant does not want any action taken, the Title IX/Civil Rights Coordinator will consider that request. Typically, allegations of Student-on-Student and Employee-on-Employee misconduct will not prompt the Formal Grievance Process unless deemed necessary by the Title IX/Civil Rights Coordinator, though the Complainant can elect to pursue the formal process in the future. The Title IX/Civil Rights Coordinator may need to refer allegations of Employee-on-Student misconduct to the Formal Grievance Process regardless of the Complainant's wishes, depending on the nature of the allegations.

The Title IX/Civil Rights Coordinator may consider elements such as patterns of behavior, predation, threats, violence, use of weapons, or involvement of minors in determining whether to sign a Formal Complaint. END

Title IX/Civil Rights Coordinator Authority to Initiate a Complaint

The Title IX/Civil Rights Coordinator has the ultimate discretion as to whether a Formal Complaint is made and may consult with appropriate Mid Employees. A violence risk assessment may be conducted to aid the determination whether to sign a Formal Complaint on behalf of the Complainant.

If a Complainant is not participating or attempting to participate in Mid's Education Program or Activity at the time of making a Formal Complaint, they can request that the Title IX/Civil Rights Coordinator sign a Formal Complaint. When the Title IX/Civil Rights Coordinator signs a Formal Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged misconduct. If the

Title IX/Civil Rights Coordinator declines to sign a Formal Complaint, alternative processes may be available and can be explored with the Title IX/Civil Rights Coordinator.

Investigations

Investigations into allegations of discrimination, harassment, sexual misconduct, and other prohibited conduct will be fair and impartial. A final resolution will be rendered within a reasonably prompt timeframe, (usually within 45 to 90 days depending on the process utilized) unless an extension has been requested for good cause and granted. If an extension is granted, written notice will be provided to the parties notifying them of the delay and the reason for the delay. Investigations will be conducted in a manner that is consistent with the process being utilized, and in a manner that is transparent to the parties. Additionally, the investigation will be conducted by an Investigator who does not have a conflict of interest or bias, for or against the Complainant or Respondent, and who has received yearly required training.

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

- Equal opportunity to present witnesses and other relevant evidence
- Equal opportunity to review statements or any evidence provided by the other party
- Equal opportunity to review and comment upon information independently developed by the Investigator through the investigation process
- The Complainant and Respondent may each have an Advisor present throughout the resolution process from the period of the initial interview through resolution. The role and level of the Advisor's participation varies throughout the resolution process depending on the process being used. The Advisor may be anyone—a friend, family member, an attorney, a union representative, or any other individual a party chooses
- Comparable and timely access to all information that will be considered in resolving the complaint
- Simultaneous written notification of the finding/final determination, process for filing an appeal, and when such finding becomes final

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

Informal Resolution

In certain circumstances when the Title IX/Civil Rights Coordinator believes that the complaint may be resolved by informal means, an informal resolution process may be suggested to the Complainant and Respondent. If agreeable, the Title IX/Civil Rights Coordinator will obtain written consent from the parties to proceed with the informal resolution process. The informal process does not involve a full investigation and adjudication process, and will still act to end the misconduct, prevent its reoccurrence and remedy its effects; lesser sanctions may be imposed. In cases where an informal resolution is reached, the Title IX/Civil Rights Coordinator/Deputy will prepare the Informal Resolution Summary and Resolution and provide simultaneous copies to both the Complainant and Respondent. The Complainant and/or Respondent may end the informal resolution process at any point prior to the issuance of the Informal Resolution Summary, and submit a written request to the Title IX/Civil Rights Coordinator that the matter proceed through the formal process.

Examples of Informal Resolution processes include:

Supportive Resolution. When the Title IX/Civil Rights Coordinator can resolve the matter informally by providing support measures (only) designed to remedy the situation. Supportive Resolution involves only the party who opts for it.

Accepted Responsibility. When the Respondent accepts responsibility for violating College Policy and accepts the recommended sanction(s), and the Complainant and Title IX/Civil Rights Coordinator are agreeable to the resolution terms.

Alternative Resolution. When the Parties agree to resolve the matter through an alternative resolution mechanism, such as shuttled negotiation, facilitated dialogue etc. The Parties may agree, as a condition of participation in the alternative resolution process, on what statements made or evidence shared during this process will not be considered in the Formal Grievance Process, should the Alternative Resolution process be unsuccessful.

Final Determination

When rendering a Final Determination, all exculpatory (evidence that tends to justify or show a person's lack of involvement in an act) and inculpatory (evidence that tends to show a person's involvement in an act) evidence will be considered and using a preponderance of the evidence standard (more likely than not) a determination regarding responsibility will be established.

Sanctions

If a determination of responsible is rendered, a list of sanctions that could be imposed include:

For Students: Verbal warning, written warning, college No Contact Order, classroom/work reassignment or removal, probation, social probation (limiting or removal from student group's social activities, sports, etc.), community service, restitution, recommendation for internal or external counseling, implementation of behavior/improvement contract, program attendance/interview, loss of college computer use and/or network, suspension, revocation of degree, or expulsion.

For Employees: Written warning, written reprimand, College No Contact Order, establishment of an improvement plan, restitution, recommendation for external counseling, program attendance/interview, added trainings or educational requirements/internal professional development, removal of responsibilities or leadership roles, work reassignment or demotion, potential suspension with or without pay, or termination.

Notification of Outcomes

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

- In the event that an alleged victim of a "crime of violence" is deceased as a result of such crime or offense, the next of kin of said victim shall be treated as the alleged victim and will be provided with the written notice of outcome, including the Notice of Final Outcome with findings, rationale and any sanctions imposed.
- The College may publicly release the name, nature of the violation and sanction, of any student who is found in violation of a College Policy that is a "crime of violence." These offenses include: arson, burglary, robbery, criminal homicide, sex offenses, assault, kidnapping/abduction, and

destruction/damage/vandalism of property. The College will release this information to the Complainant in any of these offenses, regardless of the outcome.

- In cases of crimes of violence or Sexual Misconduct including Sexual Assault, Sexual Harassment, Dating or Domestic Violence and Stalking, the Complainant has the unconditional right to be informed, in writing, of the outcome, essential findings and sanctions without condition or limitation.

Appeal Process

The Complainant or Respondent may file an appeal with the Title IX/Civil Rights Coordinator. The petition must be filed within 5 business days of receiving the written Notice of Final Outcome. Any party that files an appeal must do so, in writing, to the Title IX/Civil Rights Coordinator. Other parties will be notified and provided a copy of the petition. The Title IX/Civil Rights Coordinator will assemble the Appeal Board and forward the Petition to them for consideration, within 5 business days of receipt of said Petition. Within 5 business days, the Appeal Board will determine if the request is timely and has merit. An Appeal decision will be rendered by the Board within an additional 5 business days and the written outcome will be provided to the Parties simultaneously. It will include any change to the outcome and/or sanctions and when the results become final. Written notice will be provided via secure electronic email to the parties midmich.edu account, hand delivered, and/or a hardcopy through the United States Postal Service to their address on file with the College. Once sent, receipt is presumptively recognized.

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

- If a procedural (or substantive) error occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.)
- To consider new evidence that was unavailable during the original hearing or investigation and could substantially impact the original finding or sanction; a summary of this new evidence and its potential bearing must be included
- The Title IX/Civil Rights Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondent generally or the individual Complainant/Respondent that affected the outcome of the matter
- The sanctions imposed are substantially disproportionate to the severity of the violation; post-investigation sanctions that are imposed can be appealed by either Party

Record Retention

The Title IX/Civil Rights Coordinator, Deputy, and any other employee as appropriate, shall maintain in a confidential matter, for at least seven (7) years from date of creation of last record pertaining to each case, in paper or electronic files the following:

- The complete file for each sexual misconduct investigation and formal resolution, to include any determination regarding responsibility, any audio or audiovisual recording or transcript from the live hearing, any sanctions imposed, and remedies provided
- Records of any appeal and results
- Records of any informal resolution process conducted and the results
- Materials used to train the Title IX Pool
- Records of any actions taken, including supportive measures, in response to a report or formal complaint of sexual misconduct. The records should include an explanation of why the actions taken by the College were not deliberately indifferent, and document the measures taken to restore or preserve equal access to the college's programs and activities

If supportive measure were not provided, the College must document the reason why such a response was not deliberately indifferent or unreasonable in light of the known circumstances and if the response was based on the complainant's indication that there was no need to supply supportive measures or there was a request or desire that the College take no action.

