

# **HENRY FORD COLLEGE ANNUAL SECURITY REPORT**

## **2023-2024 Academic Year**



**Prepared by the Office of Campus Safety for Main Campus &  
East Campus**

**Includes Policy Statements for the 2023-2024 Academic Year and Crime  
Statistics for Calendar Years 2020, 2021, & 2022**



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## **MISSION STATEMENT**

Henry Ford College Mission Statement:

Henry Ford College transforms lives and builds better futures by providing outstanding education. As a student-centered, evidence-based college, our success is measured by the success of our students. We empower learners through the development of independent, critical, and creative thinking, and we foster diversity, inclusion, understanding, and acceptance to prepare learners to succeed in a global society. We anticipate and respond to the needs of our stakeholders, exceed their expectations, and serve the public good.

### **Office of Campus Safety Mission Statement:**

The Office of Campus Safety (OCS) supports the mission of the College and its commitment to student success by creating and sustaining a safe, secure, customer-focused campus environment that promotes diversity, inclusion, understanding, and acceptance.

## **GENERAL CAMPUS INFORMATION**

All Henry Ford College policy statements apply to all campus properties unless otherwise stated.

### **MAIN CAMPUS**

Henry Ford College  
5101 Evergreen Road  
Dearborn, MI 48128-1495  
313-845-9600  
<https://www.hfcc.edu/contact/map>

### **EAST CAMPUS**

Henry Ford College at M-TEC  
3601 Schaefer Road, Building A  
Dearborn, MI 48126  
313-317-6600

Henry Ford College Nursing Division  
3601 Schaefer, Building B  
Dearborn, MI 48126  
313-845-6305  
<https://www.hfcc.edu/contact/map-east>

## **CAMPUS MAPS & PARKING INFORMATION**

Parking at HFC is free; students and visitors do not need parking passes. However, employees must obtain a parking permit from the Office of Campus Safety before access to the employee parking lots is authorized. The circle drive entrance (Flagpole) is for Bus drop off and pick up as

well as handicap pickup or drop off only. All other pickups or drop offs are to be made in student lots.

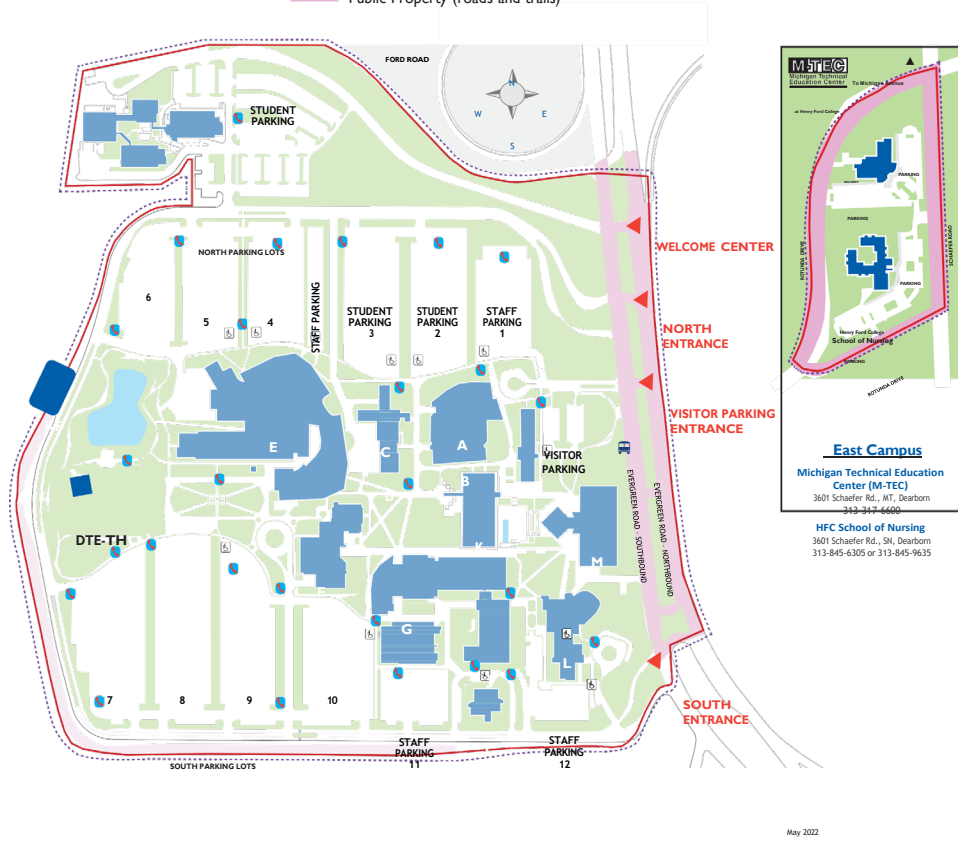
<https://www.hfcc.edu/parking>

## Clery Geography Map and Blue Light Phones

**HENRY FORD COLLEGE**  
 5101 Evergreen Road  
 Dearborn, MI 48128-1495  
 (800) 585-HFCC or (313) 845-9600  
 hfcc.edu  
 FUTUREDRIVEN

--- Clery Geographical Map  
 --- Patrol Jurisdiction  
 --- Public Property (roads and trails)

LEGEND	
	Emergency Blue Light Phones
	Handicapped Parking
	M-Dot Bus Stop
	King Fisher Bluff
	HFC is a Smoke-Free Campus
<b>A</b>	<b>Learning Success Center</b> Assisted Learning Services Career Services Counseling Learning Lab Student Outreach and Support
<b>B</b>	<b>Eshleman Library</b> Media Center Quiet Reflection Room Writing Center
<b>C</b>	<b>College Store</b>
<b>D</b>	<b>Facilities Services</b> Purchasing Shipping and Receiving
<b>DTE-TH</b>	<b>DTE Tool House</b>
<b>E</b>	<b>Technology Building</b> Ghafari Conference Room E-123
<b>F</b>	<b>MacKenzie Fine Arts Center</b> Adray Auditorium Sisson Art Gallery
<b>G</b>	<b>Health Sciences Education Center</b> Hackett Conference Room G-150
<b>H</b>	<b>Athletic Memorial Building</b> Fitness Center
<b>I</b>	<b>Gym</b>
<b>J</b>	<b>Children's Garden Development Center</b> Science Building Planetarium
<b>K</b>	<b>Reuther Liberal Arts Building</b> English Language Institute
<b>L</b>	<b>Andrew A. Mazza Administrative Services and Conference Center</b> Forfa Auditorium Berry Amphitheater Rosenau Board Room (A, B, C)
<b>M</b>	<b>Student and Culinary Arts Center</b> Kuhlmann Dining Room Fifty-One O One Restaurant Sightlight Cafe Student Activities WHFR Radio Station 89.3 FM
<b>MT</b>	<b>Michigan Technical Education Center M-TEC</b>
<b>N</b>	<b>Campus Safety</b>
<b>SN</b>	<b>School of Nursing</b>
<b>WC</b>	<b>Welcome Center</b> Community Rooms



May 2022



# **OFFICE OF CAMPUS SAFETY**

## **Campus Safety Enforcement Authority**

The OCS operates 24 hours a day, 7 days a week. The aim of OCS is to provide a safe and secure environment, to protect all property, and to enforce College policies and regulations for all students, faculty, staff and visitors to the College. Our staff consists of three full-time Campus Safety Administrators and full and part-time Campus Safety Associates along with uniformed contract security staff. Our department services include but are not limited to security response, emergency preparedness, incident investigation, emergency notification, access control, key issuance, parking lot vehicle assistance, and training. The OCS has a close working relationship with State and local police agencies.

## **Written Memorandum of Understanding with the Dearborn Police Department**

HFC Campus Safety Department does not have sworn law enforcement authority or the ability to make arrest. HFC does not have a Memorandum of Understanding with the Dearborn Police Department. The Dearborn Police Department has jurisdiction to enforce all state and local laws and conduct criminal investigations. Campus Safety Associates have been given limited enforcement authority by the Dearborn Police Department to enforce parking laws on campus property.

## **Accountability and Operations**

The HFC Office of Campus Safety (OCS) is responsible for maintaining a safe and secure learning environment, which supports the College's mission of dedication to the education and enrichment of our students and community. The members of the OCS protect and enhance the overall safety of the College community by providing efficient and reliable services on a continuous 24-hour basis.

The staffing of the OCS is made up of full-time Campus Safety Associates, administrative personnel, and contract uniformed Security Officers.

The OCS is located in Building N. The Dispatch Office (telephone and walk-up campus safety service) is open and staffed 24 hours a day. At least one Campus Safety Associate is usually on duty whenever classes are in session. Contract uniformed security officers are on duty midnights, weekends, and other shifts as needed.

The OCS is open for administrative services during normal college business hours, which are Monday - Friday, 8:00 am to 4:30 PM during the Fall and Winter semesters and Monday - Thursday, 8:00 am to 6:30 PM during the Spring and Summer semesters.

When a Call for Service (CFS) is received, a Campus Safety Associate and/or Campus Safety personnel will respond to the situation and utilize whatever resources are needed. These



additional resources may include assistance from local law enforcement agencies and emergency medical services. Emergency Notifications and Timely Warnings are used to alert our college community to potentially dangerous situations.

The Office of Campus Safety does not monitor or record through local police agencies any criminal activity by students at non-campus locations of student organizations officially recognized by the institution, including student organizations with non-campus housing facilities.

### **Responsibilities of the Henry Ford Community for Their Own Personal Safety and Security and the Safety and Security of Others**

Safety on our campus is a shared responsibility between the OCS, students, faculty, employees, and campus visitors. Everyone is encouraged to take steps to ensure both personal and College property is safe and to contact the OCS whenever they observe behavior or circumstances that may present a threat to the College community. The following precautions provide guidance.

- Report all suspicious activity to OCS immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night. Use the OCS Safe Walk escort.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, phones, etc.) unattended.
- Carry your keys at all times and do not lend them to anyone.
- Lock up bicycles and motorcycles.
- Lock car doors and close windows when leaving your car.
- Do not leave valuables in your car, especially if they can be easily noticed.
- IF YOU SEE SOMETHING, SAY SOMETHING.

Contacting the HFC Campus Safety Office for non-emergencies/general assistance

1. Dial 9630 or 9911 from any campus telephone or call 313-845-9630 to reach the Campus Safety Dispatcher 24 hours a day.
2. Dial 9862 from any campus telephone or call 313-845-9862 to reach the Secretary for the Campus Safety Office during normal business hours.

### **Local Law Enforcement Agencies**

Members of the HFC OCS maintain professional working relationships with local, county, state, and federal law enforcement agencies, as well as various emergency management agencies.

The Dearborn Police Department has local law enforcement jurisdiction for the HFC Main Campus and the East Campus (Nursing and M-Tec). They can be contacted for emergencies by dialing 911 or 313-943-2240 for non-emergencies. They are located at 16099 Michigan Avenue, Dearborn, MI 48126.

[www.cityofdearborn.org/government/departments/police](http://www.cityofdearborn.org/government/departments/police)

## **Crime Statistics**

The OCS is required to keep and provide crime statistics relative to four general categories of crime statistics, which include Criminal Offenses, Hate Crimes, Violence against Women and Arrest and Disciplinary Referrals for Violation of Weapons, Drug Abuse and Liquor Laws. The statistical report is included in this Annual Security Report (ARS) and is available on the Campus Safety webpage <https://www.hfcc.edu/campus-safety/crime-stats>. A physical copy can be obtained at the OCS in Building N on Main Campus, and at the security desk at the East Campus - Nursing.

## **Daily Crime Log**

The daily crime log of campus incidents can be found on the campus web site or a hard copy can be obtained at the Campus Safety Office in Building N. Faculty, staff, and students are encouraged to review these logs periodically to become more familiar with the types of locations of criminal incidents that may impact the College Community.

<https://www.hfcc.edu/campus-safety/daily-crime-logs>

## **Crime/Emergency Reporting and College Response**

### **Reporting Crimes and Other Emergencies**

College Community members – students, faculty, staff, visitors, and guests – are encouraged to report all criminal actions, emergencies, suspicious behavior or other public safety related incidents occurring within the College’s Clery geography to the Office of Campus Safety (OCS) in an accurate, prompt, and timely manner. The College’s Clery geography (as defined in the “Geography Definitions” elsewhere in this Annual Report, and hereafter referred to as the “College’s Clery Geography”) includes:

- On-campus property including buildings, and/or facilities located at the Main Campus and East Campus.
- Any designated non-campus properties and facilities.
- All public property, including thoroughfares, streets, and sidewalks that are within the campus or immediately adjacent to and accessible from the campus or non-campus property/facilities.

OCS has been designated by Henry Ford College as the official office for campus crime and emergency reporting. OCS strongly encourages the accurate and prompt reporting of crimes. Accurate and prompt reporting ensures OCS is able to evaluate, consider, and send timely warning notices, disclose crimes through ongoing disclosure processes such as the posting of crimes in the Daily Crime Log and accurately documenting reportable crimes in its annual statistical disclosure. Henry Ford College further encourages accurate and prompt reporting to OCS and/or the Dearborn Police Department when the victim of a crime elects to make such a report.

This publication focuses on OCS because it has primary responsibility for patrolling the Henry Ford College campus and it has been designated as the institution's primary reporting structure for crimes and emergencies. However, criminal incidents or incidents off campus can be reported to the Dearborn Police Department. Additionally, as outlined below, the College has also identified a list of primary campus security authorities (CSA) or preferred receivers of reports to whom crimes can be reported.

