Campus Safety

Annual Security Report

(Including 2016 Reportable Crime Statistics)

Baker College of Port Huron

September 2017
# Annual Security Report

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Clery Act Annual Security Report

Each year the Director of the Baker College Campus Safety Department prepares an Annual Security Report of crime statistics, for each of the three most recent years of crimes, that were committed on each campus, in or on a non-campus building or property, or on public property within or immediately adjacent to and accessible from the campus. This report is compiled from all of the incidents reported to the College by any one of the following sources:

- Victim
- Witness
- Third Party
- Perpetrator
- Local law enforcement agencies

This report includes policies, procedures, programs, and statistics on Criminal Murder; Non-Negligent Manslaughter and Manslaughter by Negligence; Sex Offenses; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; Arson; Hate Crimes; Domestic Violence; Dating Violence; Stalking; as well as arrests and/or disciplinary referrals for Illegal Weapons Possession and Drug or Liquor Law violations. This annual statement will be collected, reported and disseminated to the campus community as well as to the U.S. Department of Education.

The Annual Security Report will be retained by the Campus Safety Department for a period of seven (7) years. The Annual Security Report will be made available online each year by October 1st at: https://my.baker.edu/ICS/My_Services/Department_Resources/Campus_Safety/Annual_Security_Report/ and https://www.baker.edu/student-services/living/campus-safety

Each year, an email notification will be sent to all enrolled students and employees of Baker College of Port Huron, via their Baker provided email account announcing publication of the “Annual Security Report” and providing the web site URL to access this information.

Prospective students and prospective employees will be provided with a notice containing a statement of the report’s availability, and a description of its contents, the exact address (URL) of the internet or intranet web site at which the report is posted and the opportunity to request a paper copy. Additionally, any person interviewed as a result of an advertisement shall be provided a notice of the availability of the Annual Security Report.

Anyone may obtain a paper copy of the Annual Security Report through the Campus Safety Department. There is no fee charged for this report.

This Annual Security Report is in compliance with the Jeanne Clery Act and is prepared in cooperation with the St. Clair County Sheriff’s Department, Baker College’s campus security authorities, students, employees, witnesses and third party information.

Reporting a Crime or Emergency

Baker College encourages accurate and prompt reporting of all crimes to Campus Safety and the local law enforcement agency. If the victim is unable (physically/mentally) to make such a report Baker College Campus Safety will contact the local law enforcement agency on their behalf.

If anyone on campus, in or on a non-campus building or property, or on public property within or immediately adjacent to and accessible from the campus is a victim of a crime, a witness to a crime, has third party information, or observes suspicious activity, they should immediately report it to the Campus Safety
Department by calling 810-989-2366 or by coming into the office. For non-campus options crimes may be reported to the St. Clair County Sheriff’s Department, by calling 810-985-8115, or the Michigan State Police Department, by calling 911, or stopping by their police station. If law enforcement is requested, the department may take information over the phone, may respond to your location, or require you to make the report at the police station. Law enforcement may gather information, collect evidence, obtain written statements, prepare a report and submit to local prosecutor.

Crimes should be reported to the Baker College Campus Safety Department to ensure inclusion in the annual crime statistics and to aid in providing Timely Warning Notices to the College’s community, when appropriate.

Crimes may also be reported to any Campus Security Authority (CSA). A CSA is someone who has significant responsibility for student and campus activities. A CSA may include: President, Vice-President, Title IX Coordinator, Campus Safety Director/Officer/Monitor, Director, Program Director, Admissions Advisor, Financial Services Specialist, Academic Specialist, OneStop Advisor, Disability Specialist, Residence Hall Coordinator (RHC), Residence Assistant (RA), Residence Hall Front Desk Personnel, Student Club Advisor, and Intramural Sports Coordinator.

Response to Reports

Personnel are available at the number listed above 7:00 AM to 11:00 PM Monday - Friday to answer your calls. In response to a call, Campus Safety will take the required action, either dispatching an officer or asking the victim to report to Campus Safety to file an incident report. All reported crimes may be investigated by the College and may become a matter of public record. Campus Safety incident reports are forwarded to the Director of Campus Safety for review and referral to the Vice President/Director for Student Affairs for potential action, as appropriate. Campus Safety will investigate a report when it is deemed appropriate. If assistance is required from a local law enforcement agency or the local fire department, Campus Safety will contact the appropriate agency. If a sexual assault or rape should occur, staff on the scene, including Campus Safety, will offer the victim a wide variety of services.

Emergency Response

The Baker College of Port Huron Crisis Response Guide is designed to provide a resource for Baker College personnel, administrators and students. While the plan does not cover every conceivable contingency situation, it does supply the basic administrative guidelines necessary to cope with most campus emergencies.

The Director of Campus Safety will be responsible for annual review of the Crisis Response Guide. The College’s Crisis Response Guide contains “best practices” and information about emergency guidelines for the campus community; College emergency procedures; pre-emergency planning and performance expectations; “shelter in place” and evacuation guidelines; and local contingency and continuity planning requirements. College departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility.

Campus Emergency Notification

Upon confirmation of an emergency (typically confirmed by Campus Safety Department in conjunction with college administrators, local first responder agencies and/or the National Weather Service) or ongoing dangerous situation on campus, in or on a non-campus building or property, or on public property within or immediately adjacent to and accessible from the campus that, in the judgment of the President, a Vice President and/or Director of Campus Safety, or their designee constitutes an immediate threat to the health or safety of some or all of the members of the Baker College of Port Huron Community, an emergency notification will be immediately issued to
Follow enforcement incident, Presidents, and/or the Director of Campus Safety, or their designee in light of all the facts, the nature of the incident, the continuing immediate danger to the campus community and the possible risk of compromising law enforcement efforts. Baker College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Depending upon the particular circumstances of the crime or incident, an emergency notification may be issued utilizing one or more of the following methods:

- Blackboard Connect Emergency Alert System distribution to students, employees and faculty
  - Email
  - Text messaging
  - Voice Messaging
- Contacting the local media
- Public Address system
- Face-to-face communication, if deemed necessary

Follow up communication will be issued using some or all of the above notification methods.