Policy Establishment and Updates

This policy was enacted in August 2025 and combines the College's Title IX Sexual Harassment Policy and Campus Non Discrimination, Harassment and Sexual Misconduct Policy into one robust policy with two adjudication processes. It will be reviewed and updated yearly as needed. This policy meets the 2020 Title IX Regulations as set forth in 34 CFR part 106. Information contained within this policy was adopted from those regulations, as well as ATIXA's 2021 One Policy, Two Procedures Model Policy and is used with permission.

In Closing

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

If you have any questions regarding this Policy, wish to file a Report, or obtain a paper copy, please contact the College's Title IX/Civil Rights Coordinator or Deputy listed within this document or email compliance@midmich.edu

If you see something, sense something, say something!

Appendix A

Statement of Parties' Rights

When allegations of discrimination, harassment, sexual misconduct, or other prohibited conduct are filed with the Title IX/Civil Rights Coordinator/Deputy, under this policy the Parties' have the right to:

- An equitable investigation and resolution of all credible allegations of prohibited Discrimination, Harassment, Sexual Misconduct, and Other Prohibited Conduct, when reported in good faith to the Title IX/Civil Rights Coordinator/Deputy
- Timely written notice of all alleged violations, including the identity of the Parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions
- Timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional reports or Formal Complainants) by updating the Notice of Investigation and Allegation(s) (NOIA) as needed to clarify potentially implicated Policy violations
- Be informed in advance of any Mid public release of information regarding the allegation(s) or underlying incident(s), whenever possible
- Have all personally identifiable information protected from Mid's release to the public without consent, except to the extent permitted by law
- Be treated with respect by Mid officials
- Have Mid Policy and Procedures followed without material deviation
- Voluntarily agree to resolve allegations under the Policy through Informal Resolution without Mid pressure, if Informal Resolution is approved by the Title IX/Civil Rights Coordinator
- Not be discouraged by Mid officials from reporting Discrimination, Harassment, Sexual Misconduct, and Other Prohibited Conduct to both on-campus and off-campus authorities
- Be informed of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) for Mid to assist in notifying such authorities, if the party chooses. This also includes the right not to be pressured to report
- Be informed of available supportive measures, such as counseling, advocacy, health care, student financial aid, visa and immigration assistance, and/or other services, both on campus and in the community
- A Mid-implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct
- Be informed of available assistance in changing academic and/or employment situations after an alleged incident of Discrimination, Harassment, Sexual Misconduct, and/or Other Prohibited Conduct if such changes are reasonably available. No report or Formal Complaint, or investigation, either institutional or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
 - Referral to confidential resources, including counseling and other mental-health services; and community-based service providers
 - Extension of deadlines or other course-related adjustments
 - Modifications of work or class schedule
 - Campus escort services
 - Safety-planning
 - Mutual restrictions on contact between the Parties

- Change in work location
 - Leave of absence
 - Increased security monitoring of certain areas of the campus
 - Information regarding the availability of counseling, health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available both on-campus and through off-campus external agencies
 - Issuance of a Timely Warning, per the Clery Act
 - Any other actions deemed reasonable and appropriate by the Title IX/Civil Rights Coordinator.
- Have Mid maintain supportive measures for as long as necessary, ensuring they remain confidential, provided confidentiality does not impair Mid's ability to provide the supportive measures or comply with the law
 - Receive sufficiently advanced written notice of any Mid meetings or interviews involving another party, when possible
 - Identify and have the Investigator(s), Advisors, and/or Decision-Maker question relevant available witnesses, including expert witnesses
 - Provide the Investigator(s)/Decision-Maker with a list of questions that, if deemed relevant by the Investigator(s)/Decision-Maker, may be asked of any party or witness
 - Have Complainant's inadmissible sexual predisposition/prior sexual history or any party's irrelevant character evidence excluded by the Decision-Maker
 - Review the Relevant and Directly Related Evidence (if applicable) obtained and respond to that evidence
 - A fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record
 - Receive a copy of all Relevant and Directly Related Evidence (if applicable) obtained during the investigation, subject to privacy limitations imposed by federal and state law, and time to review and comment on the evidence
 - Receive a copy of the Final Investigation Report, including all factual, Policy, and/or credibility analyses performed, and to have time to review and comment on the report prior to a hearing or Final Investigation Summary
 - Be informed of the names of all witnesses whose information will be used to make a Finding, in advance of that Finding, when relevant
 - Regular status updates on the investigation and/or resolution process
 - Have reports of alleged Policy violations addressed by Resolution Process Pool members, or others, who have received relevant annual training as required
 - A decision-making panel that is not single Sex in its composition, if a panel is used
 - Preservation of confidentiality/privacy, to the extent possible and permitted by law
 - Meetings, interviews, and/or hearings that are closed to the public
 - Petition that any Mid representative in the process be recused on the basis of disqualifying bias and/or a conflict of interest
 - Be able to select an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process
 - Apply the appropriate standard of evidence, preponderance of the evidence, to make a Finding and Final Determination after an objective evaluation of all Relevant Evidence

- Be present, including presence via remote technology, during all testimony given and evidence presented during any live hearing
- Be promptly informed of the resolution process Finding(s) and sanction(s) (if any) and be given a detailed rationale for the decision in a written outcome letter delivered to the Parties simultaneously (without undue delay)
- Be informed in writing of when a Mid decision is considered final and any changes to the Final Determination or sanction(s) that occur post outcome letter delivery
- Be informed of the opportunity to appeal the Finding(s) and sanction(s) and the procedures for doing so in accordance with Mid's appeal grounds

Visa & Immigration Assistance

There are occasions when students, faculty, and staff have questions about what the impact of various actions (such as a reduction in course load or a change in work circumstances) will have on their visa or immigration status. People who have been victims of certain crimes of violence may qualify for immigration relief or be eligible to file an immigration visa petition under the Violence Against Women Act (VAWA), provisions of the Immigration and Nationality Act. To be connected to information and assistance, individuals should contact the College's Title IX/Civil Rights Coordinator/Deputy. In order to provide proper assistance and/or answer questions, the Title IX/Civil Rights Coordinator/Deputy may seek assistance from internal offices or make referrals to external immigration services/counsel.

Student Financial Aid

Information about financial aid matters is available from the Office of Financial Aid. Students who may need to reduce credit hours or withdraw from their classes, should contact the Financial Aid Office prior to making any adjustments, to discuss their mitigating circumstances. The Financial Aid Office can be reached by calling (989) 386-6664 or via email at finaid@midmich.edu.

College No Contact Directive & Personal Protection Orders

In certain circumstances when the College has jurisdiction over both a Complainant and Respondent, the College may decide to issue a Mutual No-Contact Directive, as a supportive measure. Generally, the Mutual No Contact Directive prohibits the Complainant and Respondent from having contact with one another, may limit or restrict access to certain areas of campus during certain periods of time, and may require adjustments to the Complainant's and/or Respondent's work or class schedule. These Directives are issued on a case-by-case basis and are enforced at the College level.

A Personal Protection Order (PPO) is a document that is different than a College Mutual No-Contact Directive. It is obtained and issued by a Court, not the College. A PPO orders someone to stop threats or violence against another person and forbids contact. It is enforced by the Police. Any person who has reasonable cause to fear for their personal safety or who has received threats or experienced violence may file a Petition with the Court for a PPO. There are three types of Personal Protection Orders: Domestic Relationship, Non-Domestic (Stalking), and Non-Domestic (Sexual Assault). For information, paperwork, or assistance in obtaining a PPO, please visit [Michigan Legal Help](#). Assistance can also be provided by contacting sexual assault or domestic violence service providers, such as [R.I.S. E Advocacy Inc.](#) (Clare and Isabella Counties) or [Shelter House](#) (Gladwin and Midland Counties). The College cannot apply for a PPO for or on behalf of an individual. Individuals who receive a Personal Protection Order are encouraged to notify the Office Safety and Security of the issued Order and to discuss a safety action plan while on campus.