#### Primary Campus Security Authorities (CSA) or Preferred Receivers of Reports:

- Call the Office of Campus Safety by dialing 9630 or 9911 from any campus telephone or call 313-845-9630 to reach the Campus Safety Dispatcher 24 hours a day.
- Report in person to the Office of Campus Safety at the Campus Safety Office located in the "N" Building Lobby at 5101 Evergreen Rd.
- Crimes or emergency situations can be reported to the Dearborn Police Department by dialing 911 or reporting in person at 16099 Michigan Ave.
- Sex Offenses and other incidents of sexual or relationship violence can also be reported to the college's Title IX Coordinator, by dialing (313) 845-6301 or on-campus extension 6301, or in person at 5101 Evergreen Rd, Building "N", Office 223.
- Contact the Office of Human Resources (HR) by dialing (313) 845-9820 or on-campus extension 9820, or in person at 5101 Evergreen Rd, Welcome Center Building, Office W-315.
- Contact the Vice President of Student Affairs by dialing (313) 845-9887 or on-campus extension 9887, or in person at 5101 Evergreen Rd, "L" Building, Office L-422.
- Emergency Phones located throughout campus can also be used to contact Campus Safety to report a crime or emergency.
- Complete the online "Student/Employee Complaint Form" at: <https://cm.maxient.com/reportingform.php?HenryFordCC>. **This form should only be used for non-emergency or non-urgent reporting.**

#### Response to Reports

Dispatchers are available 24-hours a day to answer collage community calls by dialing (313) 845-9630, or on-campus extension 9630 or 9911. In response to a call, OCS will take the required action by either dispatching a campus safety associate or asking the reporting party to go to the Campus Safety Office to file an incident report in person. All reported crimes will be investigated by the college and may become a matter of public record. Crime victims are given on and off campus resource information as necessary and appropriate. OCS procedures require an immediate response to emergency calls. OCS works closely with a full range of city and county resources to assure a complete and timely response to all emergency calls. Priority response is given to crimes against persons and personal injuries. OCS responds to and investigates all reports of crimes and/or emergencies that occur within the College's Clery geography. Campus Safety personnel also have the ability to notify the Dearborn Police and/or Fire Department dispatchers of emergency situations occurring on-campus or off-campus.

To obtain information or request any campus safety or safe walk services, community members should call OCS. Located throughout campus are well-marked exterior phones. These phones access the campus safety dispatcher and can be used to obtain emergency assistance or obtain general information.

When placing an emergency call, remember to stay on the line and wait for the dispatcher to end the call. These exterior phones should be used when seeking information and/or reporting activities – to include criminal incidents. If a member of the community finds any of these phones inoperative or vandalized, they should call the OCS so that the phone can be repaired or replaced as quickly as possible. If assistance is required from the Dearborn Police Department or Dearborn Fire Department, OCS will contact the appropriate unit.

If a sexual assault or rape should occur on campus, staff on scene, including OCS, will offer the victim a wide variety of resources and services. This publication contains information about on- and off-campus resources and services and is made available to the Henry Ford College community. The information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for Henry Ford College.

As mentioned, crimes should be reported to OCS to ensure inclusion in the annual crime statistics and to aid in providing timely warning Campus Safety Alert notices to the community, when appropriate.

### **Responsible Employees and Reporting Requirements**

MCL 750.411h(1)(d). 10 34 CFR Part 106.8(a) requires designation of at least one “responsible employee” who ensures the recipient’s compliance for the institution. The Assistant Director of Student Conduct and Compliance/Title IX Coordinator is the individual responsible for sexual misconduct issues in which a “student” is the accused party. Incidents where an employee of Henry Ford College is the accused party should be reported to Human Resources.

The Title IX coordinator(s) oversee the College’s compliance with Title IX, including its grievance procedure, education/prevention efforts, and training. The Coordinator reviews information about sexual misconduct complaints to identify and address any patterns or systematic concerns that arise during the review of such complaints. The Coordinator is available to meet with any College community member or campus organization that would like to discuss Title IX compliance at the College.

### **Voluntary Confidential Reporting**

Henry Ford College encourages anyone who is the victim or witness of any crime to promptly report the incident to OCS or the local Dearborn Police Department. OCS does not have a voluntary confidential reporting process because OCS reports are educational records and not law enforcement reports, thus OCS cannot hold reports of crime in confidence.

## Confidential Reporting

Students may make confidential reports to Professional Counselors and/or Pastoral Counselors assigned to the Counseling Center. Professional Counselors and Pastoral Counselors when acting in their capacity and function as Henry Ford College counselors do not make identifiable reports of incidents to the Official On-Campus resources unless the student specifically requests them to do so; however, the College encourages counsellors, if and when they deem it appropriate, to inform students they can report incidents of crime to OCS, which can be done directly or anonymously through the anonymous reporting processes as outlined below.

**Professional Counselor:** An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community, and who is functioning within the scope of his or her license or certification.

**Pastoral Counselor:** An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to the Associate Dean of Counseling Services. The Associate Dean of Counseling Services, in their capacity as a CSA, can make confidential crime reports to OCS to ensure inclusion in the annual disclosure of crime statistics without disclosing personal identifying information. The Associate Dean of Counseling Services will work closely with OCS in order to allow OCS to properly assess reports for timely warning consideration and to avoid double counting of crimes.

## Anonymous Reporting

Henry Ford College Office of Campus Safety, unless otherwise prescribed by law or as set forth within this Annual Security Report, does not take anonymous incident reports. The only exception to this policy is addressed below.

**Online Anonymous Reporting:** The College allows faculty, staff, and students opportunities to report incidents anonymously, which allows a reporting person to complete a report without providing any personal identifying information. Anonymous reporting can be accomplished using the Maxient Reporting System. Reporting is available using the Henry Ford College “Student/Employee Complaint Form” at: [www.hfcc.edu/incidentreport](http://www.hfcc.edu/incidentreport). This form can be found on the Henry Ford College web page in the Campus Safety Section, Reporting and Incident, & Student Rights Toolkit.

While anonymous reporting is available by these means, the College’s ability to investigate and appropriately address allegations of misconduct will be significantly limited. Crimes reported confidentially to the counseling center or pastoral counselors are not disclosed in the College’s

crime statistics or reporting processes, unless those crimes are reported to OCS through the facilitated anonymous reporting process.

The purpose of an anonymous report is to possibly take steps to promote safety. In addition, Henry Ford College can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the college community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime's statistics for the institution.

### **Security of and Access to Campus Facilities**

During normal business hours, Henry Ford College campus is generally open and accessible to students, faculty, staff, and visitors of the College.

The majority of academic and administrative buildings are open during normal business hours (typically Monday through Friday, from 8am to 5pm, except holidays) and are typically secured during the late evening hours, depending upon class schedules, special event scheduling and community usage. Academic & administrative buildings are typically secured from 11pm to 7am each night, and access is gained to these buildings via the access control system or Campus Safety Personnel. Members of the OCS regularly patrol the interiors and exteriors of all campus facilities.

OCS officers patrol the campus grounds via foot, vehicle, or bicycle, conduct regular interior and exterior checks of academic and administrative buildings and respond to incidents occurring anywhere within the college's Clery geography. After hours, the Dearborn Police will respond to any incidents at the East Campus. OCS will provide security escorts when requested for staff members, students, faculty, and guests.

### **Weapons Policy**

Henry Ford College Campus Safety Associates are unarmed and are not authorized to carry firearms. Outside law enforcement personnel who are authorized to possess weapons, may do so within the scope of their authority. No other persons are permitted to possess weapons on College property, even if such weapons are legally registered.

### **Security Considerations Used in the Maintenance of Campus Facilities**

Henry Ford College facilities and landscaping are maintained in a manner that minimizes hazardous and unsafe conditions. Parking lots and pathways are illuminated with lighting. OCS regularly patrols the campus and reports malfunctioning lights and other unsafe physical conditions to Facilities Management for correction. College community members can additionally report hazards directly to Facilities Management through an online service response reporting process. The campus' overall safety and security program is supplemented by a variety of technological systems including access control; closed circuit television; emergency phones;

and fire detection, suppression, and reporting systems. Other members of the College community are helpful when they report equipment problems to OCS or Facilities Management. OCS is often consulted on security measures during construction and renovation capital project meetings.

### **Office of Campus Safety Training**

The Campus Safety Manager and Campus Safety Assistant Managers are primarily responsible for conducting intensive and continuing training for Campus Safety Associates. Training topics may include the Clery Act, campus safety authority, Title IX, sexual assault and gender violence response and investigation, public relations, race relations and implicit bias, interpersonal communications, crisis intervention and de-escalation, critical incident response and incident command system, emergency operations, and all facets of protection of persons and property. Training includes the use of on-line virtual training resources/webinars, in-service and guest lecturers, and select out-service seminars and conferences, and regular roll-call information sessions.

### **Crime Prevention and Safety Awareness Programming**

Henry Ford College offers many programs designed to inform students and employees about campus safety and security procedures and practices and the prevention of crimes. A common theme of all awareness and crime prevention programs is to encourage students and employees to be responsible for their own safety and for the safety of others on campus. Crime prevention programs on personal safety and security are sponsored by various campus organizations throughout the year.

These programs include general crime prevention and security awareness programs, such as safety education forums, programs, and discussions about topics such as alcohol abuse, sexual assault and prevention, relationship violence awareness and prevention, bystander intervention, fire safety, emergency response and evacuation procedures, crime and risk reduction strategies and theft prevention. New students and faculty are encouraged to attend a training session that is offered at the beginning of each semester that explains college policies and expectations related to student conduct and behavior, campus safety, Title IX, and other services offered by the college.

### **Campus Safety Alerts (Timely Warning Notices)-Notifying the Henry Ford College Community about Crimes**

In an effort to provide timely notice to the Henry Ford College community in the event of a criminal situation that, in the judgment of the Campus Safety Manager or designee, may pose a serious or continuing threat to members of the college community, a Campus Safety Alert (timely warning notice) will be issued.



Campus Safety Alerts will be distributed as soon as pertinent information is available, in a manner that is timely, that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar crimes or occurrences.

Campus Safety Alerts are primarily distributed by blast email and text to all students and employees on campus as soon as pertinent information is available. Alerts can also be sent/communicated via Henry Ford College's Regroup text/voice messaging system and a variety of other notification methods, as outlined in the Emergency/Immediate Notification section of this Annual Report and highlighted below. The intent of a Campus Safety Alert is to warn the campus regarding a criminal incident, providing individuals an opportunity to take reasonable precautions to protect themselves.

Campus Safety Alerts are generally written and distributed to the college community by the Campus Safety Manager or Campus Safety Assistant Manager, and they are routinely reviewed and approved by the Vice President of Marketing and Communications. The Campus Safety Manager or a Campus Safety Assistant Manager has the authority to issue a Campus Safety Alert without such consultation if consultation time is not available. Should the Campus Safety Manager and Campus Safety Assistant Manager be directly impacted and involved in an incident response or otherwise unavailable, any trained member from the Campus Safety Department could write and send a Campus Safety Alert.

Campus Safety Alerts are sent to the college community to notify members of the community about specific Clery Act crimes (as described below) that have been reported to OCS and that have occurred on or within the college's Clery geography (on-campus, non-campus, or public property), where after review and assessment it is determined that the incident may pose a serious or continuing threat to members of the College community.

Crimes that occur outside the campus' primary Clery geography, as stipulated or other non-Clery specific crimes, will be evaluated on a case-by-case basis. Information related to these crimes may be distributed to the campus as a Public Safety Notice, as outlined and described in the below policy statement for "Public Safety Notices."

Updates to the college community, when deemed necessary, about any particular case resulting in a Campus Safety Alert may be distributed via blast email, posted on the college website, shared with a local newspaper for a follow-up story, and/or distributed by the Campus Safety Manager.

Campus Safety Alerts are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Campus Safety Manager or designee). 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. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Campus Safety Alert.

- Major incidents of Arson
- Other Clery crimes as determined necessary by the Campus Safety Manager or their designee.

Typically, alerts are not issued for any incidents reported that are older than ten (10) days from the date of occurrence, as such a delay in reporting has not afforded the College an opportunity to react or respond in a timely manner.

The Campus Safety Manager and Campus Safety Assistant Manager’s may confer with the Henry Ford College Cabinet during the response to a crime to ensure a proper review of all Clery crimes (and other criminal incidents, as deemed appropriate) to determine if there is a serious or continuing threat to the community and if the distribution of a Campus Safety Alert is warranted.

Campus officials not subject to the timely reporting requirement are those with significant counseling responsibilities who were providing confidential assistance to a crime victim. At Henry Ford College this would only apply to professional counselors and pastoral counselors from the Counseling Center who are performing that specific function and role as their primary employment with the College.

## Campus Safety Alert Distribution Matrix

PRIMARY METHODS	Primary Message Creator	Backup Message Creator	Authority to Approve/Send	Primary Message Sender	Backup Message Sender
Henry Ford College Messaging Alert System (Text/Voice/E mail, Blue Light Towers, and Audible Notification)	Campus Safety Manager	Campus Safety Assistant Manger	If time allows, consult with the VP of Marketing and Communicati ons; or, If time does not permit, the primary or backup creator/sender can proceed.	Campus Safety Manager	Campus Safety Assistant Manger; or, VP of Marketing and Communicati ons.
HFC Website	VP of Marketing and Communicati ons	Any trained member of IT Departm ent	VP of Marketing and Communicati ons; or designee	VP of Marketing and Communicati ons	VP of Marketing and Communicati ons their designee; or, Any trained member of the IT Department.

SECONDARY METHODS	Primary Message Creator	Backup Message Creator	Authority to Approve/Send	Primary Message Sender	Backup Message Sender
Posting on Entrance Doors, Lobby Areas, or Bulletin Boards	Campus Safety Manager	Campus Safety Assistant Manger; or, their designee	If time allows, consult with the VP of Marketing and Communications; or, If time does not permit, the primary or backup creator/sender can proceed.	Campus Safety Manger	Campus Safety Staff; or, Facilities Staff
Social Media Platforms	VP of Marketing and Communications	IT Department; or designee	VP of Marketing and Communications	VP of Marketing and Communications or designee	IT Department; or designee
Press Releases	VP of Marketing and Communications	IT Department; or designee	VP of Marketing and Communications	VP of Marketing and Communications	IT Department; or designee

## Public Safety Notices

A Public Safety Notice may be sent to the college community for general crime prevention purposes, to inform the community of crimes and/or incidents that are not generally time sensitive or considered to be a continuing threat, but important to be aware of, and/or to inform the campus of incidents occurring on, around, or even off campus that do not meet the requirements or specifications for distribution of a Campus Safety Alert, as outlined above.

A Public Safety Notice may be sent via blast email or posted on the Henry Ford College web site, to all students and employees on campus. A Public Safety Notice is generally written and distributed to the college community the Campus Safety Manager or a Campus Safety Assistant Manager. These notices could also be sent by the Vice President of Marketing and Communications or their designee.