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<thead>
<tr>
<th>System to use</th>
<th>Primary Message Creator</th>
<th>Backup Message Creator</th>
<th>Authority for approving &amp; sending messages</th>
<th>Primary Message Sender</th>
<th>Backup Message Sender</th>
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<tr>
<td>Blackboard Connect Emergency Alert System (Email, Text, and Voice Message)</td>
<td>President.</td>
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<td>President or designee.</td>
<td>President’s designee.</td>
<td>President’s designee.</td>
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<td>Contact local media</td>
<td>President.</td>
<td>President’s designee.</td>
<td>President or designee.</td>
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<td>Public Address system</td>
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<td>Face-to-face</td>
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<td>President or designee.</td>
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<tr>
<td>SECONDARY</td>
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<tr>
<td>Blackboard Connect Emergency Alert System (Email, Text, and Voice Message)</td>
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<td>Director of Campus Safety or designee.</td>
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Additionally, anyone with information warranting an emergency notification may report the circumstances to the Campus Safety Department by calling 810-989-2366 or by coming into the office.
Students, faculty, and staff will automatically receive a message from the Blackboard Connect Emergency Alert System via their Baker email.

Students, faculty, and staff may sign up for the Blackboard Connect Emergency Alert System if they wish to receive text messages or phone calls in the event of an emergency on campus. All phone and address Contact Information is now maintained on the My Baker portal. To update your phone and address Contact Information. Log in to My Baker. Once you have logged in, click on the Personal Info link in the upper right-hand corner, next to your name. Then when the My Info page displays, click on the Biographic Info tab. Click on the yellow pencil icon to edit an item. To continue receiving EMERGENCY ALERT MESSAGES students, faculty, and staff should update their contact information.

The Blackboard Connect Emergency Alert System is tested each Semester (Fall, Spring, and Summer) on the Port Huron Campus. Baker College transitioned from a 4-quarter academic year to a 3 semester academic year effective August 28, 2017. Quarters were in effect during reporting year 2016; however, the language in this ASR referring to Semesters reflects what Baker College will be doing in the future. Port Huron conducts both announced and unannounced tests of the emergency notification and evacuation procedures. Text, email and voice messaging are tested to ensure the systems are working properly. In addition, the campus conducts periodic tests of the entire emergency response/evacuation process; these tests may be announced or unannounced. Documentation of these test processes are maintained in the Campus Safety Department. General information about the emergency response and evacuation procedures for Baker College are publicized each year as part of the institution’s Clery Act compliance efforts (Annual Security Report).

Timely Warning

All crimes specific to the Clery Act are required to be assessed for a potential Timely Warning Notice if the crime represents a serious or continuing threat to the community. In the event that a crime occurs within the Clery Geography (on campus, in or on a non-campus building or property, or on public property within or immediately adjacent to and accessible from the campus) that, in the judgment of the President, a Vice President and/or the Director of Campus Safety, or their designee constitutes a serious or continuing threat to persons or property, and/or as an educational effort to prevent similar crime(s) in the future, a campus wide timely warning will be issued. The decision to issue a timely warning will be made on a case-by-case basis in light of all the facts surrounding the crime, including factors such as the date and time of the crime or incident versus the date it was reported to a Baker College official, the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. Timely Warnings may typically be issued for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications: Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson. The issuance of a timely warning will be considered on a case-by-case basis, depending on the facts of the case and the information known by Campus Safety. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other Baker College community members and a Timely Warnings would not be distributed. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by Campus Safety. The Director of Campus Safety or their designee will determine what type of information will be included in the timely warning, and will likewise be responsible for issuing the warning.
Depending upon the particular circumstances of the crime or incident, a timely warning may be issued utilizing one or more of the following methods:

- Blackboard Connect Emergency Alert System distribution to students, employees and faculty via email
- Posting on bulletin boards throughout the various campus buildings

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<td>Director of Campus Safety’s designee.</td>
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Timely Warnings will be issued in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. Additionally, anyone with information warranting a timely warning may report the circumstances to the Campus Safety Department by calling 810-989-2366 or by coming into the office.

**Evacuation Procedures**

Baker College’s Campus Safety Department personnel will respond to any actual or perceived emergency. They will respond with whatever the necessary course of action mandates. In the event that an evacuation is necessary, the campus population will be notified through our Fire Alarm System, Public Address System, Email, and Cellular Communications (Voluntary Program) depending on what the emergency or evacuation situation mandates.

Emergency response and evacuation procedures shall be publicized on an annual basis. This shall be done through student and faculty orientations, and the posting of evacuation policies in every classroom and office area.

All emergency response evacuation systems are tested at least annually. These tests may be announced or unannounced and are documented by the Campus Safety Office. Fire drills are conducted at least once per Academic Year for each occupied building utilized by Baker College. On campuses with student housing, each residence hall will have two fire drills per Academic Year, one during the fall semester, within 21 days of the start of classes, and one during the spring semester. One of the drills must be conducted between sunset and sunrise. Both drills must be conducted when school is in session.
The Fire Drill policy is available at: 
https://my.baker.edu/ICS/My_Services/Department_Resources/Campus_Safety/Public_Policies__Procedures/Fire_Drill_Policy.jnz

Additionally, anyone with information warranting an emergency response or evacuation may report the circumstances to the Campus Safety Department by either calling 810-989-2366 or by coming into the Campus Safety Department.

**Voluntary Confidential Reporting Procedures**

The Baker College Campus Safety Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public record under state law, the police department cannot hold reports of crime in confidence.

Baker College does not allow voluntary confidential reporting.

Baker College does not have Pastoral or Professional Counselors, therefore, they cannot notify people of the reporting procedures for the institution.

**Daily Crime Log**

Baker College is required to maintain a Daily Crime Log (DCL) at each campus location. The DCL includes reports of all crimes, not just Clery Act crimes. Information is recorded on the log within two days of the crime being reported to the Campus Safety Department regardless of how much time has passed since the crime was committed. Information that is prohibited by law or would jeopardize the confidentiality of the victim will not be included in the crime log. The Director of Campus Safety is responsible for maintaining the Daily Crime Log.

The DCL includes the nature of the crime, and date reported, date and time occurred, general location of the crime and disposition of the complaint, if known.

The DCL for the most recent sixty (60) day period is kept in the Campus Safety Departments at the Port Huron campus. The DCL is available for inspection upon request during the operational hours of the Campus Safety Department. Any person may ask to see the log, whether or not they are associated with the College, including the media. Requests for information from DCLs that are older than sixty (60) days will be made available within two business days of the request for public inspection.

The Daily Crime Log will be retained by the Campus Safety Department (main campus) for a period of seven (7) years.

**Campus Safety Officers’ Authority and Jurisdiction**

The jurisdiction of the Campus Safety Department includes all Baker College property owned, leased, controlled, or occupied by Baker College.

Campus Safety Officers are not vested with general police authority and do not possess arrest power. Criminal incidents are referred to the St. Clair County Sheriff’s Department. Baker College Campus Safety Departments are not certified agencies; therefore, there is no Memorandum of Understanding (MOU) with state and local law enforcement agencies, regarding any issues, including the investigation of alleged criminal incidents.
Baker College of Port Huron’s Campus Safety Officers provide a uniformed, armed presence on all College owned/leased properties and maintain a highly professional working relationship with the Michigan State Police, Port Huron Police, and St. Clair County Sheriff’s Departments.