For more information on the College Mutual No-Contact Directive or the State of Michigan's Personal Protection Order, students, faculty, staff and visitors of the College may contact the College's Deputy Title IX/Civil Rights Coordinator Martricia Farrell.

Appendix B

Title IX-Sexual Harassment Grievance Procedures -Process A

Review of Formal Complaint

Upon the filing of a Formal Complaint, the Title IX/Civil Rights Coordinator will review the complaint and take one of the following steps:

1. Determine if the alleged sexual harassment falls within the scope of Title IX Sexual Harassment
2. If the alleged sexual harassment does not meet the definition, the Title IX/Civil Rights Coordinator will complete a ‘dismissal of complaint’ and may reassign the matter under Process B; or reissue under another College policy, such as the Student Code of Conduct or the Employee Nondiscriminatory Policy

Dismissal of Complaint

After the filing of a Formal Complaint, the College must/may dismiss complaints alleging Title IX sexual harassment as follows:

Mandatory Dismissal

The College is required to dismiss Formal Complaints if any of the following circumstances exist:

- The alleged conduct would not constitute sexual harassment, as defined under Title IX
- The alleged conduct did not occur in the College’s education program or activity, or
- The alleged conduct did not occur against a person in the United States

Such a dismissal does not preclude action under Process B or other established College Policies.

Discretionary Dismissal

The College may dismiss a Formal Complaint of sexual harassment or any allegations therein if at any time during the investigation or hearing:

- A Complainant notifies the Title IX/Civil Rights Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein
 - When a Complainant submits a written withdrawal to the Title IX/Civil Rights Coordinator, the College may choose to continue with the investigation in certain situations such as when the information obtained supports that the Respondent may pose an ongoing risk to the campus community, and where the College has gathered evidence apart from the Complainant’s statements and desires to reach a determination regarding the Respondent’s responsibility
- The Respondent is no longer enrolled or employed by the recipient
- Specific circumstances prevent the recipient from gathering sufficient evidence to reach a determination as to the Formal Complaint or allegations therein. Examples of which include:
 - When no Complainant is identified during the investigation, the College may not be able to gather evidence necessary to establish elements of conduct defined as sexual harassment in this Policy, such as whether alleged conduct was unwelcome, or without the consent of the victim
 - When a Formal Complaint contains allegations that are precisely the same as allegations the College has already investigated and adjudicated

- When the length of time elapsed between an incident of alleged sexual harassment and the filing of a Formal Complaint, prevent the College from collecting enough evidence to reach a determination
- When the Complainant has stopped participating in the investigation but has not sent a written withdrawal request and the only inculpatory evidence available is the Complainant's statement in the Formal Complaint or as recorded in an interview by the investigator

In the event of a mandatory or discretionary dismissal, the Title IX/Civil Rights Coordinator will prepare a written notice of the dismissal. This dismissal will include the reason for the dismissal. Simultaneous notice will be provided to the parties.

Consolidation of Complaints

In the event that multiple Formal Complaints would be filed arising out of the same factual circumstances, the College may choose to consolidate the complaints under the following circumstances:

- Where there is more than one Complainant or Respondent;
- Where a cross-complaint has been filed by a Respondent against a Complainant.

In such cases, each party (and their Advisor, if selected) would independently receive notices and evidence for review. One investigative report would be assembled from this information. All parties of a consolidated complaint will receive the same written determination. The written determination will be provided simultaneously to the parties and may not be redacted. For example, in the event of a "cross-complaint," each party is entitled to the rights allocated to their respective status. This means, a Respondent who files a cross-complaint against the Complainant would be entitled to request supportive measures that otherwise would be reserved to the Complainant. Likewise, evidentiary exclusions such as the "rape shield" provision would apply to the Respondent in their status as Complainant.

Notice to the Parties

Upon receipt of a signed Formal Complaint, the Title IX/Civil Rights Coordinator or Deputy will provide simultaneous notice to the Parties, which will include allegations of sexual harassment potentially constituting a violation of policy; including sufficient details known at the time and allow sufficient time for the Respondent to prepare a response before any initial interview. The Notice will include the following information:

- A meaningful summary of all allegations
- The identities of the Parties involved in the incident, if known
- The conduct allegedly constituting Title IX sexual harassment (Quid Pro Quo; Sexual Assault – rape, statutory rape, incest, criminal sexual contact (fondling); Dating Violence, Domestic Violence, Stalking; conduct of a sexual nature that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal access to the College's programs and activities; retaliation)
- The date and location of the alleged incident, if known
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process
- A statement that the parties will be given the opportunity to inspect and review all inculpatory and exculpatory evidence obtained during the review and investigation
- A statement regarding sanctions that may be imposed

- A statement regarding the standard of evidence that is used when making a determination regarding responsibility which is by a preponderance of evidence
- A description of the Title IX Sexual Harassment grievance process
- Information that advises the Parties that they may have an Advisor of their choice to inspect and review evidence. This person may, but is not required to be, an attorney. In the event that either party does not have an Advisor, the College has a ‘pool’ of Advisors who can serve in this capacity on their behalf; upon request to the Title IX/Civil Rights Coordinator, the College would appoint an Advisor
- Inform the Parties of the provision of the Policy that prohibits making false statements, knowingly, or consciously submitting false information during the grievance process are subject to disciplinary action under the College’s conduct policies
- A statement regarding Mid’s policy regarding retaliation as outlined in the policy
- Details on how a party may request disability accommodations
- A link or information about relevant internal and external resources, including mental health services
- Any instruction on how to preserve evidence that may be directly related to the allegations
- The name of the Title IX/Civil Rights Coordinator and Investigator assigned, along with the process to identify any conflict or bias ahead of any meetings/interviews
- A notice of any additional allegation that were added after the initial notice to the Parties whose identities are known

Mid operates with the presumption that the Respondent is not accountable for the alleged sexual harassment. This presumption exists unless and until the Respondent is determined to be responsible for a policy violation by a preponderance of the evidence (meaning it is more likely than not that the Respondent violated the Policy as alleged).

Once the decision to proceed with a formal investigation is made, the Title IX/Civil Rights Coordinator will appoint an Investigator (who may be the Deputy Title IX/Civil Rights Coordinator) to perform the investigation. That Investigator will reach out to the parties and begin the investigation process.

Notice will be provided to the parties in writing and will be sent to the Party’s Midmail account. Notice may also be delivered in person or sent to the address the College has on file at the time of sending the said notice. Once emailed and/or delivered in person or sent via the United States Postal Service, notice will be presumptively delivered.

Investigation Process

After the Notice of Investigation has been sent to the Parties by the Title IX/Civil Rights Coordinator and an Investigator has been assigned, the investigation will commence. During the investigation, the burden of proof and burden of gathering sufficient evidence to reach a determination regarding responsibility rests on the College and not the Parties. Generally, the investigation process will follow the below steps:

1. The Investigator will reach out to the Parties, separately, to set up meetings. During the meetings, each individual will be afforded the opportunity to share their version of events, provide any evidence, suggest any relevant witnesses and submit questions that they would like asked of the other party or any witnesses. The investigator will provide written notice of the day, date, time and location that the meeting is scheduled to take place and will remind the Party of their right to bring an Advisor.