Updates to the college community about any particular case resulting in a Public Safety Notice, when deemed necessary, may be distributed via email, posted on the college website, included in the college newspaper, or may be shared with a local newspaper for a follow-up story; and may be distributed by the Campus Safety Manager or designee, as deemed necessary and appropriate.

## **Daily Crime Log**

The Office of Campus Safety makes the Daily Crime Log for the most recent 60-day period open to public inspection during normal business hours (typically Monday through Friday, from 7am to 5 pm, except holidays) at the Campus Safety Dispatch, located in the “N” Building on Main Campus. Any portion of these crime logs that are older than 60 days are made available for public inspection within two business days of a request. The information in the crime log typically includes the incident number, crime classification, date reported, date occurred, general location of crime, and disposition of each reported crime. Faculty, staff, and students are encouraged to review these logs periodically to become more familiar with the types and locations of criminal incidents that may impact the college community.

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes/incidents within the college’s Clery geography and updated information regarding previously reported crimes are entered into the Daily Crime Log within two business days of when it is reported to the Office of Campus Safety. It is important to note that OCS has no expanded patrol jurisdiction outside of its identified Clery geography.

## **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

### **Emergency Preparedness**

Henry Ford College has adopted an Emergency Operations Plan (EOP) that establishes policies, procedures, and an organizational hierarchy for response to emergencies on campus. The Plan outlines incident priorities, campus organization and the role and operation of Henry Ford College personnel during an emergency. Emergency operations planning at Henry Ford College means preventing, preparing for, responding to, and recovering from any and all emergencies that could affect the College and the local Dearborn community. Emergency preparedness at Henry Ford College is managed by the College’s Office of Campus Safety. The complete plan is available on the College’s website at: <https://www.hfcc.edu/campus-safety/emergency>. The emergency response and evacuation protocols and procedures outlined within this Annual Report are reflective for both on-campus and non-campus buildings, and facilities.

### **Emergency Response**

The college’s units and/or departments are responsible for developing emergency response and continuity of operations plans for their area and staff. The Office of Campus Safety provides resources and guidance for the development of these plans. Emergencies occurring on campus should be reported to OCS by dialing (313) 845-9630 or on-campus extension 9630 or 9911, or by dialing 911 for outside emergency responders.

In conjunction with other emergency agencies, the college conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced are

designed to assess and evaluate the emergency plans and capabilities of the institution. After-action reviews will be conducted following each test and/or exercise that documents the test/exercise, provides a description for each test/exercise, the date, time, whether the test was announced or unannounced, and an assessment of the lessons learned from the exercise.

## **Emergency Evacuation Procedures**

The emergency evacuation procedures are tested at least once each year. Students and employees learn the locations of the emergency exits in the academic and administrative buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. OCS officers do not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, OCS staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At Henry Ford College, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants ‘practice’ drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

OCS shall be responsible for the safe evacuation of all persons utilizing the College’s facilities in the event of natural disasters, civil disturbances, and active threats. The level of necessity will determine the response by OCS. If large scale events occur that are beyond the resource capabilities of OCS and the College, officials will request assistance from outside emergency resources such as the Dearborn Police Department, Dearborn Fire Department, Michigan State Police, Wayne County Sheriff’s Department, and/or state departments of emergency management. The need to implement evacuation from a campus building or the entire campus shall be based upon information received by or furnished to Henry Ford College.

The information may be in the form of instructions or advice from the Michigan State Police Emergency Management, the Governor’s Office, or other officially recognized agency. Full or partial evacuations may be necessary as a protective action to reduce college community members’ exposure to a hazard. Protective actions reduce TIME of exposure, create DISTANCE, or provide SHIELDING from a specific hazard. Hazards that may require an evacuation include:

- Fire
- HAZMAT release
- Bomb threat or suspicious device/package
- Hostile intruder
- Massive utility failure
- Severe weather conditions
- Hazard that renders facilities uninhabitable

**Exercise of Judgement and Contingencies:** The actions described are basically standard by nature. When situations arise for which the procedures to be followed are not fully prescribed in the College's Emergency Operations Plan (EOP), responsible personnel will be expected to exercise good judgement, make appropriate decisions, and provide any support necessitated by the situation.

As part of the decision-making process relative to an evacuation, the evacuation must be able to be completed well before the arrival of a hazard. When there is little to no warning time, a shelter-in-place decision/order may be more appropriate. Additional factors to consider beyond warning time when deciding on whether or not to evacuate include:

- Size and geographical area affected
- Population density of the surrounding area
- Capacity and condition of the road network
- Are sufficient transportation resources available – college transportation, public transportation, and private transportation?
- Are there safe alternatives?
- Ability of campus facilities to provide shielding from the hazard
- Ability of facilities to support the population
- Local considerations and local police and emergency resources support

**Scope of an Evacuation:** The scope of an evacuation can include a single building, a group of buildings, and/or a large geographical area. The scope could go beyond the borders of the institution, and/or the College and may be impacted by an evacuation initiated by the local authorities. Size and scope considerations must be included in the overall decision-making process.

### **Building Evacuation**

- All building occupants are required to evacuate when the fire alarm sounds or upon order of an authorized College official, such as a Campus Safety Officer.
- If time permits, stabilize lab procedures, and unplug or disable any device that could make a dangerous situation even worse.
- Move to the closest exit and proceed down the EXIT stairwell in a safe and orderly manner. Take personal belongings with you. Do NOT use elevators.
- Remain at least three hundred (300) feet outside of the building and await further instructions. Keep roadways open and beware of approaching emergency vehicles. Notify emergency responders of anyone trapped, especially anyone with a physical disability.

### **Large-scale Campus Evacuation**

- If evacuation of part or all of the campus is necessary, monitor text message/voice alert system, email, and the College's website for additional information.
- Those in need of transportation will be directed to areas to await transport to an off-campus site.



## **General Evacuation Procedures**

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify OCS by dialing (313) 845-9630 or on-campus extension 9630 or 9911, or by dialing 911 for outside emergency responders.

- Remain Calm
- Do NOT use Elevators, Use the Stairs.
- Assist the physically impaired. If he/she is unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform OCS or the responding Fire Department of the individual's location.
- Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
- Make sure all personnel are out of the building.
- Do not re-enter the building until authorized to do so by a member of Campus Safety.

## **Shelter-in-Place Procedures – What It Means to “Shelter-In-Place”**

College authorities may instruct the college community members to “shelter-in-place” if a condition exists that is potentially life threatening and has an immediate threat to the health and personal safety of the college community. Immediate threats would include, but are not limited to: active shooter incidents, mass acts of violence, tornadoes, terrorist attacks, or hazardous materials incidents. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside. Community members should remain in a shelter-in-place status until the all-clear is communicated by emergency response personnel via an emergency rapid communication system(s).

### **Basis “Shelter-In-Place” Guidance**

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest college building quickly. If police or fire department personnel are on the scene, follow their directions.

### **How You Will Know to “Shelter-In-Place”**

A shelter-in-place notification may come from several sources, OCS, other college employees, local law enforcement or outside emergency services, or other authorities utilizing the college's emergency communications tools.

## **How to “Shelter-In-Place”**

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

- If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
- Locate a room to shelter inside. It should be:
  - An interior room;
  - Above ground level; and
  - Without windows or with the least number of windows. If there is a large group of people inside a particular building several rooms maybe necessary.
- Shut and lock all windows (tighter seal) and close exterior doors.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems as you are able. Henry Ford College Facilities staff will turn off the ventilation as quickly as possible.
- Make a list of the people with you and ask someone to call or email the list in to OCS so they know where you are sheltering.
- Turn on a radio or TV and listen for further instructions.
- Make yourself comfortable.

## **Off-campus Emergencies**

OCS officials often receive emergency information from the Dearborn 911 Dispatch Center regarding incidents in Dearborn that could imminently impact the safety of the Henry Ford College community. When appropriate, OCS notifies the college community of off-campus threats that could also represent a threat to the health or safety of students or employees.

## **EMERGENCY/IMMEDIATE NOTIFICATION**

Henry Ford College has developed a process to notify the college community immediately upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples which may warrant an emergency (immediate) notification after confirmation: armed/hostile intruder; bomb/explosives (threat); communicable disease outbreak; severe weather; terrorist incident; civil unrest; natural disaster; hazardous materials incident and structural fire.

Emergencies occurring on or within any of the College’s Clery geography (as defined in the “Geography Definitions” elsewhere in this Annual Report) should be reported to OCS by dialing (313) 845-9630 or on-campus extension 9630 or 9911, or by dialing 911 for outside emergency responders.

In the event of an emergency, an effective Campus-wide communications process is vital in order to provide the greatest safety possible for the College community. As part of its Emergency Management Operations, the College has adopted a formalized procedure for issuing emergency/immediate notifications to the college community.

The emergency/immediate notification capability of the emergency mass notification system (Regroup) is designed to assist the College in immediately notifying the college community upon confirmation of a significant emergency or dangerous situation occurring on or near the campus that involves an immediate threat to the health or safety of students or employees. A threat is imminent when the need for action is instant, overwhelming, and leaves no moment for deliberation. Such situations would include, but are not limited to, a hazardous materials incident requiring shelter-in-place or evacuation, an armed intruder on or near campus, an approaching tornado, or a fire actively raging in a campus building.

The College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system to the appropriate segment or segments of the college community, 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 an emergency.

Immediate notification to the campus can be accomplished through a variety of communications methods. Notification will be made by using some or all of the following multi-modal notification methods depending on the type of emergency: College's Emergency Mass Notification System (Regroup) – which contains email, cell phone text, voice message alert; fire alarm (where available); public address systems/outdoor speakers (where available); social media; digital signage (where available), local media, webpage, and/or alert siren for shelter-in-place. If any of these systems fail or the College deems it appropriate, in person communication may be used to communicate an emergency. Confirmation of the existence of an emergency typically involves the response and assessment of OCS officers, sometimes in conjunction with campus administrators and other college officials, local police and first responders and/or the national weather center.

When on-duty Campus Safety Associates become aware of a situation that may warrant the issuing of an immediate notification, the on-duty Campus Safety Associate confirms (through response, investigation, or collaboration with emergency responders) that there is a significant emergency and then immediately contacts the Campus Safety Manager or and Campus Safety Assistant Manager, who quickly evaluates the situation to determine if an alert is warranted, develops the content of the notification message, and then identifies the appropriate segment or segments of the college community who will receive the notification.

The Campus Safety Manager or a Campus Safety Assistant Manager has the ability and authority to issue an alert without delay and without further consultation with any other College official. Notification message content is determined based on the type of incident, the context with which it is occurring, and the immediate danger or threat to the college community and the need to advise college community members to take action. The College will endeavor to make such notification sufficiently specific so as to enable recipients to take an appropriate response to the threat. Pre-canned messages have been prepared as part of the emergency notification system to

aid in rapid communication processes. In situations lacking the presence of an imminent threat, the Campus Safety Manager or a Campus Safety Assistant Manager consults with the President or other member of the Henry Ford College Cabinet prior to an alert being issued.

Follow-up notices/communications will be provided as necessary during an active incident and may be provided by the Campus Safety Manager, a Campus Safety Assistant Manager or a member of the Office of Campus Safety. When a threat is neutralized or effectively removed, college community members will be appropriately informed via all or some of the communications methods. Additionally, updates regarding a prolonged and ongoing emergency such as a health emergency (norovirus, serious illness, pandemic, etc.) can be provided by creating a banner (webpage) at the top of the College's homepage that would contain specific status update information along with links to public health agencies (for example) or other relevant entities.

When the emergency mass notification system is fully activated using the siren, email, and cell phone text/voice messaging, college officials will notify college community members of the emergency situation, its exact location, and will most likely request community members to protect themselves by evacuating the affected area if it is safe to do so and/or by employing the "shelter-in-place" concept. Local police, emergency responders, and select Dearborn officials are also alerted via text messaging or telephone contact with the Dearborn Police/Fire Dispatch, of any actual on-campus emergency that poses a threat to campus and/or the immediate local community.

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

## Emergency/Immediate Distribution Matrix

PRIMARY METHODS	Primary Message Creator	Backup Message Creator	Authority to Approve/Send	Primary Message Sender	Backup Message Sender
Henry Ford College Messaging Alert System (Text/Voice/Email, Blue Light Towers, and Audible Notification)	Campus Safety Manager	Campus Safety Assistant Manager	If time allows, consult with the VP of Marketing and Communications; or, If time does not permit, the primary or backup creator/sender can proceed.	Campus Safety Manager	Campus Safety Assistant Manager; or, VP of Marketing and Communications.
HFC Website	VP of Marketing and Communications	Any trained member of IT Department	VP of Marketing and Communications; or designee	Any trained member of the IT Department	Campus Safety Assistant Manager; or their designee; or, Any trained member of the IT Department.

SECONDARY METHODS	Primary Message Creator	Backup Message Creator	Authority to Approve/Send	Primary Message Sender	Backup Message Sender
Digital Signage	Campus Safety Manager and the VP of Marketing and Communications	Campus Safety Assistant Manager; or, their designee	If time does not permit, the primary or backup creator/sender can proceed.	Campus Safety Manager or VP of Marketing and Communications	Campus Safety Staff; or, IT Department

Social Media Platforms	VP of Marketing and Communications	Campus Safety Manager ; or designee	VP of Marketing and Communications	VP of Marketing and Communications or designee	IT Department; or designee
Face-to-Face Communication and Alarm Systems	Campus Safety Manager	Campus Safety Manager designee	Campus Safety Manager; or designee	Campus Safety Manager	Office of Campus Safety

### Emergency Mass Notification System (EMNS) Testing and Registration

The Emergency Mass Notification System (EMNS) will be tested on the first Saturday of each month, excluding holidays, to ensure that all systems are working properly, and that Campus Safety Associates maintain a working knowledge of the system. These tests will also be educational moments for the college community to remind them that this system does exist, and that it is a working and functioning system that they can rely upon.