Campus Safety Officers have administrative authority to ask persons for College identification and to determine whether individuals have lawful business at Baker College. Campus Safety Officers also have the authority to issue parking tickets, which may be billed to financial accounts of students, faculty, and staff. Campus Safety Officers enforce institutional policy.

Baker College encourages anyone with information regarding a crime or suspicious persons or activities to report it accurately and promptly to the Campus Safety Department and the local police agency.

**Non-Campus Student Organizations/Locations**

There are no non-campus student organizations that are officially recognized by Baker College of Port Huron.

There are no non-campus locations of student organizations, including student organizations with non-campus housing facilities, that would require the monitoring and recording through local police agencies of criminal activity by students.

**Security and Facilities Access**

Baker College campuses are protected by uniformed Campus Safety personnel. These Officers, who are not vested with general law enforcement authority, patrol the campus both on foot and in vehicles. This includes patrols of both academic and administrative buildings. Baker College of Port Huron’s Safety personnel are armed. All of Baker College of Port Huron’s owned/leased buildings are also protected by an array of electronic surveillance equipment that covers both interior and exterior areas of the campuses. Additionally, each campus maintains a good working relationship with its local law enforcement and works in conjunction with them should the need arise.

During business hours, the College is open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all College facilities is by key, swipe card if issued, or admittance by Campus Safety personnel. In case of periods of extended closing, the College will admit only those with prior written approval to the facilities.

The campus hours of operation are posted on the Baker College of Port Huron website. Some facilities have individual hours, which may vary at different times of the year. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility.

Baker College of Port Huron does not have residence halls. Emergencies may necessitate changes or alterations to any posted schedules.

To remain compliant with OSHA regulations, and for the safety and security of our students and staff, access to some areas (particularly areas with chemicals) will be restricted.
Maintenance of Campus Facilities

All Baker College campuses are under constant review for safety issues. The review is conducted by, but not limited to, Campus Safety Department personnel, all department heads and the College administrators. An example of such items would include landscaping, locks, alarms, lighting, traffic issues and communications. Students likewise, are encouraged to make recommendations for additional safety ideas by contacting the Port Huron Director of Campus Safety at 810-989-2366.

Crime Prevention/Security Awareness Programs

On an annual basis during the academic year, the Baker College of Port Huron’s Campus Safety Department offers crime prevention awareness material, as well as educational information on personal safety, theft and vandalism for the entire campus community. Information is disseminated to students and employees through bulletin boards, website and College newsletter safety tips. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

The Baker College Campus Safety Department addresses topics such as personal safety, alcohol and drug abuse awareness and sexual assault prevention.

The following chart indicates the type and frequency of awareness prevention programs presented by the Port Huron campus during the reporting year:

<table>
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<tr>
<th>Date</th>
<th>Audience</th>
<th>Topic</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>All Year</td>
<td>Students/Faculty/Staff</td>
<td>Crime Prevention</td>
<td>Safety Bulletin Board</td>
</tr>
<tr>
<td>All Year</td>
<td>Students/Faculty/Staff</td>
<td>Crime Prevention</td>
<td>Campus Safety Office</td>
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<tr>
<td>Quarterly</td>
<td>Students</td>
<td>Safety Awareness</td>
<td>Orientations</td>
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<tr>
<td>Quarterly</td>
<td>Faculty</td>
<td>Safety Awareness</td>
<td>Professional Development</td>
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Campus Safety policies and procedures are presented during orientations for new students/faculty. Policies are also available in the Campus Safety Office, and online in the Student Handbook.

Sexual Harassment / Violence Against Women Act Policy Statement

Baker College does not discriminate on the basis of sex. Sexual harassment and sexual violence are considered to be types of sex discrimination. Other acts can also be forms of sex-based discrimination, and are also prohibited whether sexually based or not. These other acts include dating violence, domestic violence, and stalking. Baker College issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address the reporting, investigation, and adjudication of sexual assault, domestic violence, dating violence, and stalking. This policy applies whether those acts occur on or off campus and when it is reported to a Campus Security Authority. In this context, Baker College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the College community.

For a complete copy of the Baker College policy governing Sexual Misconduct, visit: https://my.baker.edu/ICS/My_Services/Department_Resources/Campus_Safety/Public_Policies__Procedures/Sexual_Misconduct_Policy.jnz.
Violence Against Women Act / Sexual Assault and Other Important Definitions

“Sexual Assault” is inclusive of rape, fondling, incest, and statutory rape and can be perpetrated against both women and men.

There are numerous terms used by Baker College in our policy and procedures.

**Awareness Programs:** Programs designed to increase awareness of the issues regarding sexual assault, domestic violence, dating violence and stalking.

**Bystander Intervention:** A philosophy and strategy for prevention of various types of violence, including bullying, sexual harassment, sexual assault, and intimate partner violence.

**Ongoing Prevention and Awareness Campaigns:** Informational campaigns that are sustained over time focusing on increasing awareness or understanding of topics relevant to sexual assault, domestic violence, dating violence, and stalking prevention.

**Primary Prevention Programs:** Programs, initiatives and strategies intended to stop domestic violence, dating violence, sexual assault, or stalking before it occurs by preventing initial perpetration or victimization through the promotion of positive and healthy behaviors and beliefs.

**Proceeding:** Is defined as all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

**Result:** Is defined as any initial, interim and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education. Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

**Risk Reduction:** Strategies that seek to mitigate risk factors that may increase the likelihood of perpetration, victimization, or bystander inaction.

**Consent** is defined by Merriam Webster as: 1. To give assent or approval, agree. 2. To be in concord in opinion or sentiment.

In Michigan, consent as it relates to sexual assaults is evaluated on several factors. Victims cannot give consent if: Victim is under 16; victim incapacity (victim is mentally incapable— a mental disease or defect makes the victim incapable of understanding the nature of his/her conduct); mentally incapacitated—(victim is temporarily incapable of appraising or controlling his/her conduct due to the influence of a narcotic, anesthetic or other substance administered without consent or due to any other act committed upon the victim without consent); and/or physically helpless (victim is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to act); assailant uses force or coercion.

Consent is when someone agrees, gives permission, or says "yes" to sexual activity with other persons. Consent is always freely given and all people in a sexual situation must feel that they are able to say "yes" or "no" or stop the sexual activity at any point.
Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. Consent may be initially given but withdrawn at any time. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

At the heart of consent is the idea that every person has the right to not be acted upon by someone else in a sexual manner unless they give that person clear permission. It is the responsibility of the person initiating the sexual activity to get this permission.