2. The Investigator will develop an investigation plan, including a witnesses list, evidence list, intended investigation timeframe and the anticipated order of interviews for all witnesses and parties.
3. The Investigator will communicate and interview witnesses provided by the parties and review any materials submitted such as text messages, photos etc.
4. The Parties will be provided regularly with status updates throughout the investigation process.
5. Employing the statements and information provided, the Title IX Investigator will prepare the Preliminary Investigative Summary before issuing a Final Investigative Report. The Complainant, Respondent and their respective Advisors (if so desired) will be provided a copy of the Summary along with any relevant information directly related to the allegations raised in the Formal Complaint and gathered by the investigators, (including both inculpatory and exculpatory evidence). They will also receive any evidence upon which the College does not intend to rely in reaching a determination regarding responsibility. The Summary and all other materials will be provided in electronic or hardcopy. The parties will have 10 business days to review the materials prior to the conclusion of the investigation in order to meaningfully respond to the Summary and evidence. Submission after this time will not be accepted by the Investigator.
6. The Title IX Investigator will consider any appropriate, additional information provided by the parties and conduct any additional interviews and/or investigations as deemed necessary. The Investigator will then compile the Final Investigative Report and include any rebuttal statements submitted by the parties.
7. The Title IX Investigator will submit the Final Case Summary and any rebuttal statements to the Title IX/Civil Rights Coordinator and/or legal counsel as appropriate for review and feedback.
8. The Final Case Summary will be shared with the Complainant, Respondent, and their respective Advisors through a secure electronic transmission or hardcopy at least 10 business days prior to the live hearing. They will also receive any evidence that was not provided in the Report.
9. The College will make all evidence, subject to the parties' inspection and review, available at any Hearing to give each party an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Scheduling and Notice of Live Hearing

If the complaint is not resolved or applicable for informal resolution and the matter proceeds to a live Hearing, the Title IX/Civil Rights Coordinator shall schedule the Hearing and provide notice of the Hearing to the Complainant, Respondent, Advisors, and Decision-Maker(s). The process for scheduling the Hearing proceed as follows:

1. A Live Hearing will be scheduled not less than 10 business days after the completion and dissemination of the Final Case Summary.
2. The Title IX/Civil Rights Coordinator is responsible for securing the Decision-Maker. Generally, the Decision-Maker will be an individual external from the College. Undoubtedly, in cases where the Respondent is an employee of the College, the Decision-Maker will be an external individual. In all probability, if the Respondent is a student, the Decision-Maker will be an external individual except in specific, singular instances. The Decision-Maker may not be an Advisor, Investigator, or Title IX/Civil Rights Coordinator or a person with any conflict of interest. A Hearing facilitator, who may be the Title IX/Civil Rights Coordinator, may be assigned. This person would be present to guide the process and ensure that policy outlined procedural requirements are met.
3. If agreed upon by the Parties, the Title IX/Civil Rights Coordinator will schedule a Pre-Hearing Conference at least 5 business days before the live Hearing is scheduled to take place. The Pre-

Hearing conference is a specific time where the Parties and their respective Advisors may meet independently of the other Party with the Title IX/Civil Rights Coordinator to address any requests regarding services and accommodations that they may require; to request a College-appointed Advisor if a party does not already have an Advisor of choice; to raise conflict of interest regarding the selected Decision-Maker(s); present cross-examination questions that they would like forwarded to the Decision-Maker(s) ahead of the live hearing, for relevance determination (any questions deemed irrelevant will be noted at the live Hearing and on the record with rationale provided); to have the information contained within the Notice of Hearing explained in detail by the Title IX/Civil Rights Coordinator; to review the live Hearing process and Hearing decorum.

4. Notice of the Live Hearing will be sent via email or hardcopy to the Complainant, Respondent, Advisors, Title IX Investigator, and Decision-Maker(s) at least 10 business days prior to the scheduled Hearing date. Once emailed, mailed, or received in person, notice will be considered presumptively delivered.
5. The Notice of the Hearing will not only include the day, date, time, and location of the Hearing but will include an attachment that will outline the following:
 - Notice of the alleged violation, all policies that may be in violation, and a list of possible sanctions/responsive actions that may be imposed upon a determination of responsibility
 - The name of the Decision-Maker, including a statement regarding the ability to object to the Decision-Maker on the basis of demonstrated conflict or bias. This objection should be raised to the Title IX/Civil Rights Coordinator at least 5 business days prior to the scheduled hearing
 - Any technology that will be used to facilitate the hearing
 - Information on how the Hearing will be recorded (audio or audiovisual) or transcribed; how a copy of the recording or transcript may be requested, after the hearing
 - Choosing the preference to hold the live Hearing with the Parties in separate rooms using technology that enables the Decision-Maker(s) and Parties to simultaneously see and hear the Party or the witness answering questions. This request should be made to the Title IX/Civil Rights Coordinator at least 5 business days prior to the scheduled hearing
 - A reminder of the need to have an Advisor present who will ask cross-examination questions on the Party's behalf. Also, a statement that if a party does not have an Advisor of their choosing present at the live hearing, the College will appoint, without fee or charge to that party, an Advisor from the College's pool of Advisors; this person may be (but is not required to be), an attorney, to conduct cross-examination on behalf of that party. If possible, a party should notify the Title IX/Civil Rights Coordinator of the need for a College appointed Advisor as least 5 business days before the scheduled hearing
 - A list of witnesses whose attendance at the Hearing has been requested
 - A statement that if a party or witness chooses not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning, the Decision-Maker(s) may only rely on whatever relevant evidence is available through the case summary and hearing in making the ultimate determination of responsibility. The Decision-Maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to or answer questions. Decision-Maker may delay and/or reschedule the hearing

- Information on how to contact the Title IX/Civil Rights Coordinator and request any disability accommodations, language assistance, and/or interpretation services that may be required at the hearing. This request should be made at least 5 business days before the scheduled hearing
- 6. A separate Notice of the Hearing's date, time and location will be sent to witnesses at least 10 days prior to the scheduled hearing; it will include the names of the Complainant, Respondent, Decision-Maker(s), the alleged violation and the applicable College Policies that may be in violation. The Notice will be sent via email or hardcopy through the United States Postal Service. This notice will contain information on how to contact the Title IX/Civil Rights Coordinator to discuss any procedural questions and/or to request services or accommodations that they may require. Once emailed, mailed, or received in person, notice will be considered presumptively delivered.

Title IX Live Hearing Process

Evidentiary Considerations

1. Each party's Advisor will be provided with the opportunity to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility
2. Such cross-examination at the Hearing must be conducted directly, orally, and in real time by the Party's Advisor and never by a party, personally
3. Only relevant questions and cross-examination may be asked of a party or witness
4. Before a Complainant, Respondent, or witness answers a question or cross-examination, the Decision-Maker(s) must first determine whether the question is relevant and explain any decision to exclude an irrelevant question. Once a question is posed and before it is answered, the Hearing will pause and the Decision-Maker will consider the question; the Decision-Maker will determine if said question will be allowed, disallowed, or rephrased. For any question that is not allowed, the Decision-Maker will state the reason for not allowing the question on the record and will then instruct the Party or witness to whom the question was asked accordingly. If cross-examination questions were submitted for relevance review prior to the Hearing, at the Hearing the Decision-Maker(s) will state for the record, the cross-examination questions that will not be allowed and provide a rationale for disallowing the question.
5. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent
6. If a party or witness does not submit to cross-examination at the live hearing, the Decision-Maker(s) may only rely on whatever relevant evidence is available through the investigation/investigation summary and hearing in making the ultimate determination of responsibility. The Decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Hearing Process

1. The Decision-Maker or Hearing facilitator will provide an overview of the processes, Hearing decorum, and ensure that all accommodations are established and the technology is operative.