Students, staff, and faculty are informed about the EMNS system during first-year orientation and new employee/faculty orientations. Students, staff, and faculty are enrolled in the EMNS system when they enroll for classes and are hired by the college. Updates and changes to your phone number or email address can be made through the Henry Ford College webpage. If a student, staff, or faculty would like to withdraw from the EMNS they must contact the Henry Ford College Human Resources Department.

The College’s primary and secondary means of communicating during an emergency situation include those addressed above. The following, although not all of these methods are always employed – modalities include primary, secondary, and tertiary methods of notification that are decided upon based on the segment or segments of the college community that require notification and the best method(s) determined to maximize that notification. The communications method used would depend on the type of emergency:

- Cell phone Text/Voice Messaging
- Alert Siren
- All Campus Email Alerts
- Voicemail
- Emergency Website, Facebook, and Twitter Accounts
- Public Media (TV, radio, news websites)
- Fire Alarm System Notification
- Public Address System from Siren
- Flyers posted throughout Campus
- Direct On-foot and in-person Notifications

## Preparation of Annual Disclosure of Crime Statistics & Clery Compliance

The following information provides context for the crime statistics reported as part of compliance with the Clery Act. The Henry Ford College Office of Campus Safety is primarily responsible for preparing the Annual Security Report. This responsibility is specifically designated to the Campus Safety Manager or designee. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the College community obtained from the following sources: The Dearborn Police Department, Wayne County Sheriff's Department, Michigan State Police, and non-police or public safety personnel who have been designated as Campus Security Authorities or CSA's. The Title IX Office and Human Resources Department are key offices from which drug, liquor, and weapon offense referral data is obtained along with sexual offenses and potential reports of other Clery crimes.

Final report preparation is coordinated by the Campus Safety Manager with Human Resources and the Title IX Coordinator.

A written request for statistical information is made at least on an annual basis to all CSA's (as defined by federal law). CSA's are also informed in writing and/or through training to report crimes to OCS in a timely manner so those crimes can be evaluated for timely warning purposes. A CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution:

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

Statistical information is not requested from, nor is it provided by Professional Counselors of the Counseling Center who are performing that function and role as their employment with the College. Professional Counselors are not required by law to provide statistics for this compliance document. Counseling, as defined by the Federal law, who act in such capacities, have been advised that, while they are not obligated to report crimes for the purpose of compiling these statistics, they are encouraged, when they deem it appropriate, to inform the persons they are counseling of their ability to report any crimes to OCS for inclusion in the annual statistics. The Counseling Center facilitates anonymous reporting, as outlined earlier in this Annual Security Report.

All statistics are gathered, compiled, and reported to the college community via this report, entitled the "Annual Security Report," which is published by OCS no later than October 1<sup>st</sup> of each year. OCS submits the annual crime statistics published in this brochure via a Web-based



reporting system to the Department of Education (ED). The statistical information gathered by the ED is available to the public through the ED website.

OCS sends an email to every enrolled student and current employee on an annual basis informing them of the availability of the Annual Security Report. The email includes a brief summary of the contents of this report. The email also includes the address for the OCS website where the Annual Security Report (ASR) can be found online, and notification that a physical copy may be obtained by making a request to OCS by calling (313) 845-9630 or in person at the Office of Campus Safety Office, Building N, 5101 Evergreen Rd, Dearborn, MI 48128. The availability of the ASR is also posted on the admissions application website and included on all Human Resources employment application forms informing prospective students and employees how to access the ASR and obtain a copy.

### **Specific Information about Classifying Crime Statistics**

The statistics in this brochure are published in accordance with the definitions and many of the standards and guidelines used by the FBI Uniform Crime Reporting (UCR) Handbook, National Incident-Based Reporting System (NIBRS), relevant Federal law (the Clery Act), and applicable State law.

### **Clery Act Reporting**

For Clery Act reporting purposes, the number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Manslaughter by Negligence, Sex Offenses, and Aggravated Assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart. The number reflected in the statistics for the following crime categories includes one offense per distinct operation: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart. In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic. In cases involving Liquor Law, Drug Law, and Illegal Weapons Law violations, the statistics indicate the number of people arrested by law enforcement or referred to Student Compliance or Human Resources for possible disciplinary action for violations of those specific laws.

Hate crimes are reported in narrative form and are separated by category of prejudice. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense that was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of their bias against the victim's race, sexual orientation, gender, religion, ethnicity, national origin, gender identity, or disability, the assault is then also classified as a hate crime. For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by the offender's bias: Murder and Non-negligent Manslaughter, Sexual Offenses (rape, fondling, incest and

statutory rape), Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, intimidation, and Destruction/Damage/Vandalism of Property.

Campus Save was signed into law on March 7, 2013, as part of the reauthorization of the Violence Against Women Act (VAWA); it covers students and staff of institutions of higher education and amends the Jeanne Clery Act to include new reporting requirements for Domestic Violence, Dating Violence, and Stalking and additional policy statements and training requirements.

## **Geography Definitions from the Clery Act**

**On-Campus** *defined as:* (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or retail vendor).

**Non-Campus Building or Property** *defined as:* (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution (i.e. privately owned fraternity); or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Non-Campus geography** definition includes buildings or properties under temporary control during institutionally sponsored short-stay-away domestic or international trips for students of more than one night, or buildings or properties under temporary control during institutionally sponsored domestic or international trips for students to repeated locations.

- For example, students in the debate club take a trip to Washington, D.C. and stay at the same hotel every year. In this example, the institution must include in their Clery Act crime statistics any Clery Act crimes that occur in the rooms used by the students and any common areas used to access those rooms, including the lobby, elevator, and staircases.

**Public Property** *defined as:* All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities.

**On-campus Student Housing Facility** *defined as:* Any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. This category is considered a subset of the On-Campus category. Henry Ford College does not have any student housing facilities.

**Reasonably Contiguous** *is defined in as:* Any building or property an institution owns or controls that is in a location that students consider to be, and treat as, part of the "campus."

**Main Campus – 5101 Evergreen Rd Dearborn, MI**  
**Clery Crime Statistics (By Offense & Year)**

	On- Campus	Non-campus	Public Property
<b>Murder &amp; Non-negligent Manslaughter</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Manslaughter by Negligence</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Rape</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Fondling</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Incest</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Statutory Rape</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Robbery</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Aggravated Assault</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Burglary</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Motor Vehicle Theft</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Arson</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0

**Domestic Violence/Dating Violence/Stalking**

	On- Campus	Non-campus	Public Property
<b>Domestic Violence</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Dating Violence</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Stalking</b>			
2022	1	0	0
2021	0	0	0
2020	0	0	0

**Arrest**

<b>Liquor Law Violations</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Drug Law Violation</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Weapons Law Violation</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0

**Referrals for Disciplinary Action**

<b>Liquor Law Violation</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Drug Law Violation</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Weapons Law Violation</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0

2020, 2021, 2022 Zero Hate Crimes reported. Hate Crime Statistics are crimes in which the victim is intentionally selected because of race, gender, religion, sexual orientation, ethnicity, or disability. Since HFC has no on-campus housing, dorms or other housing or off campus facilities or property, for use by, or used by, students or student organizations they are not applicable.

2020, 2021, 2022 Zero Unfounded Crimes.  
HFC does not have residential facilities.

**East Campus – 3601 Schaefer Rd Dearborn, MI**  
**Clery Crime Statistics (By Offense & Year)**

	On-Campus	Non-campus	Public Property
<b>Murder &amp; Non-negligent Manslaughter</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Manslaughter by Negligence</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Rape</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Fondling</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Incest</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Statutory Rape</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Robbery</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Aggravated Assault</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Burglary</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Motor Vehicle Theft</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Arson</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0

**Domestic Violence/Dating Violence/Stalking**

	On-Campus	Non-campus	Public Property
<b>Domestic Violence</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Dating Violence</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Stalking</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0

**Arrest**

<b>Liquor Law Violations</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Drug Law Violation</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Weapons Law Violation</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0

**Referrals for Disciplinary Action**

<b>Liquor Law Violation</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Drug Law Violation</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0
<b>Weapons Law Violation</b>			
2022	0	0	0
2021	0	0	0
2020	0	0	0

2020, 2021, 2022 Zero Hate Crimes reported. Hate Crime Statistics are crimes in which the victim is intentionally selected because of race, gender, religion, sexual orientation, ethnicity, or disability. Since HFC has no on-campus housing, dorms or other housing or off campus facilities or property, for use by, or used by, students or student organizations they are not applicable.

2020, 2021, 2022 Zero Unfounded Crimes. HFC does not have residential facilities.

## **DRUGS AND ALCOHOL**

### **Drug and Alcohol Policy Statement**

Henry Ford Colleges' compliance with provisions of the Drug-Free Schools and Communities Act is achieved through a comprehensive alcohol and other drug prevention program, which includes policy enforcement, education programs, counseling supports, and referral to treatment services.

The Henry Ford College Drug and Alcohol Policy applies to all members of the college community – faculty, staff, and students. The Policy defines prohibited behavior and outlines consequences for violations. Also described are educational and counseling resources.

As outlined more fully in the Policy, <https://policies.hfcc.edu/policy/drug-and>, it prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students on college property or as part of any of its activities, including College sponsored or student group sponsored activities off campus. Alleged violations of HFC regulations are adjudicated through the student conduct process. Consequences for violations may include, but are not limited to, some form of disciplinary probation, required attendance at educational programs, referral for assessment and treatment, and suspension from HFC for sale of illegal drugs or repeated violations of the regulations. In addition, students can expect to be arrested and prosecuted for unlawful possession, use, or distribution of illicit drugs and alcohol on campus.

Consistent with Michigan and federal law, HFC maintains a workplace free from the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance. The unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illicit drugs, and alcohol are prohibited on any property under the control of and governed by the Dearborn School Board, and at any site where work is performed by individuals on behalf of the College. Pursuant to applicable College procedures governing employee discipline, any employee involved in the unlawful use, sale, manufacturing, dispensation, or possession of controlled substances, illicit drugs, or alcohol on College premises or work sites, or working under the influence of such substances, will be subject to disciplinary action up to and including dismissal and referral for prosecution.

Henry Ford College is a tobacco-free campus. For more information, please visit <https://policies.hfcc.edu/policy/smoke-free>.

### **Drug and Alcohol Education and Prevention**

As a condition for receiving federal funds or any other form of federal financial assistance, all institutions of higher education must implement a drug and alcohol policy that complies with applicable federal, state and local drug and alcohol laws. The law requires institutions to implement a program that will prevent the unlawful manufacturing, dispensing, possession, use or distribution of illicit drugs and alcohol by students and employees.

Any violation of these policies or of local, state or federal laws regarding illicit drugs or alcohol will result in appropriate disciplinary action. In addition to college disciplinary sanctions, students, faculty and staff involved with illegal use, possession, or distribution of controlled substances may face criminal penalties and the College will cooperate fully with law enforcement agencies as appropriate. If a student has concerns about alcohol, drug addiction or the impact on their lives, they should meet with a counselor in the Counseling division. The phone number is 313-845-9611.

If an employee has concerns about drug or alcohol use – their own or that of others – they may want to consult with the College’s Employee Assistance Program (EAP). The phone number is 800-847-7240.

As members of an academic community, students and employees can expect an atmosphere that supports personal growth and learning. The College requires that its students and employees comply with legal standards and student conduct standards as they apply to alcohol and illicit/illegal drug use and possession.

#### The Law (Alcohol)

- The minimum age in Michigan for the purchase, consumption or possession of alcoholic beverages is 21-years-old.
- It is illegal to furnish or serve alcoholic beverages to any person under the age of 21.
- The law prohibits carrying or consuming alcoholic beverages in open containers outdoors on public property, regardless of a person’s age.
- It is illegal to possess, use false identification or to misrepresent one’s age for the purpose of obtaining or consuming alcoholic beverages.
- No group which is not licensed by the Liquor Control Board (LCB) may sell alcoholic beverages. The use of chits, chips, tickets or other means of exchange in place of cash violates LCB regulations.
- It is illegal to appear in any public place manifestly under the influence of alcohol to the degree that you may endanger yourself or other persons or property or annoy persons in your vicinity.
- A person under the age of 21 is prohibited from operating a motor vehicle with ANY alcohol in his/ her system.
- Driving under the influence of alcohol (blood alcohol level of 0.08% or greater) is illegal.

#### **Health Risks and Medical Consequences of Alcohol and Drug Use**

High risk alcohol and illegal drug use can cause serious problems. Illegal drug use includes the use of illicit drugs, as well as misuse of prescription drugs. Combining alcohol and drugs can greatly increase health risks.

Major health risks of alcohol and drug use include acute and chronic illness, psychological and emotional impairment, substance-use dependency, and death. Other health risks include short-term memory problems, learning impairments, sleep disruption, immune compromise, and mood swings. Side effects such as impaired judgment, slowed response time, mental confusion, and decreased motor coordination can lead to accidents, motor vehicle crashes, physical altercations, loss or damage to personal belongings and injuries. Use of alcohol and illegal drugs presents significant short-term and long-term health risks and medical consequences:

- Marijuana comes with significant risks that can impact a person's life and health and includes substantial risks to an individual's brain health, mental health, athletic performance, risks during pregnancy and to the unborn fetus, and the development of an addiction. Approximately 1 in 10 people who use marijuana will become addicted and if individuals start using before the age of 18, the rate of addiction increases to 1 in 6 (SAMHSA, CDC, 2020). Marijuana directly affects the brain, specifically the areas responsible for memory, learning, attention, decision making, coordination, emotions and motor coordination and reaction times. These effects can make it difficult to learn and retain information, may interfere with driving skills, and increase the risk of injuries and potentially harmful behaviors. Marijuana use in developing brains of children and adolescents can reduce attention, memory and learning functions, and affect how the brain builds connections between the areas necessary for these functions. This can result in poor educational outcomes, cognitive impairments, diminished life satisfaction and achievement. These effects can be long lasting or even permanent. Physical effects of marijuana can include breathing and respiratory complications including chronic bronchitis, increased heart rate, problems with child development during and after pregnancy, sleep interference, intense nausea, and vomiting. Marijuana has been linked to mental health problems such as depression, anxiety, paranoia and suicidal thoughts as well as an increased risk of psychosis and psychotic disorders (including schizophrenia) in persons with a genetic predisposition to those disorders.
- Marijuana edibles, or food and drink products infused with marijuana and eaten, have some different risks than smoking marijuana, including a greater risk of poisoning. Unlike inhaling marijuana, ingesting marijuana can take 30 minutes to 2 hours to take effect. Overconsumption can lead to poisoning and/or serious injury. The effects of edibles may last longer than expected depending on the amount consumed, the individual's last meal, and medication, alcohol, or other substances used at the same time. The amount of THC, the active ingredient in marijuana, is very difficult to measure and is often unknown in edible products. Many users can be unprepared for the strength and long-lasting effects of edibles. Marijuana affects children and adults differently. Marijuana products that look like candy or treats have posed significant risks to children, who have required emergency medical care as a result of consuming such products.
- According to the 2021 National Survey on Drug Use and Health ("NSDUH"), amount the 133.3 million current alcohol users aged 12 or older in 2021, 60.0 million people (or 45.1%) were past month binge drinkers. The percentage of people who were past month binge drinkers was highest among young adults aged 18 to 25 (29.2% or 9.8 million

people), followed by adults aged 26 or older (22.4% or 49.3 million people), then by adolescents aged 12 to 17 (3.8% or 995,000 people). Among people aged 12 to 20 in 2021, 15.1% (or 5.9 million people) were past month alcohol users. Estimates of binge alcohol use and heavy alcohol use in the past month among underage people were 8.3% (or 3.2 million people) and 1.6% (or 613,000 people), respectively.