**Sexual Assault:**

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

In Michigan, Criminal Sexual Assaults are defined as: sexual penetration or sexual contact with a person without their consent, or with someone who is incapable of giving consent.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Fondling:** The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**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.

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any 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.

In Michigan Domestic Violence means the occurrence of any of the following acts by a person that is not an act of self-defense: Causing or attempting to cause physical or mental harm to a family or household member, placing a family or household member in fear of physical or mental harm, causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress, engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Family or household member includes any of the following: spouse or former spouse, an individual with whom the person resides or has resided, an individual with whom the person has or has had a dating relationship, an individual with whom the person is or has engaged in a sexual relationship, an individual to whom the person is related or was formerly related by marriage, an individual with whom the person has a child in common.
**Dating Violence:** Means violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined based on the reporting party’s statement with a consideration of the following factors: (i) The length of the relationship, (ii) The type of relationship, (iii) The frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

B) Dating violence does not include acts covered under the definition of domestic violence.

In Michigan Dating Violence is violence when a person is in a dating relationship with someone. Dating relationship means frequent, intimate associations primarily characterized by the expectation of affectational involvement. Dating relationship does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.

**Stalking:** Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of this definition:

A) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.

B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

In Michigan 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.

**Violence Against Women Act / Sexual Assault Education and Prevention Programs**

The College engages in comprehensive educational programming to prevent domestic violence, dating violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

The College has developed an annual primary prevention educational campaign. This material is delivered to new students and new employees through a mandatory online training program. Training records are kept at Baker College System Headquarters.
Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;

b. Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking in the State of Michigan;

c. Defines what behavior and actions constitute consent to sexual activity in the State of Michigan;

d. Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;

e. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks;


Baker College of Port Huron offered the following ongoing awareness and prevention programs for all students and all employees during the reporting year:

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<thead>
<tr>
<th>Date</th>
<th>Audience</th>
<th>Topic</th>
<th>Comments</th>
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<tbody>
<tr>
<td>All Year</td>
<td>Students/Faculty/Staff</td>
<td>DoV/SA/Dav/S</td>
<td>Safety Bulletin Board</td>
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<tr>
<td>All Year</td>
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<td>Campus safety Office</td>
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<td>April 2016</td>
<td>Students/Faculty</td>
<td>DoV/SA/Dav/S</td>
<td>Display in common areas</td>
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<tr>
<td>May 2016</td>
<td>Students/Faculty</td>
<td>Stalking Awareness</td>
<td>Presentation</td>
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❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

**Violence Against Women Act / Sexual Assault Procedures for Reporting a Complaint**

The College has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, this includes informing individuals about their right to file criminal charges as well as the availability of medical, counseling, and support services. It is the victims’ choice to call, or not call, local law enforcement in regards to their complaint. Campus Safety will assist in calling local law enforcement if requested. If law enforcement is requested, the department may take information over the phone, may respond to your location, or require you to make the report at the police station. Law enforcement may gather information, collect evidence, obtain written statements, prepare a report and submit to local prosecutor. Additional remedies may be implemented to prevent contact between a complainant (also known as victim) and an accused party, such as housing, academic, transportation, and working accommodations, if reasonably available. To file a complaint, students should contact Campus Safety (Port Huron 810-989-2366) or the Title IX Coordinator (Vice President for Student Services 586 790-9697).

Employees should contact the Vice President of Human Resources, Dr. Dana Clark, 810-766-4028, dana.clark@baker.edu.

The College will provide resources to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking. The College will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within the institution and in the community. These resources are available in the Resources section of the ASR as well as the Baker College Notice of Complainants’ Rights. The College will apply appropriate disciplinary procedures to those who violate this policy.
The procedures set forth below are intended to afford a prompt response to charges to sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigations, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, they nevertheless should consider speaking with Campus Safety or other law enforcement to preserve evidence in the event that the victim changes their mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, below are the procedures that the College will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report.

**Sexual Assault:** Campus Safety/Title IX Coordinator to investigate, with the preponderance of the evidence standard (more likely than not). Campus Safety/Title IX Coordinator will assess short and long-term safety needs and/or interim accommodations. Campus Safety will assist with contacting local police if requested. Campus Safety will provide referrals for mental health providers, assist with Personal Protection Orders, and provide copy of Baker College Notice of Complainant’s Rights. Title IX Coordinator will inform complainant and offender of the outcome simultaneously. Campus Safety/Title IX Coordinator will enforce anti-retaliation policy.

**Stalking:** Campus Safety to investigate with the preponderance of the evidence standard (more likely than not). Title IX Coordinator to be involved if it falls under the sexual misconduct policy with a preponderance of the evidence standard. Campus Safety will assess short and long-term safety needs, assist with contacting local police, assist with Personal Protection Orders, and provide information on how to preserve evidence.

**Dating Violence:** Campus Safety to investigate with the preponderance of the evidence standard (more likely than not). Title IX Coordinator to be involved if it falls under the sexual misconduct policy with a preponderance of the evidence standard. Campus Safety will assess short and long-term safety needs, assist with contacting local police, assist with Personal Protection Orders, and provide information on how to preserve evidence.

**Domestic Violence:** Campus Safety to investigate with the preponderance of the evidence standard (more likely than not). Title IX Coordinator to be involved if it falls under the sexual misconduct policy with a preponderance of the evidence standard. Campus Safety will assess short and long-term safety needs, assist with contacting local police, assist with Personal Protection Orders, and provide information on how to preserve evidence.

When a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee with a written explanation of the student or employee’s rights and options.
Violence Against Women Act / Sexual Assault Evidence Preservation

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible. Local emergency rooms may provide physical evidence recovery and access to Forensic Nurse practitioners and Sexual Assault Nurse Practitioners. In Michigan, evidence may be collected even if you chose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen where they were assaulted if the offense occurred within the past 120 hours so that evidence necessary to prove criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College hearing boards, investigators or police. This evidence may also be helpful in obtaining a protection order.

Although the College strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim’s choice whether or not to make such a report and victims have the right to decline involvement with the police. The Campus Safety Department will assist any victim with notifying local police if they so desire.

The St Clair Co. Sheriff’s may also be reached directly by calling 810 987-1700, in person at 1170 Michigan Port Huron Twp. Michigan 48060. Additional information can also be found online at: www.stclaireCounty.org/offices/sheriff/. The Michigan State Police can be reached by calling 911.