2. If cross-examination questions were submitted prior to the Hearing for review of relevance, the Decision-Maker(s) will read the questions that will not be allowed due to relevance and provide a rationale for disallowing the questions.
3. The Title IX Investigator will present a summary of the Final Investigative Report to the Decision-Maker(s). After presenting the summary, the Investigator will be subject to questioning by the Decision-Maker and parties, through their Advisor. The Decision-Maker and Advisors should refrain from asking questions that pertain to the Investigator's opinion on credibility, recommended findings, or determination.
4. After the Title IX Investigator has presented the summary and questioning has concluded, in turn, the Parties and witnesses will be allowed to present relevant information beginning with the Complainant, followed by the Respondent. The Parties and witnesses will submit to questions first by the Decision-Maker and then through the Advisors.
5. Once the Parties and witnesses have finished answering questions, the Decision-Maker(s) will take the matter under advisement for deliberation. Using a preponderance of the evidence standard (more likely than not), the Decision-Maker(s) will render a final determination and prepare a post deliberation statement. This statement will be provided to the Title IX/Civil Rights Coordinator, outlining the determination, rationale, and evidence used in support of the determination.
6. If a determination of responsible is rendered, the Title IX/Civil Rights Coordinator will address the post- deliberation statement as follows: for student Respondents, the matter will be referred to the Student Conduct Office who will determine the appropriate sanctions. Sanctions for employee Respondents will be referred to Human Resources (HR). Human Resources, in conjunction with the employee's Supervisor, Dean (or other pertinent party), will determine an appropriate sanction. When determining appropriate sanctions, the following will be considered:
 - The nature, circumstances, and severity of the violation and the impact the misconduct had on the Complainant and campus community
 - The Respondent's disciplinary history
 - Previous allegations or allegations involving similar conduct
 - The need for sanctions/responsive action that ends the sexual harassment, prevents its reoccurrence, and remedies its effect on the Complaint and campus community

For both student and employee Respondents, previous disciplinary action, of any kind, may be used in determining appropriate sanctions upon a determination of responsibility.
7. After sanctions have been established, they will be affixed to the post-deliberation statement and provided to the Title IX/Civil Rights Coordinator. The Title IX/Civil Rights Coordinator, using the post deliberation statement, will prepare the Notice of Final Outcome which will include the final determination regarding responsibility, rationale, and any sanctions imposed. The Right to Appeal information will also be included. Specifically, the Notice of Final Outcome will address:
 - The specific portion of the Policy, and any related policies, reported to have been violated
 - The procedural steps and timeframe taken throughout the grievance process, beginning with the filing of the Formal Complaint through the Notice of Final Outcome
 - Findings of fact that support the determination of responsibility or non-responsibility on each allegation
 - Conclusion regarding the application of the relevant policy to the facts at issue
 - A statement of, and rationale for, the determination of responsibility for each allegation to the extent permitted under law

- Any sanctions/responsive actions imposed, to the extent permitted sharable under law
- Any remedies provided to the Complainant designed to ensure access to Mid's educational or employment program of activity, to the extent permitted under law
- Information on both Party's right to appeal and the steps to file an appeal.

The Notice of the Final Outcome will be delivered simultaneously to the Parties and their Advisor, if desired, via secure electronic email to their Midmail accounts and/or via hardcopy through the United States Postal Service to the address on file with Mid at the time of issuing the Notice of Final Outcome. Receipt of the Notice of the Final Outcome serves as official notification.

Appendix C

Civil Rights Adjudication Process B

This process is administrative in nature and includes an investigation and determination of responsibility.

Review of Complaint

Upon the filing of a Complaint of unlawful discrimination, harassment, non-Title IX sexual harassment, or other prohibited conduct, the Title IX/Civil Rights Coordinator will conduct an initial assessment of the reported misconduct to determine if:

- The reported misconduct meets the definition of unlawful discrimination, harassment, non-Title IX sexual misconduct, or other prohibited conduct
- The alleged misconduct was directed against a person's actual or perceived protected characteristic
- The alleged misconduct occurred under Mid's defined jurisdiction.

If the alleged misconduct does not meet the above criteria, the Title IX/Civil Rights Coordinator will complete a 'dismissal of complaint' and may reissue under another College policy, such as the Student Code of Conduct or the Employee Nondiscriminatory Policy.

Dismissal of Complaint

After the filing of a Complaint, the College may dismiss complaints as follows:

- A Complainant notifies the Title IX/Civil Rights Coordinator in writing that the Complainant would like to withdraw the Complaint or any allegations therein
 - When a Complainant submits a written withdrawal to the Title IX/Civil Rights Coordinator, the College may choose to continue with the investigation in certain situations such as when the information obtained supports that the Respondent may pose an ongoing risk to the campus community, and where the College has gathered evidence apart from the Complainant's statements and desires to reach a determination regarding the Respondent's responsibility
- The Respondent is no longer enrolled or employed by the recipient
- Specific circumstances prevent gathering sufficient evidence to reach a determination as to the Complaint or allegations therein. Examples of which include:
 - When no Complainant is identified during the investigation, the College may not be able to gather evidence necessary to establish elements of defined misconduct in the Policy, such as whether alleged conduct was unwelcome, or without the consent of the victim
 - When a Complaint contains allegations that are precisely the same as allegations the College has already investigated and adjudicated
 - When the length of time elapsed between an incident of alleged misconduct and the filing of a Complaint, prevent the College from collecting enough evidence to reach a determination
 - When the Complainant has stopped participating in the investigation but has not sent a written withdrawal request and the only inculpatory evidence available is the Complainant's statement in the Complaint or as recorded in an interview by the investigator

In the event of a dismissal, the Title IX/Civil Rights Coordinator will prepare a written notice of the dismissal. This dismissal will include the reason for the dismissal. Simultaneous notice will be provided to the parties.

Notice of Investigation

The Title IX/Civil Rights Coordinator will contact the complainant to discuss the matter, review their rights and options for moving forward with an informal or formal investigation. If the Complainant agrees to move forward, an Investigator, who may be the Deputy Title IX/Civil Rights Coordinator, will be assigned and an investigation will be opened and notice of investigation will be provided to the parties and will include:

- Notification of the allegations of misconduct under investigation which constitute a potential violation of the policy, the specific section of the policy allegedly violated, the names of all involved parties, the date and location of the alleged incident, and the precise conduct that allegedly created the potential violation.
- Information that will explain that each party will be provided with sufficient time to prepare for any interviews or meetings in order to construct a meaningful participation. Additionally, within their Rights, information will be provided about the parties' prerogative to have a support person present during any meetings and the guidelines for that support person
- A link or copy of the Non Discrimination, Harassment, Sexual Misconduct, and Other Prohibited Conduct Policy
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process
- A statement that the parties will be given the opportunity to inspect and review all inculpatory and exculpatory evidence obtained during the investigation
- A statement regarding sanctions that may be imposed
- A statement regarding the standard of evidence that is used when making a determination regarding responsibility which is by a preponderance of evidence
- An outline of the Civil Rights Adjudication Process (commonly referred to as Process B)
- Inform the Parties of the provision of the Policy that prohibits making false statements, knowingly, or consciously submitting false information during the grievance process are subject to disciplinary action under the College's conduct policies
- A statement regarding Mid's policy regarding retaliation
- Details on how a party may request disability accommodations
- A link or information about relevant internal and external resources
- Any instruction on how to preserve evidence that may be directly related to the allegations
- The name of the Title IX/Civil Rights Coordinator and Investigator assigned, along with the process to identify any conflict or bias ahead of any meetings/interviews
- Provided a copy of the Statement of the Parties Rights
- Inform the Complainant and Respondent that each will be permitted to submit a list of witnesses to the Investigator, a list of questions they would like asked, as well as relevant documentary evidence such as texts, e-mails, photographs, etc.
- Provide information regarding supportive measures, how to request such measures and assist in implementing them

Investigation Process

The Investigator will reach out to the Parties, separately, to set up meetings. During the meetings, each individual will be afforded the opportunity to share their version of events, provide any evidence, suggest any relevant witnesses and submit questions that they would like asked of the other party or any witnesses. At this point, the Investigator may, if appropriate, suggest that the matter be resolved under an Informal Process. If the parties do not agree or the issue is not determined to be appropriate for an Informal Resolution, the matter will proceed with a formal investigation, as follows:

- The Investigator will develop an investigation plan, including a witnesses list, evidence list, intended investigation timeframe and the anticipated order of interviews for all witnesses and parties.
- The Investigator will communicate and interview witnesses provided by the parties and review any materials submitted such as text messages, photos etc.
- The Parties will be provided regularly with status updates throughout the investigation process.
- Employing the statements and information provided, the Title IX Investigator will prepare the Preliminary Case Summary before issuing a Final Case Summary.
- The Complaint and Respondent will be provided a copy of the Preliminary Case Summary along with any relevant information directly related to the allegations raised in the Complaint and gathered by the investigators, (including both inculpatory and exculpatory evidence). They will also receive any evidence upon which the College does not intend to rely in reaching a determination regarding responsibility. The Preliminary Case Summary and all other materials will be provided in electronic or hardcopy. The parties will have 5 business days to review the materials prior to the conclusion of the investigation in order to meaningfully respond to the Summary and evidence. Submission after this time will not be accepted by the Investigator.
- The Title IX Investigator will consider any appropriate, additional information provided by the parties and conduct any additional interviews and/or investigations as deemed necessary. The Investigator will then compile the Final Case Summary and include any rebuttal statements submitted by the parties.
- The Title IX Investigator will submit the Final Case Summary and any rebuttal statements to assigned Decision-Maker, with copies to the Complainant and Respondent.