- Alcohol is a central nervous system depressant and affects every organ in the body and can impair brain function and motor skills. Alcohol interferes with the brain's communication pathways, affecting how the brain looks and works. These disruptions can change mood and behavior and make it harder to think clearly and move with coordination. Heavy use can increase the risk of certain cancers including head and neck cancer, esophageal cancer, liver cancer, breast cancer and colorectal cancer. Drinking heavily over a long time, or on a single occasion can damage the heart causing problems including cardiomyopathy, arrhythmias, stroke, and high blood pressure. Alcohol causes the pancreas to produce toxic substances that eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas and liver diseases include steatosis, alcoholic hepatitis, fibrosis and cirrhosis. Alcohol also weakens the immune system, making chronic drinker more susceptible to diseases like pneumonia and tuberculosis and drinking on a single occasion slows your body's ability to fight infections up to 24 hours after use. (NIAAA, 2020).
- Club drugs (MDMA, GHB, Rohypnol, Ketamine, and LSD (Acid)) can cause serious physical and mental health problems including long-lasting confusion, depression, increased anxiety, aggression, impulsiveness, cell and organ damage, heart and brain problems and in some cases, death. Because some club drugs are colorless, tasteless, and odorless, they can be added to beverages to sedate or intoxicate, with the intent to facilitate sexual assaults. • Stimulant medication, including Amphetamines like Adderall®, methylphenidate like Ritalin/Concerta, and illicit substances like methamphetamines and cocaine, can cause irritability, mood disorders, acute and/or chronic anxiety, elevated blood pressure, and cardiac arrest, particularly in those with preexisting heart conditions. Long-term use of some stimulants may cause permanent damage to the brain, heart, lungs, and other organs.
- Opioids include prescription pain relievers like oxycodone, morphine, fentanyl and heroin. When misused, opioids can lead to addiction, fatal overdose, spontaneous abortion, and infectious diseases associated with injection drug use like hepatitis and HIV. They also can cause serious health conditions including pulmonary complications, infection of the heart lining and valves, liver and kidney disease. Nearly half of the individuals who inject heroin reported using prescription opioids before starting to use heroin. Opioids can also greatly increase the risk of accidents and automobile crashes because they affect vision, depth perception, coordination, and other physical skills. Psychological side effects include poor concentration and impaired judgment. Driving under the influence of legal medication may result in a DUI violation.



- Long-term or heavy use of depressants like opioids, benzodiazepines and alcohol can lead to a profound physical addiction, requiring medically monitored detoxification in order to discontinue use safely. Individuals who are physically addicted to depressants can experience serious medical complications when attempting to discontinue use, including seizures, hallucinations, stroke, and death.
- Almost all drugs, carry the potential risk for overdose. Chronic, high-risk use of alcohol and drugs can also have psychological and social consequences, including loss of intimacy and significant relationships, pervasive feelings of unhappiness, a lack of motivation, drive and interest in the things that were once important, academic and employment impairments, financial losses, estrangement from family and other social support, inability to meet responsibilities and obligations, and significant legal issues. For additional information regarding commonly used drugs and up to date health risks, visit: <https://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>.

## **Federal and State Penalties for Drug Sale and Possession**

The federal government decides if and how a drug should be controlled. Psychoactive (mind-altering) chemicals are categorized according to Schedule I to V. This schedule designates if the drug must be prescribed by a physician and under what conditions. Factors considered in this categorization include a drug's known and potential medical value, its potential for physical or psychological dependence, and risk, if any, to public health. Penalties for the illegal sale or distribution of a drug are established using the designation of Schedule I to V. The State of Michigan designates controlled substances as Schedule I through V, using similar definitions to those employed by the federal government. The State of Michigan's schedule designations of individual drugs are similar, but not identical to those of the federal government.

**Schedule I** drugs have a high potential for abuse, have no currently accepted medical use in the United States, and lack acceptable safety for use under medical supervision. Examples of substances listed in Schedule I include heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), peyote, methaqualone, and 3,4-methylenedioxy-methamphetamine (ecstasy). GHB (gamma-hydroxybutyrate) can be a Schedule I or III drug, depending on its form.

**Schedule II** drugs have a currently accepted medical use in the United States, despite a high potential for abuse that may lead to severe psychological or physical dependence. Examples include combination products with less than 15 milligrams of hydrocodone per dosage unit (Vicodin), cocaine, methamphetamine, methadone, hydromorphone (Dilaudid), meperidine (Demerol), oxycodone (OxyContin), fentanyl, Dexedrine, Adderall, and Ritalin.

Federal and State of Michigan penalties for selling Schedule I and II drugs vary with the type and quantity of the drug. Additionally, if death, rape, or serious injury is associated with the use of the drug and/or if it is a second offense, penalties are more severe.

Unless otherwise specified by federal law, the federal penalty for the first offense involving a Schedule I or II controlled substance, GHB, or 1 gram of flunitrazepam (Schedule IV) is

imprisonment for not more than 20 years. If death or serious bodily injury results from the use of such substances, the penalty is imprisonment for not less than 20 years or more than life, a fine not to exceed \$1 million for an individual, or both. The State of Michigan's penalty for other Schedule I or II controlled substances is imprisonment for not more than twenty years, a fine of not more than \$25,000, or both.

The State of Michigan's penalty for unlawful manufacture, delivery, or possession with intent to deliver less than 50 grams of a Schedule I or II controlled substance is imprisonment for up to 20 years, and/or a fine of up to \$25,000. Use of a Schedule I or II controlled substance is a misdemeanor that has a penalty of imprisonment for up to one year, a fine of up to \$2,000, or both. Michigan law also provides for up to seven years imprisonment and/or a fine of not more than \$5,000 for individuals who manufacture, deliver, or possess with intent to manufacture or deliver gamma-butyrolactone (GBL), a compound related to GHB.

For less than 50 kilograms of marijuana, except in the case of 50 or more marijuana plants regardless of weight, 10 kilograms of hashish, or one kilogram of hashish oil, the federal penalty is imprisonment for not more than 5 years, a fine not to exceed \$250,000 for an individual, or both. In Michigan, with the exception of manufacture, possession, use, or sale consistent with the Michigan Medical Marihuana Act and Medical Marihuana Facilities Licensing Act, the "unlawful manufacture, delivery, or possession with intent to deliver" of less than 5 kilograms of marijuana or a mixture containing marijuana, or fewer than 20 marijuana plants, is a felony punishable by imprisonment for up to four years, a fine of up to \$20,000, or both.

**Schedule III** drugs have a potential for abuse that is less than Schedule I and II substances, and abuse may lead to moderate or lower physical dependence or high psychological dependence. Examples include products containing less than 90 milligrams of codeine per dosage unit such as Tylenol with codeine, ketamine, anabolic steroids such as oxandrolone, or testosterone.

**Schedule IV** drugs have a low potential for abuse relative to substances in Schedule III. Examples include propoxyphene (Darvon® and Darvocet-N 100®), alprazolam (Xanax®), clonazepam (Klonopin®), diazepam (Valium®), lorazepam (Ativan®), and midazolam (Versed®).

**Schedule V** drugs have a low potential for abuse relative to substances listed in Schedule IV and consist primarily of preparations containing limited quantities of certain narcotics that are used for antitussive, antidiarrheal, and analgesic purposes, such as Robitussin AC®, Lomotil, Motofen, Lyrica, Parepectolin.

Except as otherwise provided by federal law, the penalty for first offense sale of a Schedule III drug is imprisonment for not more than ten years, a fine of not more than \$500,000 for an individual, or both. The federal penalty for first offense sale of Schedule IV drugs is imprisonment for not more than five years, a fine of not more than \$250,000 for an individual, or both. The federal penalty for first offense sale of Schedule V drugs is imprisonment for not more than one year, a fine of not more than \$100,000 for an individual, or both.

The State of Michigan's penalty for unlawful manufacture, delivery, or possession of Schedule III controlled substances is imprisonment for not more than seven years, a fine of not more than \$10,000, or both. The penalty for Schedule IV controlled substances is imprisonment for not

more than four years, a fine of not more than \$2,000, or both. The penalty for Schedule V controlled substances is imprisonment for not more than two years, a fine of not more than \$2,000, or both. The penalty for use of lysergic acid diethylamide, peyote, mescaline, dimethyltryptamine, psilocin, psilocybin, or a controlled substance classified in Schedule V is imprisonment for not more than six months, a fine of not more than \$500, or both. Use of all other Schedule I, II, III, and IV controlled substances is punishable by imprisonment for not more than one year, a fine of not more than \$1,000, or both.

<b>VIOLATION</b>	<b>SUMMARY OF VIOLATIONS</b>	<b>POSSIBLE PENALTIES</b>
Selling or furnishing alcohol to a minor	Alcohol shall not be sold or furnished to a minor.	First offense: a fine of not more than \$1,000 and imprisonment for not more than 60 days. Second or subsequent offense; a fine of not more than \$2,500 and imprisonment for not more than 90 days. Operator's or chauffeur's license may also be suspended. May be ordered to perform community service for any violation.
Consumption on public highway	No alcoholic beverage can be consumed on public highways.	Misdemeanor: not more than 90 days, a fine of not more than \$500, or both.
Open alcohol in vehicle	No alcohol item can be open, uncapped, or seal broken in passenger area of vehicle.	Misdemeanor: not more than 93 days in jail, a fine of not more than \$500, or both. May be ordered to perform community service and undergo substance abuse screening and assessment at own expense. Licensing sanctions may also be imposed.
Disorderly person (intoxicated)	Intoxicated in public place and endangering the safety of another person or of property or causing a disturbance.	Misdemeanor: not more than 90 days in jail, a fine of not more than \$500, or both.
Minor operating with any bodily alcohol content	Person under 21 years of age who is driving cannot have any bodily alcohol content.	First offense: Civil Infraction. Second offense: 30-day misdemeanor; Third offense 60-day misdemeanor. Driver's license may be restricted for 30 days. Up to

		four points may be added to driver record.
Consumption or possession of alcohol by a minor. Minor possessing or transporting alcohol in motor vehicle. Purchase/possession/consumption or attempt to purchase/possess/consume by minor (MIP)	A person under 21 years of age who purchases or attempts to purchase alcoholic liquor, consumes or attempts to consume alcoholic liquor, or have any bodily alcohol content.	First offense: Civil infraction, a fine of not more than \$100, or court-ordered participation in substance use disorder services, community service, or substance abuse screening at own expense. Second offense: misdemeanor: up to 30 days imprisonment if in violation of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than \$200, or both. May be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services. May be ordered to perform community service and undergo substance abuse screening and assessment at own expense. Licensing sanctions may also be imposed. Third or subsequent offense: misdemeanor: up to 60 days imprisonment if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than \$500.00, or both. May be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services. May be ordered to perform community service and

		undergo substance abuse screening and assessment at own expense. Licensing sanctions may also be imposed
Adult use and cultivation of marijuana in public	A person who possesses not more than twice the amount of marijuana allowed, cultivates not more than twice the amount of marijuana allowed, delivers without receiving any remuneration to a person who is at least 21 years of age not more than twice the amount of marijuana allowed, or possess with intent to deliver not more than twice the amount of marijuana allowed.	First offense: civil infraction and may be punished by a fine of not more than \$500 and forfeiture of marijuana. Second offense: civil infraction and may be punished by a fine of not more than \$1,000 and forfeiture of marijuana. Third and subsequent offenses: misdemeanor and may be punished by a fine or not more than \$2,000 and forfeiture of marijuana.
Possession or cultivation of marijuana by a minor	A person under 21 years of age who possesses not more than 2.5 ounces of marijuana or who cultivates not more than 12 marijuana plants.	First offense: civil infraction and may be punished as follows: If less than 18 years of age, by a fine of not more than \$100 or community service, forfeiture of marijuana, and 4 hours of drug education or counseling. If at least 18 years of age, by a fine of not more than \$100 and forfeiture of marijuana.  Second offense: civil infraction and may be punished as follows: If less than 18 years of age, by a fine of not more than \$500 or community service, forfeiture of marijuana, and completion of 8 hours of drug education or counseling. If at least 18 years of age, by a fine of not more than \$500 and forfeiture of marijuana.
Possession or cultivation more than two times the amount allowed by law	A person who possesses more than twice the amount of marijuana allowed, cultivates more than twice the amount allowed, or delivers without	Misdemeanor but a person shall not be subject to imprisonment unless the violation was habitual, willful, and for a commercial

	receiving any remuneration to a person who is at least 21 years of age more than twice the amount of marijuana allowed.	purpose or the violation involved violence.
OWI (drunk driving)	A person who operates a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state is guilty of a crime if the person is operating while intoxicated.	First offense: misdemeanor, \$100 to \$500 fine and one or more of the following: not more than 93 days in jail and/or community service not more than 360 hours. As part of a sentence, court may order suspension and/or restrictions of operator's license. Vehicle immobilization or ignition interlock may also be required. Up to six points may be added to driver record. If the person has a blood alcohol content of 0.17 grams or more, possible fines include one or more of the following: up to 180 days in jail, and/or a \$200 to \$700 fine, and/or up to 360 hours of community service. Other possible penalties include: driver's license suspension for up to one year, license plate confiscation, vehicle immobilization, and up to six points may be added to an offender's driving record.
Permitting person under the influence to drive	Allowing intoxicated person to drive in area open to the public.	Misdemeanor: not more than 93 days in jail, or fine not less than \$100 or more than \$500, or both.
Operating while visibly impaired (OWVI)	A person driving in areas open to public while impaired from alcohol, drugs, or both.	First offense: misdemeanor, community service for not more than 360 hours; and/or imprisonment for not more than 93 days; and/or a fine of not more than \$300. May be required to immobilize vehicle. Restrictions on driver license may also be imposed.