Violence Against Women Act Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint, the College will assist victims of sexual assault, domestic violence, dating violence and stalking. The College will provide each victim with a written explanation of their rights. In Michigan, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

CRIME VICTIMS’ RIGHTS ACT MCL 780.751-780.834
This statute establishes certain protections and rights that allow victims of crimes committed in the state to be active participants in the criminal justice process. It requires that child abuse and sexual assault cases be given priority and brought to trial as quickly as possible. Among the act’s many provisions are the victims’ right to make an impact statement at sentencing and to participate in parole board proceedings. The law defines a victim as someone who suffers direct or threatened physical, financial, or emotional harm as the result of a crime. Crimes covered by the act include felony violations and serious misdemeanors committed by both adult and juvenile offenders.

CRIME VICTIMS’ RIGHTS CONSTITUTIONAL AMENDMENT MI Constitution. Article I Section 24
Many of the protections and rights guaranteed by the Crime Victims’ Rights Act became part of the Michigan Constitution when voters passed a constitutional amendment in 1988. These protections include the right to restitution, notification of court proceedings, fair treatment, and protection from the accused.

COMPENSATION FOR INJURED CRIME VICTIMS MCL 18.354
Certain personal injury crime victims may receive financial compensation for particular losses resulting from the crime. A victim of domestic assault may be eligible for assistance under this statute. Personal injury crimes include those in which the victim suffers actual bodily harm, including pregnancy resulting from a crime such as rape.
Personal Protection Order Compliance

Further, Baker College complies with Michigan Law in recognizing Personal Protection Orders. Any person who obtains a Personal Protection Order from Michigan or any reciprocal state should provide a copy to Campus Safety and the Office of the Title IX Coordinator. A complainant may then meet with Campus Safety to develop a safety action plan, which is a plan for Campus Safety and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or other academic arrangements. Personal Protection Orders may be available through the local circuit court.

To the extent of the victim’s cooperation and consent, College offices including Academics and Campus Safety will work cooperatively to ensure that the complainant’s health, physical safety, work and academic status are protected, pending the outcome of a formal College investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, transportation, or working situations in addition to counseling, health services, and assistance in notifying local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating / adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The College does not publish the name of crime victims nor house identifiable information regarding victims in the Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request.

Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault, Stalking

Baker College provides written notification through its’ ASR to students and employees of available resources in the following services:

Counseling

Name Professional Counseling Center
520 Superior Street
Port Huron Mi. 48060 810-984-4202
Off Campus

Health

St. Clair County
Dept. of Human Services
810-966-2200
Off Campus

Mental Health

Macomb County Crisis Center (Calls Only)
586-307-9100
Off Campus
Victim Advocacy
Clearview Women’s Treatment Center Domestic
1406 8th Street
Port Huron 810-987-1258
Off Campus

Legal Assistance
Lakeshore Legal Aid of St. Clair County
803 10th Avenue
Port Huron, MI 48060-3639
Off Campus

Visa and Immigration Assistance
United States Citizenship and Immigration Services
11411 East Jefferson Avenue
Detroit, MI 48214
800-375-5283 or (TDD) 800-767-1833
www.uscis.gov
Off Campus

Student Financial Aid
Baker College of Port Huron
3403 Lapeer Road
Port Huron, MI 48060 Toll Free: (888) 262-2442
Phone: (810) 985-7000
Fax: (810) 985-7066
www.baker.edu
On Campus

Other
Department of Education, Office of Civil Rights
http://www2.ed.gov/about/offices/list/ocr/index

Department of Justice
http://www.justice.gov/ovw/sexual-assault

National Sexual Assault Helpline
800-656-4673 (HOPE)

Rape, Abuse and Incest National Network
https://rainn.org/

Not Alone
https://notalone.gov/

(The listing of an agency in this Directory does not constitute an endorsement by the Baker College System.)
Violence Against Women Act / Sexual Assault Adjudication of Violations

Whether or not criminal charges are filed, the College or a person may file a complaint under the sexual harassment policy alleging that a student or employee violated the College policy on sexual harassment. Reports of all domestic violence, dating violence, sexual assault, and stalking made to Campus Safety will automatically be referred to the Title IX Coordinator for investigation regardless if the complainant chooses to pursue criminal charges.

The College’s disciplinary process is consistent with the institution’s policy and is transparent to the accuser and accused. The College disciplinary process will include a prompt, fair, and impartial investigation and resolution process from the initial investigation to the final result. Investigators and hearing board members are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protects the safety of the victim, and promotes accountability. Delivery of training will be on-line and/or in-person. Training was provided on July 19, 2016. This in-person training was conducted by the law firm of Plunkett Cooney and was held at the Owosso campus. The following steps describe the sole adjudication process for all Sexual Misconduct violations:

1. The accuser and accused student each have the opportunity to be heard before a properly trained investigator/Title IX Coordinator.
2. The accuser and the accused student each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting.
3. The institution will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
4. A student conduct decision is based on the preponderance of the evidence standard, i.e. “more likely than not to have occurred” standard. In other words, the conduct process asks: “is it more likely than not that the accused student violated the college’s student code of conduct?”
5. The accuser and the accused will be notified simultaneously in writing of the result of any disciplinary proceeding, as well as any changes to those results or disciplinary actions prior to the time that such results become final. Decisions will be made within 60 days of receipt of the complaint unless extraordinary circumstances exist.
6. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present.
7. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused.
8. The Title IX Coordinator’s decision cannot be appealed. Any discipline for subsequent violations of any behavior contract resulting from the original Title IX offense cannot be appealed.
Violence Against Women Act / Sexual Assault Adjudication Process Hostile Working Environment

A person alleging sexual assault, domestic violence, dating violence or stalking may also utilize the complaint and investigatory procedures set forth in the College’s policy against sexual harassment in order to remedy any hostile environment. All conduct proceedings against students, however, will be resolved through the College’s policies.

When a complainant does not consent to the disclosure of their name or other identifiable information to the alleged perpetrator, the College’s ability to respond to the complaint may be limited.

How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. Baker College wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger or it is not safe for you to intervene dial 911.

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

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org).

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. **Try to avoid isolated areas.** It is more difficult to get help if no one is around.
3. **Walk with purpose.** Even if you don’t know where you are going, act like you do.
4. **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money.
7. **Don’t allow yourself to be isolated** with someone you don’t trust or someone you don’t know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don’t leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
   a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
   b. **Be true to yourself.** Don’t feel obligated to do anything you don’t want to do. "I don’t want to” is always a good enough reason. Do what feels right to you and what you are comfortable with.
   c. **Have a code word with your friends or family** so that if you don’t feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
   d. **Lie.** If you don’t want to hurt the person’s feelings, it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. **If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.**
Violence Against Women Act / Sexual Assault Confidentiality

The College will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law. The Campus Safety Director and/or the Title IX Coordinator will disclose only information that is necessary to provide interim accommodations or protective measures in a timely manner. The information will only be disclosed to those involved in implementing the interim accommodations or protective measures. This decision will be made by evaluating all of the facts and circumstances of the particular incident in an effort to protect the victim. When practical, Baker College will inform victims before sharing personally identifying information that Baker College believes is necessary to provide interim accommodations or protective measures. Baker College will inform the victim which information will be shared, with whom it will be shared and why.