Determination of Responsibility

The Decision-Maker, using a preponderance of evidence standard along with all inculpatory and exculpatory evidence submitted, will make a determination regarding responsibility and will prepare a Final Case Determination, which will include the findings, rationale, any sanctions issued, and information on how to file an Appeal. The Final Case Determination will be delivered simultaneously to the Parties via secure electronic email to their Midmail accounts and/or via hardcopy through the United States Postal Service to the address on file with Mid at the time of issuing the Final Case Determination.

Appendix D

Rights and Options for Survivors of Sexual Misconduct

Mid Michigan College offers resources and options for individuals that have experienced acts of sexual misconduct, including dating violence, domestic violence, stalking and sexual assault – criminal sexual contact (fondling), rape, statutory rape and incest). Mid understands that it can be an overwhelming time for someone who has experienced sexual misconduct; we regret that you or someone you know has had such an experience.

Mid, along with the Office of College Compliance & Ethics wants you to know that we are here to help. Most importantly, we want to empower anyone that has experienced sexual misconduct to make choices that are best for them, without pressure and with understanding. As such, we provide this Rights and Options for Survivors of Sexual Misconduct, so individuals can make informed decisions and decide how best to move forward.

Reporting

First and foremost, it is up to you to choose how to proceed! You have options, you can decide to:

- Do nothing until you are ready, only you will know when you are ready.
- Report the incident to Law Enforcement which would initiate a criminal investigation; or choose not to report to Law Enforcement. The College can provide assistance in making such a report.
- Report the incident to the College's Title IX/Civil Rights Coordinator or Deputy and receive assistance through supportive measures, as well as learn about resolution processes available
- Pursue healing options that do not require reporting to any official.

You may pursue whichever combination of options that are best for you. If you choose to report to the College's Title IX/Civil Rights Coordinator or Deputy they will provide you with your rights and options, which may include a formal or informal resolution and/or supportive measures.

What Should I Do If I Have Experienced Sexual Misconduct?

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

You are encouraged to seek immediate assistance from police and healthcare providers for physical, emotional and medical care. Ultimately, it is your decision whether to notify police and/or seek medical attention. The College's Title IX/Civil Rights Coordinator or Deputy can assist in notifying the police, if desired. A delay in reporting may limit the College's ability to investigate and remedy the effects.

Contact Information for Local Law Enforcement

Harrison Campus

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

Mt. Pleasant Campus

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

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

Contact Information for the College's Title IX/Civil Rights Coordinator

Lori Fassett, AVP of Human Resources
Title IX/Civil Rights Coordinator
1375 S. Clare Ave, Harrison, MI 48625
Office: Harrison Campus Main Building, Business Office Suite, Room 213
2600 S. Summerton Rd., Mt. Pleasant, MI 48858
Office: Doan Center, Room 104
(989) 386-6622, Ext. 692
lfassett1@midmich.edu

Deputy Title IX/Civil Rights Coordinator

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

Local Hospitals

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

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

Confidential Reporting and Assistance

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

The Director of Counseling and Wellness Services is a professional counselor and is subject to legal confidentiality. This prohibits the release of information without an individual's express consent, except as required by law. When deemed appropriate, the College encourages employed and contracted professional counselors to inform their clients of their option to submit a confidential report. The purpose of a confidential report is to adhere to an individual's choice to keep the matter private while still taking steps to ensure the safety of the individual and the campus community.

How Can I Contact Mid's Counseling and Wellness Services?

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

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

What External Resources and Options Are There?

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

The following confidential information and help is available:

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

Preserving Evidence and Seeking Medical Attention

Should I Preserve Evidence?

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

Should I Seek Medical Attention?

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

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

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

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

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

[How Much Does an Exam Cost?](#)

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

[If I Seek Medical Assistance, Will I Have to File a Police Report?](#)

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

[What Happens If I File A Complaint with the Police?](#)

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

[Filing a Report or Complaint with the College's Title IX/Civil Rights Coordinator](#)

[What is the Difference Between Filing a Report or Complaint with the College?](#)

Reporting an incident of sexual misconduct carries no obligation to move forward with a formal complaint and may be submitted by the individual that experienced the misconduct or by a third-party. A report allows the Title IX Coordinator to reach out to the individual that experienced the misconduct and provide information, support, and resources.

The term 'formal complaint,' is a request made by the individual that experienced the misconduct to Mid to initiate an investigation into the allegations. This requires a formal document or electronic submission (such as by electronic mail or through an online portal provided by Mid for this purpose) that contains the Complainant's physical or digital signature or otherwise indicates that the Complainant is the person filing the complaint, and requests that Mid investigate the allegations. If the request is submitted in a format that does not meet this standard, the Title IX/Civil Rights Coordinator will contact the Complainant to determine whether the Complainant is requesting that Mid initiate an investigation or other appropriate resolution procedures.

If a Complainant does not wish to file a Formal Complaint, Mid will maintain the privacy of information to the extent possible. The Complainant should not fear a loss of privacy by submitting a report that allows Mid to discuss and/or provide supportive measures.

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

The College will make reasonable and appropriate efforts to ensure privacy to involved individuals and protect confidentiality when conducting an investigation and resolving a complaint, except as otherwise required by law.

Personal Identifiable Information (PII) about the complainant and/or other necessary parties will be kept confidential. Personal Identifiable Information (PII) will only be shared with persons who have a specific need-to-know, such as those investigating/adjudicating the matter or those involved in providing support services, including accommodations and supportive measures. Doing this allows the College the ability to maintain, as confidential, any provided accommodations or supportive measures, to the extent that maintaining such confidentiality would impair the ability of the College to provide the accommodations or supportive measures.

Resolution Options

What are the Resolution Options Available Once a Formal Complaint Is Filed?

Once a formal complaint has been filed, the Title IX/Civil Rights Coordinator will work with the Complainant to determine which resolution type is preferred. The Title IX/Civil Rights Coordinator will seek to abide by the Complainant's wishes but may have to take another approach depending upon their assessment of the situation. The resolution types available are as follows:

Informal Resolution

The informal process does not involve a full investigation and adjudication process, and will still act to end the misconduct, prevent its reoccurrence and remedy its effects; lesser sanctions may be imposed. Examples of Informal Resolution processes include:

Supportive Resolution. When the Title IX/Civil Rights Coordinator can resolve the matter informally by providing support measures (only) designed to remedy the situation. Supportive Resolution involves only the party who opts for it.

Accepted Responsibility. When the Respondent accepts responsibility for violating College Policy and accepts the recommended sanction(s), and the Complainant and Title IX/Civil Rights Coordinator are agreeable to the resolution terms.

Alternative Resolution. When the Parties agree to resolve the matter through an alternative resolution mechanism, such as shuttled negotiation, facilitated dialogue etc. The Parties may agree, as a condition of participation in the alternative resolution process, on what statements made or evidence shared during this process will not be considered in the Formal Grievance Process, should the Alternative Resolution process not be successful.