Operating with any presence of a Schedule I drug (OWPD)	A person driving in areas open to the public with any amount of a schedule I or other designated controlled substance in the body.	First offense: \$100 to \$500 fine and one or more of the following: not more than 93 days in jail and/or community service not more than 360 hours. As part of sentence, court may order suspension and/or restrictions of operator's license. Vehicle immobilization or ignition interlock may also be required. Up to six points may be added to driver record.
OWI causing death of another person	A person driving under the influence of alcohol or a controlled substance causes the death of another person	Felony: Imprisonment of not more than 15 years, a fine of \$2,500- \$10,000, or both. Vehicle may be forfeited or immobilized.
OWI causing serious impairment	A person driving under the influence of alcohol or a controlled substance causes a serious impairment of a body function of another person	Felony: Imprisonment for not more than 5 years, a fine of \$1,000- \$5,000, or both. Vehicle may be forfeited or immobilized.
Using false ID to purchase alcohol	A minor shall not use fraudulent identification to purchase alcohol, nor shall another individual furnish fraudulent identification to a minor.	Imprisonment for not more than 93 days, a fine of not more than \$100, or both

## College Policies

Use, possession, or distribution of alcoholic beverages and drugs is forbidden on campus. Persons appearing on campus while under the influence of alcoholic beverages, narcotics and other dangerous drugs, except as expressly permitted by law, will be subject to disciplinary and/or legal action.

Possession, consumption, sale, or purchase of any controlled substance which is illegal under state or federal law is prohibited on the campus of HFC.

## College Sanctions

Employees found in violation of College Policies, employee performance, conduct policies, state or federal laws are subject to due process action which may include required treatment, education, training, restriction of privileges, a warning, suspension or dismissal.

Students found in violation of College conduct policies or state or federal laws are subject to disciplinary action and may consist of payment of fines, verbal reprimand, restitution of damages, restriction of privileges, disciplinary probation, suspension, dismissal and/or notation on the student's record of dismissal or suspension.

Brochures are available in the Counseling Office located in the Learning Resources Center. Anyone with questions should call 313-845-9611 or 313-845-9612.

### **Federal Law: Sanctions**

Federal law prohibits the trafficking of illegal possession of controlled substances as outlined in 21 United States Code, Section 811 and 844. Depending on the amount, first offense maximum penalties for trafficking marijuana range from five years in prison and a fine of \$250,000 to life imprisonment and a fine of \$4 million. Again, depending on the amount, first offense maximum penalties for trafficking class I and II controlled substances (methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl analogue) range from five years to life imprisonment and maximum fines ranging from \$2-\$4 million. First offense penalties and sanctions for the illegal possession of a controlled substance ranges from up to one year in prison and a fine of at least \$1,000 but not more than \$250,000 or both.

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

Federal law provides that a student who has been convicted of an offense under any federal or state law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance during the period beginning on the date of such conviction and ending after the interval specified in the following table.

If convicted of an offense involving:

<b>Possession of a Controlled Substance</b>	<b>Ineligibility Period</b>
First Offense	1 year
Second Offense	2 years
Third Offense	Indefinite

<b>Sale of a Controlled Substance</b>	<b>Ineligibility Period</b>
First Offense	2 years
Second Offense	Indefinite

A student whose eligibility has been suspended based on a conviction for possession or sale of a controlled substance may resume eligibility before the end of the ineligibility period if:

- A. the student satisfactorily completes a drug rehabilitation program that –
  - i. complies with the criteria prescribed in the federal regulations; and



- ii. includes two unannounced drug tests; or
- B. the conviction is reversed, set aside, or otherwise rendered nugatory.

## **Michigan Law and College Policies**

To provide for the safety of members of the College community and the protection of College property, HFC has set minimum standards of conduct. Detailed information may be found in College Policies and/or General Student Regulations. These College standards of conduct do not replace, or relieve, persons from the obligation to comply with the requirements of civil or criminal laws. Unlawful behavior may result in criminal prosecution as well as College disciplinary action. The use or possession of marijuana on any property owned or managed by HFC, and by HFC's faculty, staff, or students on any HFC property or during off-campus HFC business or events remains illegal and fully criminalized according to federal law. HFC is subject to the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendment of 1989. In addition, the HFC Drug and Alcohol Policy prohibits the unlawful manufacture, distribution, dispensation, possession, and use of controlled substances, illicit drugs, and alcohol on property governed by HFC's Board of Trustees and at any site where college work is performed.

## **Review of 2021-2022 Activities (Biannual Assessment)**

The College has few incidents of alcohol and drug use reported or observed annually. During the 2021-2022 academic years, there were zero cases reported involving alcohol/drug use, possession or suspected sale.

The College has a very effective response and referral process, and an annual educational activity. There is no need at this time to modify activities, although additional referral agencies and support resources are always sought to benefit students and employees.

The above document is sent to employees and students at mid-point of each fall and winter semester. Students can register for 15-week, 12-week, or eight-week classes. Sending the email out mid-semester ensures all students receive the email.

The College's Behavioral Intervention Counselor oversees education and support provided to students who are found in non-compliance with laws or policies, or who are suffering from addiction. This counselor specializes in additions and behavioral modification.

To encourage additional students to seek assistance if they or a family member or friend are grappling with substance abuse or addiction, the Behavioral Intervention Counselor conducts an annual program held during Welcome Back Days. This activity is held openly in the Student & Culinary Arts Center (Building M on the main campus) during the first weeks of fall and winter classes. Students receive information about legal and health issues, risks, campus and community resources and support systems. College counselors provide individual counseling upon referral throughout the year.

## Drug/Alcohol Abuse Education Programs

### Emergency Assistance/Campus Contacts:

Off-campus call 911

Campus Safety: 313-845-9630, On-campus call 9911 or 9630

Human Resources: 313-845-9820

Student Affairs: 313-845-9610

Report behavior where suspicion of alcohol or drug use is present: [www.hfcc.edu/incidentreport](http://www.hfcc.edu/incidentreport)

### Assistance, Treatment, Support and Community Resources

On Campus Counseling: HFC employs full-time and part-time licensed professional counselors who provide individual counseling, workshops and group sessions to students experiencing personal issues, including those impacted by drug and/or alcohol abuse or addiction. Three counselors have specialized education and training in addiction and alcohol and drug education. Counseling Department: 313-845-9611 or 313-845-9612.

### Off Campus Substance Abuse Resources:

- Alcoholic Anonymous 24-hour helpline: 248-332-3521
- Eastwood Clinic (affiliated with St John's Health) 800-626-3896
- Downriver Community Alliance Central: 800-686-6543
- Latino Family Services (Detroit) 1-313-279-3232
- Narcotics Anonymous 24-hour helpline: 248-543-7200
- Oakdale Recovery Center: 734-397-3088
- Psychiatric Intervention Center: 734-721-2000
- Apex Behavioral Health: 313-271-8710
- Employee EAP- HR Benefits Office: 800-847-7240

## **Notification of Victims of Crimes of Violence**

In accordance with the Higher Education Opportunity Act (HEOA), the College will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the report on the results of any disciplinary proceeding conducted by the College against a student or employee who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## **Sex Offender Registry and Access to Related Information**

The Adam Walsh Child Protection and Safety Act of 2006 provides for the registration and tracking of sex offenders. Institutions of higher education are required to issue a statement advising the college community of where to obtain law enforcement agency information provided by a state concerning registered sex offenders. The law also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.

In the State of Michigan, information regarding registered sex offenders who are subject to community notification may be obtained from a community member's respective local municipal police agency and/or the Michigan State Police. The Dearborn Police Department is located at 16099 Michigan Ave, Dearborn, MI (phone 313 943-2221) or visiting the Michigan State Police sex offender web site at [https://www.michigan.gov/msp/0,4643,7-123-1878\\_24961---,00.html](https://www.michigan.gov/msp/0,4643,7-123-1878_24961---,00.html).

## **VIOLENCE AGAINST WOMEN (VAWA) REAUTHORIZATION**

### **Sexual Misconduct Policies, Services, Resources, and Protocols**

Henry Ford College prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the college community. Toward that end, Henry Ford College issues this statement of policy to inform the college community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a College official.

### **Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- **Domestic Violence:**
  - i. A Felony or misdemeanor crime of violence committed by –
    - a. A current or former spouse or intimate partner of the victim;
    - b. A person with whom the victim shares a child in common;
    - c. A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

- d. 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
    - e. 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.
  - ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Definition of a Crime of Violence:** According to Section 16 of Title 18 of the United States Code, the term "crime of violence" means:
  - i. An offense that has an element of the use, attempted use, or threatened use of physical force against the person or property of another; or,
  - ii. Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  - i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - ii. 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.
  - iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **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."
  - **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

- **Incent** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.
- **Stalking:**
  - i. Engaging in a conduct directed at a specific person that would cause a reasonable person to-
    - a. Fear for the person’s safety or the safety of others; or,
    - b. Suffer substantial emotional distress.
  - ii. 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.
  - iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### **Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Consent**

The State of Michigan laws can be found in the Michigan Compiled Laws (MCL) and viewed at [www.legislature.mi.gov](http://www.legislature.mi.gov)

- **Domestic Violence** is defined as an assault or assault and battery of: 1) a current or former spouse, 2) an individual with whom the assailant has or has had a dating relationship, 3) an individual with whom the assailant has had a child in common, or 4) a resident or former resident of the assailant’s household.
  - **“Dating relationship”** means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.
- **Dating Violence** is a form of domestic violence under Michigan law.
- Michigan criminal laws regarding sexual assault are separated into four degrees of criminal sexual conduct. For each of those criminal offenses, the following definitions apply:

- **"Sexual contact"** includes the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for: (i) revenge, (ii) to inflict humiliation, or (iii) out of anger.
- **"Sexual penetration"** means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emission of semen is not required.
- **Sexual Assault** is called Criminal Sexual Conduct in the State of Michigan. It is gender neutral and includes marital, stranger, date, acquaintance, and child sexual assault. Criminal Sexual Conduct is forcing or coercing an individual to engage in any non-consensual sexual contact or sexual penetration.
- **Stalking** is a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.
- **Consent** is not defined by Michigan law and is not an element of criminal sexual conduct that prosecutors are required to disprove beyond a reasonable doubt. Rather, consent is an affirmative defense available for defendants who are charged with committing criminal sexual conduct. HFC's Sexual Misconduct Policy defines consent as the "words or actions that show a knowing and voluntary agreement to engage in mutually agreed upon sexual activity. Effective consent is absent when the activity in question exceeds the scope of effective consent previously given. Consent is a free and clearly given yes, not the absence of a no, and cannot be received when a person is incapacitated by alcohol or drugs."

## How to Be an Active Bystander

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

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." We want to promote a culture of community accountability where bystanders are actively engaged in

the prevention of violence without causing further harm. We may not always know what to do event if we want to help. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, call OCS at (313) 845-9630, or the local police by dialing 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- 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.
- Be direct, delegate responsibility, or cause a distraction when you see a person secludes, hits on, tries to make out with, or has sex with people who are incapacitated.
- Intervene when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- 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](http://www.rainn.org))

- **Be Aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you don't know where you are going, act like you do.
- **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- Make sure **your cell phone is with you and charged** and that you have cab money and/or an on-demand driver app loaded.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **Know your resources**. Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center, campus police station, and a local sexual assault service provider. Notice where emergency phones are located on campus, and program the campus security number into your cell phone for easy access.
- **Stay alert**. When you're moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus

security for an escort. If you're alone, only use headphones in one ear to stay aware of your surroundings.

- **Be careful about posting your location.** Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.
- **Make others earn your trust.** A college environment can foster a false sense of security. They may feel like fast friends but give people time to earn your trust before relying on them.
- **Think about Plan B.** Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card? Do you have the address to your dorm or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?
- **Be secure.** Lock your door and windows when you're asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.
- 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.
- **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.)
- **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.
- **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.
- **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 them to a safe place immediately.
- 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.
- If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
  - Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - Be true to yourself. 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.
  - 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.

- 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.
- 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?
- 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 (VAWA)**

### **Henry Ford College Sexual Misconduct Policy/Title IX**

#### **I. Policy Title: Sexual Misconduct Policy/Title IX**

#### **II. Who Does This Policy Affect?**

This Policy applies to all members of the College community, including, HFC Board of Trustees, students, faculty, employees, staff, independent contractors, vendors, volunteers, others engaged in business with the College, guests, and visitors ("HFC Community Members").

#### **III. Purpose**

Henry Ford College ("HFC" or "College") is comprised of two Dearborn campuses, the Main campus and the East campus (MTEC) The College is committed to creating and maintaining a safe and non-discriminatory college community that is free from both sexual and gender-based misconduct and that enables individuals engaged in HFC programs or activities to participate fully in the educational mission of the College. In addition to sexual misconduct, Title IX also includes, but is not limited to, pregnancy/pregnancy related issues and gender equality in athletics, academic programs and activities. This policy complies with the requirement of Title IX, 20 U.S.C. 1092 (f)(7) and 1681 (a) and its implementing regulations.

This Policy is intended to ensure a safe and non-discriminatory educational and work environment and describes the process by which HFC meets its obligations under Title IX and its implementing regulations.