Violence Against Women Act / Sexual Assault Standard of Proof

In all cases, investigations that result in a finding of “more likely than not” (preponderance of the evidence standard) that a violation of the policy occurred will lead to the initiation of disciplinary procedures against the accused individual. College sanctions for any Sexual Misconduct Policy violation may include verbal warning, written warning, behavior contract, change in student housing, dismissal from student housing, changes to academic schedule, transportation changes/restrictions, changes in work assignment/location, termination of employment, or expulsion, may be imposed upon those determined to have violated this policy. The College is obligated to comply with a student’s reasonable request for a living and/or academic situation change following an alleged sex offense. These interim accommodations or protective measures following the report of domestic violence, dating violence, sexual assault, and or stalking may include escorts, special parking arrangements, changing classroom location, other academic arrangements, assisting with personal protection orders, modifying the work environment, modifying on-campus housing assignment, and assisting in obtaining outside resources. For students, sexual assaults, domestic violence, dating violence and stalking are violations of the Student Code of Conduct. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence and stalking are criminal acts which may also subject the perpetrator to criminal and civil penalties under federal, state and local laws.

Violence Against Women Act / Sexual Assault Interim Accommodations

The Campus Safety Director and/or the Title IX Coordinator are obligated to comply with a student’s reasonable request for a living and/or academic situation change following an alleged sex offense and will determine if interim accommodations should be implemented. This decision will be made by evaluating all of the facts and circumstances of the particular incident and should minimize the burden on the victim. Steps to implement the interim accommodations and/or protective measures will be taken as soon as possible. Examples of interim protective measures include, but are not limited to: an order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator’s directives and or protective measures will constitute related violations that may lead to additional disciplinary actions. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Baker College.

Baker College will, upon written request, disclose to the victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the victim.
Sex Offender Registration

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes against Children and Sexually Violent Offender Act.

Under the law, state and local law enforcement agencies must provide Colleges and Universities in their jurisdiction with a list of registered sex offenders who have indicated that they are either enrolled, employed, or carrying on a vocation at the institution.

A list of all registered sex offenders is available on the Michigan Public Sex Offender Registry (PSOR) website at www.mipsor.state.mi.us. On this website, you can search for offenders attending Baker College by selecting the “Search with 1 mile radius” option and entering the campus address. You can also obtain a list from your State or Local Police Departments.

The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

Alcohol and Drug Prevention

The Drug Free Schools and Campuses Regulations (34 CFR Part 86) of the Drug-Free Schools and Communities Act (DFSCA) require Institutions of Higher Education (IHE), to certify they have implemented programs to prevent the abuse of alcohol and use, and/or distribution, of illicit drugs both by students and employees either on its premises or as a part of any of its activities. Information regarding compliance with the DFSCA is available at http://www.ecfr.gov/cgi-bin/text-idx?SID=a4f9916d3711636188e983daf6c39a0c&mc=true&node=pt34.1.86&rgn=div5

The purpose of this policy is to educate the Baker College community regarding the harmful effects associated with the use of alcohol and drugs, while identifying education and prevention programs offered to students, faculty, and staff regarding these matters.

Standards of Conduct

Baker College is a drug-free and alcohol-free institution. It does not consider the use of drugs or alcoholic beverages as necessary or conducive to the process of higher education. Baker College students and employees are expected to abide by all federal, state, and local laws. The use of alcohol on any Baker College owned or leased property or during a College sponsored activity is strictly prohibited (unless approved by the Campus President or his/her designee). Violations will result in immediate disciplinary action up to and including expulsion.

Health Risks

Alcohol and drug use presents numerous health, behavioral, and social problems. These include acute health problems related to intoxication or overdose, physical and psychological dependence, interference with memory sensation and perception, potential permanent brain damage or death, additional long-term health problems, contraction of diseases, pregnancy problems, psychological problems, diminished behavior, risk taking, violent behavior, accidents, negative side effects on academic or work performance, and conduct problems.
Legal Sanctions

The following laws are strictly enforced by Baker College Campus Safety Departments and local law enforcement agencies.

Federal Law

Federal Law provides criminal and civil penalties for unlawful possession or distribution of a controlled substance. Under the Controlled Substance Act, as well as other related federal laws, the penalties for controlled substance violations include, but are not limited to, incarceration, fines, potential for the forfeiture of property used in possession or to facilitate possession of a controlled substance (which may include homes, vehicles, boats, aircraft, and any other personal or real property), ineligibility to possess a firearm, and potential ineligibility to receive federal educational benefits (such as student loans and grants).

State Law

The State of Michigan has numerous laws regulating the possession and use of controlled substances and alcohol. As an example, under current Michigan state law, “a person shall not knowingly or intentionally possess or distribute a controlled substance.” If an individual is found guilty of a violation of the state law, he or she may be subject to large fines and imprisonment. A minor (defined as a person under the age of 21) may not “purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content.” Violations of the law may subject the individual to fines, participation in a substance abuse program, imprisonment, community service hours, and/or out-of-pocket expenses related to required substance abuse screenings.

Local Laws

Although local laws and ordinances may vary by county, they typically consider the following as violations: consumption in public places, possession and use of alcohol by minors, uncapped liquor in passenger compartments of vehicles, and all substance abuse ordinances. Sanctions could range from a civil infraction with attached fines to probation, rehabilitation, or even imprisonment.

Institutional Sanctions

The use of illegal drugs or alcohol on any Baker College owned or leased property, or during a College sponsored activity is strictly prohibited (unless approved by the Campus President or his/her designee).

- For students, a violation of either the drug or alcohol policy will result in immediate disciplinary action up to and including verbal warning, written warning, behavior contract, change in student housing, dismissal from student housing, changes to academic schedule, suspension or expulsion from the College.
  - Distributing, possessing, carrying, using, or being under the influence of illegal drugs on Baker College premises, will be cause for immediate expulsion from all campuses.
  - Possessing, carrying, using, or being under the influence of alcohol on Baker College premises will be cause for disciplinary action up to and including expulsion from all campuses.
The Student Chemical Impairment Policy can be found at: https://my.baker.edu/ICS/My_Services/Department_Resources/Campus_Safety/Internal_Policies__Procedures/Chemical_Impairment_Policy.jnz

For employees, a violation of either the drug or alcohol policy will result in immediate disciplinary action up to and including transportation changes/restrictions, changes in work assignment/location, suspension or termination of employment.