Title IX – Sexual Harassment Adjudication Process A

This process is applicable to Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking that occur within the College's educational program or activity. This process provides for an investigation, live hearing, and cross examination.

Civil Rights Adjudication Process B

Process B is utilized to resolve allegations that fall outside of the scope of the Title IX Sexual Harassment. Typically, this is because:

- Alleged conduct does not meet the specified definitions of Title IX Sexual Harassment
- Alleged conduct violates college policy but is outside the College's 'education program and activity,' as defined under Title IX regulations.

Process B is applicable to Complaints of alleged Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, or Stalking that fall outside of Mid's Education Program or Activity. This process is administrative in nature and includes an investigation and determination of responsibility.

To learn about these resolution processes please see the College's Non Discrimination, Harassment, Sexual Misconduct, and Other Prohibited Conduct Policy.

Rights and Supportive Measures

What Rights Do I and the Alleged Have During the Resolution Process?

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

- A prompt, fair and impartial resolution process, conducted by officials who receive annual training on issues related to sexual misconduct, including dating violence, domestic violence, sexual assault and stalking
- Equal opportunity to present witnesses and other relevant evidence
- Equal opportunity to review statements or any evidence provided by the other party
- Equal opportunity to review and comment upon information independently developed by the Investigator through the investigation process
- The right to have an Advisor present throughout the resolution process from the period of the initial interview through resolution. The role and level of the Advisor's participation varies throughout the resolution process depending on the process being used. The Advisor may be anyone-a friend, family member, an attorney, a union representative, or any other individual a party chooses
- Comparable and timely access to all information that will be considered in resolving the complaint
- Simultaneous written notification of the finding/final determination, process for filing an appeal, and when such finding becomes final

What Types of Supportive Measures Are Available?

Supportive measures are free non-disciplinary, non-punitive services offered to the Complainant and/or Respondent as appropriate and reasonably available. They will be offered and provided regardless of whether or not a formal complaint has been filed.

In applying supportive measures, any services that are provided to the Complainant or the Respondent will be kept confidential unless disclosure is necessary to provide the service. Supportive measures restore or preserve equal access to the College's educational and work programs and activities without unreasonably burdening the other Party. They are designed to protect the safety of all Parties, the College's educational environment, and/or deter sexual misconduct.

Examples of Supportive Measures may include, but are not limited to:

- Referral to confidential resources, including counseling and other mental-health services; the Employee Assistance Program for employees, and community-based service providers
- Extension of deadlines or other course-related adjustments
- Modifications of work or class schedule
- Campus escort services

- Mutual restrictions on contact between the Parties
- Change in work location
- Leave of absence
- Increased security monitoring of certain areas of the campus
- Information regarding the availability of counseling, health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available both on-campus and through off-campus external agencies
- Issuance of a Timely Warning, per the Clery Act
- Any other actions deemed reasonable and appropriate by the Title IX/Civil Rights Coordinator.

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

Following an investigation and hearing (if applicable) the Decision-Maker will issue a written Final Determination, which will include the finding, rationale and sanctions, if imposed. The Parties will simultaneously be notified, in writing, of the results. If a finding of responsible is issued, the College will take any necessary steps to end the misconduct and prevent the reoccurrence of said misconduct. Corrective action will be taken as appropriate.

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

What If I Do Not Agree With the Outcome?

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

- If a procedural (or substantive) error occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.)
- To consider new evidence that was unavailable during the original hearing or investigation and could substantially impact the original finding or sanction; a summary of this new evidence and its potential bearing must be included
- The Title IX/Civil Rights Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondent generally or the individual Complainant/Respondent that affected the outcome of the matter
- The sanctions imposed are substantially disproportionate to the severity of the violation; post-investigation sanctions that are imposed can be appealed by either Party

What If I Am Retaliated Against for Filing a Complaint?

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

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

Dating Violence

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

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

Domestic Violence

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

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

Stalking

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

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

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

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

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

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

A Personal Protection Order (PPO) is a document that is obtained through the Court. It orders someone to stop threats or violence against you. A PPO can help protect you from someone who is threatening, harassing,

or hurting you. You may petition the Court for a PPO if you have a reasonable fear for your personal safety. There are three types of Personal Protection Orders: Domestic Relationship, Non-Domestic (Stalking), and Non-Domestic (Sexual Assault). For information, paperwork, or assistance in obtaining a PPO, please visit [Michigan Legal Help](#) . Assistance can also be provided by contacting sexual assault or domestic violence service providers, such as Women's Aid (Clare and Isabella Counties) or Shelter House (Gladwin and Midland Counties).

[How Can I Help a Friend Who Has Been A Victim of Violence?](#)

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

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

[Any Advice On How to Avoid Becoming a Victim of Violence?](#)

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

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

Appendix E

State of Michigan Crimes and Definitions

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

Domestic Violence (includes dating violence) – MCL § 750.81

Domestic Violence = assault or assault and battery of:

- spouse or former spouse
- an individual with whom he or she has or has had a dating relationship
- an individual with whom he or she has had a child in common
- a resident or former resident of his or her household

"Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context. (M.C.L. § 750.81(7)).

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

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

- spouse or former spouse,
- an individual with whom he or she has or has had a dating relationship,
- an individual with whom he or she has had a child in common, or
- a resident or former resident of his or her household

Sexual Assault = Criminal Sexual Conduct – MCL § 750.520a

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

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

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

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

Criminal Sexual Conduct First Degree – MCL § 750.520b

Criminal Sexual Conduct Second Degree - MCL § 750.520c

Criminal Sexual Conduct Third Degree - MCL § 750.520d

Criminal Sexual Conduct Fourth Degree - MCL § 750.520e

Consent

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

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

Stalking – MCL § 750.411h

(a) “Course of conduct” means a pattern of conduct composed of a series of 2 or more separate non-continuous acts evidencing a continuity of purpose.

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

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

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

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

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

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

Aggravated Stalking – MCL § 750.411i

- (a) “Course of conduct,” means a pattern of conduct composed of a series of 2 or more separate non-continuous acts evidencing a continuity of purpose.
- (b) “Credible threat” means a threat to kill another individual or a threat to inflict physical injury upon another individual that is made in any manner or in any context that causes the individual hearing or receiving the threat to reasonably fear for his or her safety or the safety of another individual.
- (c) “Emotional distress” means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
- (d) “Harassment” means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.
- (e) “Stalking” means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.
- (f) “Unconsented contact” means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:
 - (i) Following or appearing within the sight of that individual.
 - (ii) Approaching or confronting that individual in a public place or on private property.
 - (iii) Appearing at that individual's workplace or residence.
 - (iv) Entering onto or remaining on property owned, leased, or occupied by that individual.
 - (v) Contacting that individual by telephone
 - (vi) Sending mail or electronic communications to that individual.
 - (vii) Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.
- (g) “Victim” means an individual who is the target of a willful course of conduct involving repeated or continuing harassment

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

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

Personal Protection Order - MCL § 600.2950

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

Section 2950:

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

- (a) Entering onto premises.
- (b) Assaulting, attacking, beating, molesting, or wounding a named individual.
- (c) Threatening to kill or physically injure a named individual.
- (d) Removing minor children from the individual having legal custody of the children, except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction.
- (e) Purchasing or possessing a firearm.
- (f) Interfering with petitioner's efforts to remove petitioner's children or personal property from premises that are solely owned or leased by the individual to be restrained or enjoined.
- (g) Interfering with petitioner at petitioner's place of employment or education or engaging in conduct that impairs petitioner's employment or educational relationship or environment.
- (h) If the petitioner is a minor who has been the victim of sexual assault, as that term is defined in section 2950a, by the respondent and if the petitioner is enrolled in a public or nonpublic school that operates any K to 12 grades, attending school in the same building as the petitioner.
- (i) Having access to information in records concerning a minor child of both petitioner and respondent that will inform respondent about the address or telephone number of petitioner and petitioner's minor child or about petitioner's employment address.
- (j) Engaging in conduct that is prohibited under section 411h or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.
- (k) Any of the following with the intent to cause the petitioner mental distress or to exert control over the petitioner with respect to an animal in which the petitioner has an ownership interest:
 - (i) Injuring, killing, torturing, neglecting, or threatening to injure, kill, torture, or neglect the animal. A restraining order that enjoins conduct under this subparagraph does not prohibit the lawful killing or other use of the animal as described in section 50(11) of the Michigan penal code, 1931 PA 328, MCL 750.50.
 - (ii) Removing the animal from the petitioner's possession.
 - (iii) Retaining or obtaining possession of the animal.
- (l) Any other specific act or conduct that imposes upon or interferes with personal liberty or that causes a reasonable apprehension of violence.