The purpose of this Policy is to eliminate, prevent and address sexual misconduct. In addition, this policy describes the process for reporting violations, investigating written complaints and the method to adjudicate the alleged violations. This policy also identifies resources available to HFC Community Members who are involved in an incident of sexual misconduct.

“Unless otherwise indicated, all references throughout this Policy to individuals or titles (e.g., Title IX Coordinator) shall include that individual’s designee.”

“Unless otherwise stated, all references to “days” in the Policy shall mean calendar days. To the extent a deadline falls on a weekend or a College holiday, the next business day shall be the applicable deadline.”

#### **IV. Policy Statement**

The College is committed to offering programs, activities and an educational environment free from sex and gender discrimination and conducive to positive learning and working experiences free from sex and gender discrimination. The College prohibits, and will not tolerate, sexual misconduct. For the purposes of this policy, sexual misconduct includes, but is not limited to, behaviors such as rape, sexual assault, sexual battery, sexual harassment, sexual coercion, domestic violence, dating/relationship violence, sexual exploitation, and stalking. College community members shall not engage in sexual misconduct. Persons who engage in such prohibited behavior are subject to disciplinary action, up to and including discharge for employees and dismissal for students and may be subject to criminal prosecution.

The College will respond to all complaints of alleged conduct that may be in violation of this policy. All reported Prohibited Conduct will receive a prompt, equitable, impartial, and thorough investigation and/or resolution; and will provide for appropriate disciplinary or other corrective action.

This Policy will apply when all of the following are met, in the reasonable determination of the Title IX Coordinator:

- occurred on or after August 14, 2020;
- occurred in the United States;
- occurred in the College’s Education Program or Activity education program or activity includes locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College, whether such a building is on-campus or off-campus; and
- At the time of filing a formal complaint, a Complainant is participating in or attempting to participate in the education program or activity at the College; and
- Constitutes Sexual Misconduct, as defined in this Policy.

The College will provide due process as described in this policy. The Sexual Misconduct Complaint Procedure is designed to provide due process for both parties. This includes providing the parties with an opportunity to present evidence, witnesses and relevant information during the investigation and hearing process described below.

All College proceedings under this Policy are conducted in compliance with the requirements of Title IX of the Education Amendments of 1972 ("Title IX") and regulations promulgated thereunder in 2020; Title VII of the Civil Rights Act of 1964 ("Title VII"); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), as amended by the VAWA Act of 2013, and state and federal law, as may be applicable.

## **A. Notice of Non-Discrimination**

HFC does not discriminate against any person in any of its education or employment programs and activities on any basis prohibited by federal law or other applicable law, including on the basis of sex or gender, and it does not tolerate discrimination or harassment on the basis of sex or gender. The prohibition on discrimination extends to admission and employment, unless excepted by law.

The College complies with Title IX of the Education Amendments of 1972 (Title IX), and its implementing regulations (34 C.F.R. Part 106, as amended by 85 FR 30026 (May 19, 2020)), a federal law that provides that: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, including admissions and employment.

## **B. Jurisdiction and Timing**

- I. **Personal and Geographical Jurisdiction.** Any person may file a complaint of sexual misconduct against a registered or enrolled student or current employee under this process. A "student" means any student who is registered or enrolled at the College at the time of the alleged sexual misconduct (including, but not limited to, sexual misconduct that is alleged to have occurred during any academic recess, provided that there is an expectation of the student's continued enrollment at the College). If a student who was currently enrolled at the time of the alleged sexual misconduct subsequently withdraws from all courses, the College shall maintain personal jurisdiction. An "employee" is defined as a current employee.

This process applies to students, employees, and third parties. The process covers acts of Prohibited Conduct committed by or against students, employees, and third parties when the prohibited conduct occurs in the College's education or employment programs or in activities which include locations, events, or circumstances over which the College exercised/exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a College student organization that is officially recognized by the College.

- II. **Timing of Complaints and Availability of Procedures.** So long as there is jurisdiction pursuant to B.1. above, there is no time limit to invoking this process in responding to complaints of alleged sexual misconduct. Nevertheless, students and HFC Community Members are encouraged to report alleged sexual misconduct as soon as possible in order to maximize the College's ability to obtain evidence, and conduct a thorough, impartial and reliable investigation. HFC encourages reporting within 180 days of an incident as delays in reporting alleged sexual misconduct may result in the loss of relevant evidence and witness testimony and may impair the College's ability to collect information relevant to the process. If the Respondent is a student who will be graduating, a hold will be placed on the Respondent's account until proper resolution of any sexual misconduct charges may occur, provided that a

hearing opportunity can be scheduled in accordance with the Title IX timeline for the earliest practicable date that may reasonably accommodate the parties and their witnesses.

### **C. Role of Title IX Coordinator**

The Title IX Coordinator oversees the College's compliance with Title IX, including its grievance procedure, education/prevention efforts, and training. The Coordinator reviews information about sexual misconduct complaints to identify and address any patterns or systematic concerns that arise during the review of such complaints. The Coordinator is available to meet with any College Community Member or campus organization that would like to discuss Title IX compliance at the College. Please see the College's Title IX policy at: <https://policies.hfcc.edu/policy/sexual-misconduct-policy>

Assistance may be obtained 24 hours a day, seven days a week, by dialing 911.

During business hours (8:00 a.m. to 4:30 p.m., Monday through Friday), you are also strongly urged to contact, whether student or employee, one of the following Title IX administrators as soon as reasonably possible to report any sexual misconduct you believe may have occurred. A formal complaint may be filed with the Title IX Coordinator in person, by regular mail, or by electronic mail, by using the contact information listed below.

#### **Title IX Coordinator:**

Assistant Director of Student Conduct & Compliance /Title IX Coordinator

Location: Campus Safety Building, Office N227

Phone: 313.845.6301

#### **Students:**

For complaints against a student, contact either the Title IX Coordinator identified above or the Student Deputy Title IX Coordinator:

Location: Campus Safety Building, Office N223

Phone: 313.845.6315

#### **Employees:**

For complaints against an employee, contact either the Title IX Coordinator identified above or the Employee Deputy Title IX Coordinator:

Location: Welcome Center, 3rd Floor

Phone: 313.845.9851

Your health, safety and well-being are the College's primary concern. If you, or someone you know, may be the victim of any form of sexual misconduct, you are strongly urged to seek immediate assistance.

## D. Responsible Employees:

Creating a safe environment is the responsibility of all members of the College community. All College employees are considered Responsible Employees and are required to promptly report allegations of sexual misconduct or other violations of this policy to either the Title IX Coordinator or designees and/or Campus Safety within three business days. All College employees, including the College's Board of Trustees, faculty, and staff, must promptly report sexual misconduct that they observe or learn about, and that involves a member of the College community or occurred at a College event or on College property. The Board of Trustees, employees, faculty, and staff are required to report this information even if the Complainant indicates they plan to report the complaint. The Board of Trustees, employees, faculty, and staff are directed to refer to the Title IX Resource Guide for guidance in their reporting obligations. See the Related Documents section below for a link to the Title IX Resource Guide.

The College's Licensed Counselors are the only confidential employees not required to report sexual misconduct incidents to the Title IX Coordinator without Complainant permission.

## E. Reporting Options

The College encourages all individuals to report Prohibited Conduct or a potential violation of this Policy to the Title IX Coordinator, the Office of Campus Safety, and/or local law enforcement. Any person can make a sexual misconduct report as follows:

- I. To the Title IX Coordinator or Deputy Title IX Coordinator in person, by mail, phone, email, or by any other means that results in the Title IX Coordinator or Deputy Title IX Coordinator receiving the person's verbal or written report.
- II. Report to the Office of Campus Safety
- III. To the United States Department of Education's Office for Civil Rights regarding an alleged violation of Title IX ([www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html) or by calling 1-800-421-3481).
- IV. **Confidential or Anonymous Reporting:** There are many supportive resources available at the College. Some of the resources are designated as confidential. Other resources provide support but may need to involve others. For confidential or anonymous reporting, you must either submit an anonymous online report or meet with a licensed counselor at the HFC Counseling Center. If safety to others is a concern, or as required by law, the College may need to report the allegation.

The College is committed to fostering a community that promotes reporting of all types of sexual misconduct. All individuals are encouraged to promptly report conduct that may violate this Policy to the College and report conduct that may violate criminal law to both the College and local law enforcement.

The College can most efficiently and effectively investigate and respond to allegations of sexual misconduct if the complaint is made as promptly as possible after the alleged misconduct occurs.

## **RESOURCES:**

### **A. On-Campus Resources:**

Office of Campus Safety:

When threatened or confronted with an emergency, call Campus Safety: 9911 from a campus phone or (313) 845-9630 from the outside. Campus Safety can also be reached through your HFC Reach Out App and by email at [campussafety@hfcc.edu](mailto:campussafety@hfcc.edu).

Counseling Center: <https://www.hfcc.edu/student-services/counseling>

Student Outreach and Support (SOS)

Assisted Learning Services (Disabilities)

Office of Student Conduct and Title IX Contact: (313) 845-6301

For additional resources, go to <https://www.hfcc.edu/student-rights>

### **B. Off-Campus Resources:**

#### **For Victims and Families of Domestic Violence/Rape/Sexual Assault:**

In Case of Emergency Call  
9-1-1

#### **24-Hour Help**

RAINN National Sexual Assault Hotline:  
1-800-656-HOPE (4673)  
Information and Chat: [www.rainn.org](http://www.rainn.org)

#### **National Teen Dating Abuse Helpline:**

1-866-331-9474  
TTY: 1-866-331-8453  
Text: Loveis to 22522  
Information and Chat: [www.loveisrespect.org](http://www.loveisrespect.org)

#### **National Domestic Violence Hotline:**

1-800-799-SAFE (7233)  
TTY: 1-800-787-3224  
Information and Chat: <http://www.thehotline.org/>

#### **First Step-24-hour help lines**

(734) 722-6800  
(888) 453-5900

## **Dearborn Resources**

### **ACCESS**

2651 Saulino Court

Dearborn, MI 48120.

Phone: (313) 842-7010

Fax: (313) 842-5150

<https://www.accesscommunity.org/>

## **Detroit Resources**

### **Southwest Detroit Resources:**

#### **CHASS –LA VIDA CLINIC**

5635 West Fort Street

Detroit, MI 48209

<http://chasscenter.org>

Phone: 313.849.3920

Fax: 313.849.0824

#### **Detroit Police Rape Counseling Center**

420 St. Antoine

Detroit MI 48201

313.833.1660

## **Wayne County Resources**

### **First Step**

Smithbauer Center

4400 S. Venoy

Wayne, MI 48184

734.722.1772

### **Lincoln Park**

1394 Cleophus Parkway

Lincoln Park, MI 48146

313.383.2975

### **VOICES (sexual abuse survivors) - Catholic Social Services (313) 883-2100**

Further information about Title IX and sex discrimination in education is available from the Office for Civil Rights, 400 Maryland Avenue, SW, Washington, DC 20202-1100 (by Customer Service Hotline: 800-421- 3481; fax: 202-453-6012; TDD: 877-521-2172; email: [OCR@ed.gov](mailto:OCR@ed.gov); or on the web, at <http://www.ed.gov/ocr>).

## **F. Retaliation Prohibited**

It is a violation of College Policy to retaliate against any person making a complaint of sexual misconduct, any person cooperating in the investigation of (including testifying as a witness) of

any allegation of sexual misconduct, and supporters of the Complainant. For the purposes of this document, retaliation means when a faculty/staff member/employer takes adverse action against a/an student/employee because she or he has engaged in a protected activity such as filing a complaint of discrimination or harassment. Retaliation may be found even when the underlying charge does not constitute discrimination or harassment in violation of College policies, and all persons who participate in a discrimination or harassment proceeding, not only the Complainant, are protected against retaliation. The College will not tolerate retaliation.

An adverse retaliatory action is an action taken to deter a reasonable person from opposing a discriminatory or harassing practice and/or from participating in a discrimination or harassment proceeding or, more generally, from pursuing her/his rights. Examples of adverse actions include failing grade, termination, denial of promotion or demotion, and unjustified negative evaluations or references. Adverse actions do not include petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation, snubbing a colleague, or addressing poor class/work performance. Students/Employees who have filed a complaint or expressed opposition to discrimination or harassment are still expected to perform their student/employee responsibilities and follow appropriate classroom/work decorum.

The College or other person may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, may amount to retaliation. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination. The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation. However, a determination regarding responsibility alone will not be sufficient to conclude that any party made a materially false statement in bad faith.



## G. First Amendment Protections

The College is also required and committed to upholding the First Amendment of the United States Constitution. Nothing in this process is intended to abridge the rights or freedoms guaranteed by the First Amendment, or to infringe on the proper exercise of academic freedom. The protections of the First Amendment must be carefully considered in all complaints involving speech or expressive conduct. The fact that speech or a particular expression is offensive is not, on its own, necessarily a legally sufficient basis to establish a violation of this policy. This policy is not intended to restrict any rights that would otherwise be protected from government action by the First Amendment of the U.S. Constitution; (2) Deprive a person of any rights that would otherwise be protected from government action under the Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution; or (3) Restrict any other rights guaranteed against government action by the U.S. Constitution.

## V. Definitions

For purposes of this policy, the following definitions will apply.

**“Actual knowledge”** means notice of sexual harassment or allegations of sexual harassment to a recipient’s Title IX Coordinator or any official of the recipient who has the authority to institute corrective measures on behalf of the recipient, or to any employee of an elementary and secondary school.

**“Clery Act”** refers to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

**“College”** means Henry Ford College.

**“Dating Violence”** means a pattern of assaultive and/or controlling behaviors that one person uses against another in order to gain or maintain power and control in the relationship. The Respondent has intentionally behaved in ways that causes fear, degradation and humiliation to control the victim. Forms of abuse can be physical, sexual, emotional and/or psychological.

In determining whether an individual has engaged in “dating violence,” the following must be established: the Respondent and the victim have been in a societal relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on a consideration of the following factors: 1.) length of the relationship, 2.) type of the relationship, and 3.) the frequency of interaction between the persons involved in the relationship.

**“Document Filed by a Complainant”** means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party under this regulation.

**“Domestic Violence”** is a pattern of behavior in which one person uses physical, sexual, economic or emotional abuse to control the victim. This behavior specifically includes assaults or an assault and battery of a person’s spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household.