**Suspension of Financial Aid Eligibility for Drug-Related Offenses**

A student who has been convicted of any offense under federal or state law involving the possession or sale of a controlled substance, while receiving Title IV funds, is no longer eligible to receive any federal grant, loan, or work assistance from the point of conviction and ending after the following:

**Possession Offenses**

- *First Offense – ineligible for 1 year*
- *Second Offense – ineligible for 2 years*
- *Third Offense – ineligible indefinitely*

**Sale of Controlled Substance Offenses**

- *First Offense – ineligible for 2 years*
- *Second Offense – ineligible indefinitely*

A student whose eligibility has been suspended may resume eligibility by completing an acceptable drug rehabilitation program, which must include at least two unannounced drug tests, and is qualified to receive funds from federal, state, or local governments; or from a federally or state licensed insurance company; or be administered or recognized by a federal, state, or local government agency or court; or a federal or state licensed hospital, health clinic, or medical doctor.

**Drug and Alcohol Prevention Program**

On an annual basis during the academic year, the Baker College System will provide programming regarding problems associated with drug and alcohol abuse. Individual campus locations may provide additional information regarding problems associated with drug and alcohol abuse. Any individual or group who desires additional information can make a request through the Campus Safety Department.

Additionally, Baker College Campus Safety and Residence Life Departments provide residence hall students an educational session on the dangers of drug and alcohol during orientation.

Workplace Answers Drug and Alcohol Prevention training program was implemented for all staff during fall 2015. Beginning with the winter quarter 2016, the Baker College System did implement Workplace Answers Drug and Alcohol Prevention training program for all students. This web-based training will be distributed by the System Human Resources Department via email every semester to all currently enrolled students and employees.

Baker College provides community referrals for personal counseling and help for students and employees with drug-related and alcohol-related problems. Additionally, full time employees have employment benefits that address counseling needs. Referrals will be kept confidential.
Local assistance resources are available at each campus to assist individuals with alcohol and drug problems. Please visit: https://my.baker.edu/ICS/My_Services/Department_Resources/Campus_Safety/Annual_Security_Report/ or https://www.baker.edu/student-services/living/campus-safety and select the specific campus Annual Security Report (ASR) to investigate these resources.

A copy of the complete Drug and Alcohol Abuse Prevention Program is available at: https://my.baker.edu/ICS/My_Services/Department_Resources/Campus_Safety/Drug__Alcohol_Prevention/

**Biennial Review**

A biennial review of the Baker College DAAPP will be conducted prior to March 30 during even calendar years by the Baker College System Vice President for Human Resources and System Coordinator for Campus Safety. This review and any recommendations will be approved by the System President and implemented for the fall term. The biennial review will include a description of the research methods and data analysis used to determine the effectiveness of the program and the consistency of its enforcement strategy. The purpose of the evaluation component is to ensure the successful achievement of the policy/program objectives. The evaluation process will consist of two steps: Process Evaluation and Outcome Evaluation.

The purpose of the Process Evaluation is to monitor the progress of the policy and program implementation to indicate whether or not revisions are necessary in either the policy or program to meet stated objectives.

Process evaluation data will include the following:

1. Review of ASR data elements
2. Review of programs administered at each campus
3. Review of policies and procedures
4. The number and type of disciplinary sanctions levied on students and campus employees, and
5. Notifications sent to students and staff to ensure adherence to the notification policy

The purpose of the Outcome Evaluation is to determine the effectiveness of the campus alcohol and drug policy and prevention program components, and to determine alcohol-related and drug-related trends to provide suggestions for enhancing the efficacy of policy and programming.

Outcome evaluation data will include the following:

1. Annual review of the survey data collected through Workplace Answers
2. Quarterly campus safety reports of alcohol-related and drug-related infractions on campus
3. Follow-up measures on sanctions levied against students

The biennial review will be conducted by the Baker College System Vice President for Human Resources and the System Campus Safety Coordinator. The review will be approved by the Baker College System President/CEO. A copy of the biennial review will be maintained by the System Vice President for Human Resources and the System Campus Safety Coordinator and will be available upon request.
Assistance Programs

Substance abuse and sexual assault counseling, treatment, rehabilitation, or re-entry programs are available through, but not limited to, the following locations:

Al-Anon
(Peer recovery program)
888-369-0842

Alcoholics Anonymous
Toll Free 888-425-2666

C.A.R.E.
Substance Abuse Information Center 586-541-2273

Clearview Women’s Treatment Center Domestic
1406 8th Street
Port Huron 810-987-1258

Macomb County Crisis Center
(Calls Only)
586-307-9100

Nar-Anon
(Peer recovery program)
586-447-2868

Narcotics Anonymous
Toll Free 877-338-1188

Professional Counseling Center
520 Superior Street
Port Huron Mi. 48060
810-984-4202

Safe Horizon’s
Violence and Sexual Assault Port Huron
810-985-5538

St. Clair County
Dept. of Human Services
810-966-2200

(The listing of an agency in this Directory does not constitute an endorsement by the Baker College System.)
Definitions of Crimes

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

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

- **Burglary** – The unlawful entry of a structure to commit a felony or a theft.

- **Dating Violence** - Means violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined based on a consideration of the following factors: (i) The length of the relationship, (ii) The type of relationship, (iii) The frequency of interaction between the persons involved in the relationship.

- **Destruction/damage/vandalism of property** – To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

- **Domestic Violence** - Includes felony or misdemeanor crimes of violence committed: By a current or former spouse or intimate partner of the victim; By a person with whom the victim shares a child in common; By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

- **Drug Abuse Violations** – The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.

- **Hate Crime** - Is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. There are eight categories of bias; race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, disability. Hate crimes include any of the following offenses that are motivated by bias; Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson, Larceny-Theft, Simple Assault, Intimidation and Destruction/Damage/Vandalism of Property.

- **Intimidation** – To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

- **Larceny-Theft (Except Motor Vehicle Theft)** – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another (attempted larcenies are included; embezzlement, confidence games, forgery, worthless checks, etc. are excluded).
• **Liquor Law Violations** – The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

• **Manslaughter by Negligence** – The killing of another person through gross negligence.

• **Motor Vehicle Theft** – The theft or attempted theft of a motor vehicle.

• **Murder/Non-negligent manslaughter** – The willful (non-negligent) killing of one human being by another.

• **Robbery** – The taking or attempted taking of anything of value from the care, custody, or control of a person by force or threat of force or violence and/or by putting the victim in fear.