(2) If the respondent is a person who is issued a license to carry a concealed weapon and is required to carry a weapon as a condition of his or her employment, a police officer licensed or certified by the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, a sheriff, a deputy sheriff or a member of the Michigan department of state police, a local corrections officer, department of corrections employee, or a federal law enforcement officer who carries a firearm during the normal course of his or her employment, the petitioner shall notify the court of the respondent's occupation before issuance of the personal protection order. This subsection does not apply to a petitioner who does not know the respondent's occupation.

(3) A petitioner may omit his or her address of residence from documents filed with the court under this section. If a petitioner omits his or her address of residence, the petitioner shall provide the court with a mailing address.

(4) The court shall issue a personal protection order under this section if the court determines that there is reasonable cause to believe that the individual to be restrained or enjoined may commit 1 or more of the acts listed in subsection (1). In determining whether reasonable cause exists, the court shall consider all of the following:

(a) Testimony, documents, or other evidence offered in support of the request for a personal protection order.

(b) Whether the individual to be restrained or enjoined has previously committed or threatened to commit 1 or more of the acts listed in subsection (1).

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

(a) The individual to be restrained or enjoined is not the spouse of the moving party.

(b) The individual to be restrained or enjoined or the parent, guardian, or custodian of the minor to be restrained or enjoined has a property interest in the premises.

(c) The moving party or the parent, guardian, or custodian of a minor petitioner has no property interest in the premises.

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

(a) A police report.

(b) A medical report.

(c) A report or finding of an administrative agency.

(d) Physical signs of abuse or violence.

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

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

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

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

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

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

(i) If the respondent is 17 years of age or older, immediate arrest and the civil and criminal contempt powers of the court and, if he or she is found guilty of criminal contempt, imprisonment for not more than 93 days and a fine of not more than \$500.00.

(ii) If the respondent is less than 17 years of age, immediate apprehension or being taken into custody and the dispositional alternatives listed in section 18 of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.18.

(iii) If the respondent violates the personal protection order in a jurisdiction other than this state, the enforcement procedures and penalties of the state, Indian tribe, or United States territory under whose jurisdiction the violation occurred.

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

(c) A statement listing the type or types of conduct enjoined.

(d) An expiration date stated clearly on the face of the order.

(e) A statement that the personal protection order is enforceable anywhere in this state by any law enforcement agency.

(f) The name of the law enforcement agency designated by the court to enter the personal protection order into the law enforcement information network.

(g) For ex parte orders, a statement that the individual restrained or enjoined may file a motion to modify or rescind the personal protection order and request a hearing within 14 days after the individual restrained or enjoined has been served or has received actual notice of the order and that motion forms and filing instructions are available from the clerk of the court.

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

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

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

from purchasing or possessing a firearm, the court shall schedule a hearing on the motion to modify or rescind the ex parte personal protection order within 5 days after the motion is filed.

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

(a) File a true copy of the personal protection order with the law enforcement agency designated by the court in the personal protection order.

(b) Provide the petitioner with 2 or more true copies of the personal protection order.

(c) If the respondent is identified in the pleadings as a law enforcement officer, notify the officer's employing law enforcement agency, if known, about the existence of the personal protection order.

(d) If the personal protection order prohibits the respondent from purchasing or possessing a firearm, notify the county clerk of the respondent's county of residence about the existence and contents of the personal protection order.

(e) If the respondent is identified in the pleadings as a department of corrections employee, notify the state department of corrections about the existence of the personal protection order.

(f) If the respondent is identified in the pleadings as being a person who may have access to information concerning the petitioner or a child of the petitioner or respondent and that information is contained in friend of the court records, notify the friend of the court for the county in which the information is located about the existence of the personal protection order.

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

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

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

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

(a) The clerk of the court receives proof that the individual restrained or enjoined has been served.

(b) The personal protection order is rescinded, modified, or extended by court order.

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

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

(22) If the individual restrained or enjoined has not been served, a law enforcement agency or officer responding to a call alleging a violation of a personal protection order shall serve the individual restrained or enjoined with a true copy of the order or advise the individual restrained or enjoined of the existence of the personal protection order, the specific conduct enjoined, the penalties for violating the order, and where the individual restrained or enjoined may obtain a copy of the order. The law enforcement officer shall enforce the personal protection order and immediately enter or cause to be entered into the law enforcement information network that the individual restrained or enjoined has actual notice of the personal protection order. The law enforcement officer also shall file a proof of service or proof of oral notice with the clerk of the court issuing the personal protection order. If the individual restrained or enjoined has not received notice of the personal protection order, the individual restrained or enjoined must be given an opportunity to comply with the personal protection order before the law enforcement officer makes a custodial arrest for violation of the personal protection order. The failure to immediately comply with the personal protection order is grounds for an immediate custodial arrest. This subsection does not preclude an arrest under section 15 or 15a of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.15 and 764.15a, or a proceeding under section 14 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.14.

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

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

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

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

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

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

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

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

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

(30) As used in this section:

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

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

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

Sec. 6.

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

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

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

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

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

(a) The prosecuting attorney, until final disposition or completion of the appellate process, whichever occurs later.

(b) The department of corrections or the sheriff, as the prosecuting attorney directs, if the defendant is imprisoned.

(c) The department of human services or county juvenile agency, as the prosecuting attorney directs, if the defendant is held in a juvenile facility.

(d) The hospital or facility, as the prosecuting attorney directs, if the defendant is hospitalized in or admitted to a hospital or a facility.

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

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

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

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

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

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

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

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

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

Sec. 3.

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

- (a) Contact information for a local community-based sexual assault services program, if available.
 - (b) Notice that he or she can have a sexual assault evidence kit administered and that he or she cannot be billed for this examination as provided in section 5a of 1976 PA 223, MCL 18.355a.
 - (c) Notice that he or she may choose to have a sexual assault evidence kit administered without being required to participate in the criminal justice system or cooperate with law enforcement as provided in section 5a of 1976 PA 223, MCL 18.355a.
 - (d) Notice of the right to request information under sections 5 and 6.
 - (e) Notice of the right to request a personal protection order as provided in section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.
- (2) The information and notice provided under subsection (1) shall also include the notice required under the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834.
- (3) The Michigan domestic and sexual violence prevention and treatment board, in consultation with law enforcement, shall develop a sample notice card for sexual assault victims. The card shall be made available electronically to Michigan law enforcement agencies no later than June 30, 2015.
- (4) Beginning not later than September 30, 2015, law enforcement agencies shall provide sexual assault victims with the information required in subsection (1).

Release of sexual assault kit evidence MCL § 752.933

Sec. 3.

- (1) A health care facility that has obtained written consent to release sexual assault kit evidence shall notify the investigating law enforcement agency, if known, or the law enforcement agency having jurisdiction in that portion of the local unit of government in which the medical facility is located of that fact within 24 hours after obtaining that consent.
- (2) A health care facility that has not obtained written consent to release any sexual assault kit evidence shall inform the individual from whom sexual assault kit evidence was obtained of its sexual assault kit evidence storage policy. The information provided under this subsection shall include a statement of the period for which that evidence will be stored before it is destroyed and how the individual can have the evidence released to the investigating law enforcement agency at a later date. Any sexual assault kit evidence that is not released to a law enforcement agency under this section shall be stored for a minimum of 1 year before it is destroyed.