• **Sex Offense-Forcible Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

• **Sex Offense-Incest** - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

• **Sex Offense-Rape** - The carnal knowledge of a person, forcibly and/or against the person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

• **Sex Offense-Statutory Rape** - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

• **Simple assault** – An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

• **Stalking** - Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

• **Weapons: Carrying, Possessing, Etc.** – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons (this classification encompasses weapons offenses that are regulatory in nature).
**Annual Crime Statistics**

Baker College provides an annual summary of crime statistics for the most recent three years committed on the Port Huron campus. The following tables include statistics on murder, sex offenses, robbery, aggravated assault, burglary, and auto theft. It also includes the number of arrests for alcohol, drug and/or weapons violations. The Port Huron campus does not offer student housing and does not maintain any non-campus buildings; therefore these categories are not included in the crime statistics listed below.

### Criminal Offenses - On campus

For each of the following criminal offenses, enter the number reported to have occurred On Campus.

<table>
<thead>
<tr>
<th>Criminal offense</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Murder/Non-negligent manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>b. Negligent manslaughter</td>
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<tr>
<td>c. Rape</td>
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<td>d. Fondling</td>
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<td>e. Incest</td>
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<td>g. Robbery</td>
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<td>h. Aggravated assault</td>
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<tr>
<td>i. Burglary</td>
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<td>j. Motor vehicle theft (Do not include theft from a motor vehicle)</td>
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<td>k. Arson</td>
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</tbody>
</table>

### Criminal Offenses - Public Property

For each of the following criminal offenses, enter the number reported to have occurred on Public Property.

<table>
<thead>
<tr>
<th>Criminal offense</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
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</thead>
<tbody>
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## Hate Crimes - On campus

For the criminal offenses listed below, first enter the total number of Hate Crimes that were reported to have occurred on campus. Then break down each total by category of bias (e.g., race, religion).

<table>
<thead>
<tr>
<th>Criminal offense</th>
<th>2015 Total</th>
<th>2016 Total</th>
<th>Occurrences of Hate Crimes Category of Bias for crimes reported in 2016</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Race</td>
<td>Religion</td>
<td>Sexual orientation</td>
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<td>a. Murder/ Non-negligent manslaughter</td>
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<td>m. Larceny-theft</td>
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<td>n. Intimidation</td>
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</table>
### Occurrences of Hate crimes

<table>
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<tr>
<th>Criminal offense</th>
<th>2014 Total</th>
<th>Race</th>
<th>Religion</th>
<th>Sexual orientation</th>
<th>Gender</th>
<th>Gender identity</th>
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<td>m. Larceny-theft</td>
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<td>n. Intimidation</td>
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</tbody>
</table>

### Hate Crimes - Public Property

For the criminal offenses listed below, first enter the total number of Hate Crimes that were reported to have occurred on Public Property. Then break down each total by category of bias (e.g., race, religion).

<table>
<thead>
<tr>
<th>Criminal offense</th>
<th>2016 Total</th>
<th>Race</th>
<th>Religion</th>
<th>Sexual orientation</th>
<th>Gender</th>
<th>Gender identity</th>
<th>Disability</th>
<th>Ethnicity</th>
<th>National origin</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Murder/ Non-negligent manslaughter</td>
<td>0 0 0 0 0 0 0 0 0</td>
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<tr>
<td>c. Rape</td>
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<tr>
<td>d. Fondling</td>
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<tr>
<td>e. Incest</td>
<td>0 0 0 0 0 0 0 0 0</td>
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<tr>
<td>f. Statutory rape</td>
<td>0 0 0 0 0 0 0 0 0</td>
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<td>g. Robbery</td>
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<td>h. Aggravated assault</td>
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<td>j. Motor vehicle theft (Do not include theft from a motor vehicle)</td>
<td>0 0 0 0 0 0 0 0 0</td>
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<td>m. Larceny-theft</td>
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<td>Gender identity</td>
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<tr>
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<tr>
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<td>g. Robbery</td>
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<td>h. Aggravated assault</td>
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<td>l. Simple assault</td>
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</tbody>
</table>
### VAWA Offenses - On Campus

For each of the following crimes, enter the number reported to have occurred On Campus.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic violence</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dating violence</td>
<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>Stalking</td>
<td>2</td>
<td>0</td>
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</tr>
</tbody>
</table>

### VAWA Offenses - Public Property

For each of the following crimes, enter the number reported to have occurred on Public Property.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Domestic violence</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dating violation</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Stalking</td>
<td>0</td>
<td>0</td>
<td>0</td>
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</tbody>
</table>

### Arrests - On campus

Enter the number of Arrests for each of the following crimes that occurred On Campus.

Do NOT include drunkenness or driving under the influence in Liquor law violations.

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Weapons carrying, possessing, etc.</td>
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<td>0</td>
<td>0</td>
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<tr>
<td>Drug abuse violations</td>
<td>0</td>
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<td>0</td>
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<tr>
<td>Liquor law violations</td>
<td>0</td>
<td>0</td>
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</tbody>
</table>

### Arrests - Public Property

Enter the number of Arrests for each of the following crimes that occurred on Public Property.

Do NOT include drunkenness or driving under the influence in Liquor law violations.

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<thead>
<tr>
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<tbody>
<tr>
<td>Weapons carrying, possessing, etc.</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Drug abuse violations</td>
<td>0</td>
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</tr>
<tr>
<td>Liquor law violations</td>
<td>0</td>
<td>0</td>
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</tbody>
</table>

### Disciplinary Actions - On Campus

Enter the number of persons referred for disciplinary action for crimes that occurred On Campus for each of the following categories.

Do not include disciplinary actions that were strictly for school policy violations.

If the disciplinary action is the result of an arrest, please do not count it here; count the violation as 1 arrest.

Do NOT include drunkenness or driving under the influence in Liquor law violations.

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Weapons carrying, possessing, etc.</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Drug abuse violations</td>
<td>0</td>
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<tr>
<td>Liquor law violations</td>
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Enter the number of persons referred for disciplinary action for crimes that occurred on Public Property for each of the following categories. 

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<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>a. Weapons: carrying, possessing, etc.</td>
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<tr>
<td>b. Drug abuse violations</td>
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<td>c. Liquor law violations</td>
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</tbody>
</table>

## Unfounded Crimes

Of those crimes that occurred On Campus, in On-campus Student Housing Facilities, on or in Noncampus property or buildings, and on Public Property, enter the number of crimes that were unfounded.

The total number of unfounded crimes should include all criminal offenses, hate crimes, domestic violence, dating violence, or slating incidents that have been unfounded. Arrests and disciplinary actions cannot be unfounded.

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

Count unfounded crimes in the year in which they were originally reported.

<table>
<thead>
<tr>
<th></th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
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<tbody>
<tr>
<td>a. Total unfounded crimes</td>
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