MCL 750.81(2) considers “domestic violence” a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

**“Duty to Report”** all College Board of Trustees, employees, faculty and staff, are identified as Responsible Employees. All Responsible Employees who learn of sexual misconduct or sexual harassment against a student or employee or other form of discrimination are expected to notify the Title IX Coordinator, including all Title IX violations as described under Section III, Purpose have a Duty To Report under this Policy. If the allegation of gender-based harassment, sexual harassment or sexual assault involves a minor under the age of 17, the Board member, employee, faculty or staff is required to notify the Title IX Coordinator and the Office of Campus Safety. An employee (including faculty and staff) who fails to report may be found to have violated Henry Ford College’s policies, and be subject to disciplinary actions, up to and including termination, in accordance with Collective Bargaining Agreement, if applicable. College employees whose role with the College is to serve in a privileged, professional capacity, such as licensed counselors, are not bound by this expectation except as required to law. College Employee for purposes of this Policy includes the Board of Trustees, all unionized, exempt and non-exempt Community College Members.

**“Education Program or Activity”** includes locations, events, or circumstances over which the school or district exercised substantial control over both the respondent and the context in which the sexual harassment occurs. 34 C.F.R. § 106.44(a).

**"Effective Consent"** means words or actions that show a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Effective consent is absent when the activity in question exceeds the scope of effective consent previously given. Consent is a free and clearly given yes, not the absence of a no, and cannot be received when a person is incapacitated by alcohol or drugs. See definition of incapacitation, below.

**"FERPA"** refers to the Family Educational Rights and Privacy Act.

**“Formal Complaint”** means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed.

**“Grievance Process”** The process of addressing Formal Complaints of Title IX Sexual Misconduct before the imposition of any disciplinary or other actions that are not Supportive Measures against a Respondent.

**"Hearing Officers"** mean the trained individuals identified/appointed by HFC to serve as the decision maker on Title IX complaints.

**"Incapacitation"** means the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where alcohol [or other drug] is involved, one does not have to be intoxicated or drunk to be considered incapacitated. Rather, incapacitation is determined by how the alcohol consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. It is not the practice of the College to pursue disciplinary action against a Complainant or witness for his or her improper use of alcohol or drugs (e.g., underage drinking), provided that such individual is acting in good faith as a Complainant or witness to the events of the alleged sexual misconduct.

The question is whether the Respondent knew, or a sober, reasonable person in the position of the Respondent should have known, that the Complainant was incapacitated. Because incapacitation may be difficult to discern, students are strongly encouraged to err on the side of caution, e.g., when in doubt, assume that another person is incapacitated and therefore unable to give effective consent. Being intoxicated or drunk is never a defense to a complaint of Sexual Misconduct under this Process.

**"Investigators"** refers to the individuals trained and designated by the Title IX Coordinator to conduct investigations of alleged sexual misconduct, and to determine whether or not there is a reasonable basis to grant a hearing (as more specifically described in Section 4, below). The Title IX Coordinators and the Title IX hearing officers are also trained investigators and may be part of an investigative team at any time when necessary. 20 U.S.C. Section 1232g; 34 CFR Part 99. Sokolow, Brett A., Lewis, W. Scott, Schuster, Sandra K., NCHERM Institute on Responding to Campus Sexual Misconduct. 2010, p. 49.

**"Non-Consensual Sexual Contact"** means sexual contact that occurs without effective consent.

**"Non-Consensual Sexual Intercourse"** means sexual intercourse that occurs without effective consent.

MCL 750.520d(1)(a) states that a person is guilty of third-degree criminal sexual conduct if the person engages in sexual penetration with another person and that person is at least thirteen but younger than sixteen years old. Accordingly, a thirteen-year-old child cannot legally consent to sexual penetration with another person because sexual penetration of a thirteen-year-old child is automatically third-degree criminal sexual conduct. *People v. Starks*, 473 Mich. 227.

**"Notice"** is when the College has actual knowledge is notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the recipient with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the recipient.

**"Off Campus Conduct"** means conduct that occurred on any place other than on College-owned or leased property, at any College sanctioned function, at the permanent or temporary

local residence of a College student, faculty member, employee, or visitor, or elsewhere in Michigan, and is reasonably related to a college function or activity.

“Parties” includes the Complainant and Respondent as defined below.

- **“Complainant”** an individual, who must be participating or attempting to participate in the College’s Education Program or Activity who is alleged to be the victim of conduct that could constitute sexual harassment.
- **“Respondent”** an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**“Preponderance of Evidence”** is a standard of evidence meaning that a proposition is more likely than not to be true.

**“Prohibited Conduct”** or **“Sexual and Gender-Based Misconduct”** is a broad term encompassing “Sexual Exploitation,” “Sexual Harassment”, “Sexual Assault” “Sexual and/or Gender Based Stalking” “Sex and Gender-Based Discrimination” "Sexual Harassment” which causes a hostile environment," "Non-Consensual Sexual Contact," “Gender-Based Harassment” “Retaliation” “Intimate Partner Violence” and "Non-Consensual Sexual Intercourse," as defined in this process. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship, sexual misconduct can be committed by men or by women, and it can occur between people of the same or different sex.

**“Rape”** which is a form of sexual assault, is defined as penetration, no matter how slight, of the vagina or anus with any body part or object, oral penetration by a sex organ of another person, without the consent of the victim encompasses conduct such as rape and sexual assault.

**“Responsible Employees”** means all Board of Trustees, faculty, employees, and staff (including teaching assistant, coaches, supervisors, club advisors) responsible for reporting allegations of sexual harassment and gender-based misconduct. Any employee of the College, unless the employee is authorized or required by law to keep information confidential as a result of her/his professional role (including employees of Counseling Services are considered to be Responsible Employees. See Title IX Resource Guide.

**“Retaliation”** It is a violation of College Policy to retaliate against any person making a complaint of sexual misconduct, any person cooperating in the investigation of (including testifying as a witness) of any allegation of sexual misconduct, and supporters of the Complainant. For the purposes of this document, retaliation means when a faculty/staff member/employer takes an adverse action against a/an student/employee because she or he has engaged in a protected activity such as filing a complaint of discrimination or harassment. Retaliation may be found even when the underlying charge does not constitute discrimination or harassment in violation of College policies, and all persons who participate in a discrimination or harassment proceeding, not only the Complainant, are protected against retaliation. The College will not tolerate retaliation.

**“Sexual Assault”** is defined as having or attempting to have sexual intercourse or having sexual contact with another individual by force or threat of force; without consent; or where that person is incapacitated.

**"Sexual Contact"** means the deliberate touching of a person's intimate parts (including genitalia, groin, breast or buttocks, or clothing covering any of those areas), or using force to cause a person to touch his or her own or another person's intimate parts. Sexual Assault is any sexual contact without consent.

**"Sexual Exploitation"** means taking sexual advantage of another person without effective consent, and includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts (including genitalia, groin, breasts or buttocks) of another person; allowing third parties to observe private sexual acts; engaging in voyeurism; and/or knowingly and intentionally exposing another person to a significant risk of a sexually transmitted infection.

**"Sexual Harassment"** means conduct on the basis of sex that satisfies one or more of the following: (1) a school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e. quid pro quo); or (ii) unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or sexual assault (as defined in the Clery Act) dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWM) The College strongly encourages individuals to report all unwelcome conduct based on sex to the Title IX Coordinator.

In evaluating any complaint of sexual harassment, the perceived offensiveness of a particular expression, standing alone, is not sufficient by itself to be actionable. The exclusive purpose of this distinction is to protect individuals from sex or gender discrimination, consistent with both federal regulatory law and the requirements of the First Amendment to the United States Constitution.

**"Sexual harassment which causes a hostile environment"** means unwelcome conduct based on sex or gender (e.g., sexual orientation, gender stereotypes, sexual preference and/or pregnancy or a pregnancy-related status), which is so severe, persistent, and pervasive, that it unreasonably interferes with an individual's College employment, academic performance or participation in College programs or activities and creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or abusive. Types of potential harassment include, but are not limited to, stalking and bullying. The inclusion of a definition of "sexual harassment" that is separate from the definition of "sexual harassment causing a hostile environment" was adopted based on the language used in the Montana-Missoula OCR Letter:

<https://www.justice.gov/sites/default/files/opa/legacy/2013/05/09/ops-fi...>

Examples of sexual harassment include, but are not limited to:

- Sexual violence, including sexual assault, rape and sexual exploitation
- Threats or insinuations that led the recipient reasonably to believe that granting or denying sexual favors will affect her/his reputation, education, employment, advancement, or standing at the College
- Sexual advances, sexual propositions, or sexual demands that are not agreeable to the recipient

- Unwelcome sexually explicit material presented via email, text message, or other means of communication
- sexual misconduct such as stalking, cyberstalking, recording or transmitting sexual images without an individual's consent, and voyeurism
- Unwelcome and persistent sexually explicit statements or stories that are not legitimately related to employment duties, course content, research, or other College activities or programs
- Repeatedly using sexually degrading words or sounds to a person or to describe a person
- Unwanted and unnecessary touching, patting, hugging, or other physical contact of any body part
- Recurring comments or questions about a person's sexual prowess, preferences, deficiencies or behavior.

Simply because a type of sexual behavior does not fall within a clear definition of sexual harassment that does not render the sexual behavior acceptable in the workplace or classroom. The behavior may be in violation of other College policies, and if disruptive or unprofessional may be subject to disciplinary action.

**"Sexual Intercourse"** means penetration (anal, oral or vaginal) by, but not limited to, a penis, tongue, finger, or an inanimate object.

**"Sexual Violence"** means a physical sexual act perpetrated without consent. This encompasses conduct such as rape and sexual assault.

**"Stalking"** means a pattern of behavior made up of a series of two or more separate non-continuous acts which shares the same purpose and causes 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.

**"Student Code of Conduct"** means HFC's Student Code of Conduct, as enforced by the Office of Student Conduct and Compliance.

**"Supportive Measures"** The term "supportive measures" or "interim supportive measures" means "non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed." 34 C.F.R. § 106.30(a).

Supportive measures "are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment." Examples include "counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restriction]ns on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures."

Supportive measures are coordinated by the Title IX Coordinator, and should be kept confidential, to the extent that maintaining confidentiality does not otherwise interfere with the provision of supportive measures.

**“Title IX Coordinator”** means the individual identified by HFC who will receive Title IX Complaints, issue appropriate notice to the parties, determine interim measures, and determine whether the complaint is appropriate for the Title IX process, or informal resolution, or dismissal.

**“VP”** refers to the Vice President of Student Affairs and Vice President of Human Resources (and/or their designees). The College has designated the VP’s designees as the Title IX Coordinators listed above for purposes of this process and in accordance with federal regulations.

**“Vice President’s Office”** means the Office of the Vice President of Student Affairs or the Vice President of Human Resources located in the Administration Building, currently Room numbers 430 and 424.

## **Related Misconduct; Criminal Proceedings**

### **A. Other Related Misconduct.**

In accordance with this process, the Hearing Officer is empowered to hear allegations of, and to recommend and/or impose sanctions for, sexual misconduct and any other violation(s) of the College's Student Code of Conduct directly related to the alleged sexual misconduct. Such related misconduct may include, without limitation, violations of the rules of privacy as articulated herein, violations of the Title IX Coordinator’s directive(s) discussed in the Title IX Complaint Procedures, and/or violations of other College policies that occurred in the course of the alleged sexual misconduct.

Employees, students and other College Community Members are expected to comply with all College policies, including without limitation, the College’s Drug and Alcohol policies.

Any students, employees or College Community Members who appear before the Panel, whether as parties to the proceedings or as witnesses, are expected to provide truthful testimony in accordance with the College's Student Code of Conduct, employment or other College policies.

### **B. Effect of Criminal Proceedings**

Because sexual misconduct may constitute both a violation of College policy and criminal activity, the College encourages students to report alleged sexual misconduct promptly to local law enforcement agencies. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence within 72 hours of incident. Because the standards for finding a violation of criminal law are different from the standards for finding a violation of College Policies, criminal investigations or reports are not determinative of whether sexual misconduct, for purposes of this process or applicable College Policies, has occurred. Conduct may constitute sexual misconduct under this process even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute. In such cases, the Complainant may not initially understand the results of the criminal investigation, the nature of criminal procedure, or the grounds for the law enforcement decision not to prosecute. The Complainant in such cases may request that the Title IX Coordinator identify an advocate to assist the

Complainant in seeking and attending a meeting with the local prosecutor to gain an understanding of the decision to decline a prosecution.

The filing of a complaint of sexual misconduct under this process is independent of any criminal investigation or proceeding, and (except that the College's investigation may be delayed temporarily while the criminal investigators are gathering evidence) the College will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and take interim measures to protect the Complainant and the College community, if necessary, as described in the Procedures.

The Procedure for filing a Title IX sexual misconduct or sexual harassment complaint at the College shall be developed by the President and/or his or her designee in accordance with this Policy. These Procedures shall appear on the College's website and there is a link below under Related Documents that will take you to this Procedure.

## **V. Responsible Party for Policy Interpretation/Review**

Vice President of Student Affairs  
Title IX Coordinators

## **VII. Related Documents**

Incident Report Form

[www.hfcc.edu/incidentreport](http://www.hfcc.edu/incidentreport)

Student Code of Conduct

<https://policies.hfcc.edu/policy/henry-ford-college-1>

Procedure for Reporting a Sexual Misconduct/Title IX Complaint

[https://www.hfcc.edu/sites/hfcmain/files/hfc\\_sexual\\_misconduct\\_title\\_ix\\_...](https://www.hfcc.edu/sites/hfcmain/files/hfc_sexual_misconduct_title_ix_...)

Title VII of the Civil Rights Act of 1964 (Federal) at

<https://www.eeoc.gov/laws/statutes/titlevii.cfm>

Title IX

<https://www2.ed.gov/about/offices/list/ocr/docs/titleix-regs-unofficial.pdf>

Equal Educational and Employment Opportunities and Non-Discrimination

<https://policies.hfcc.edu/policy/equal>

Drug and Alcohol Policy

<https://policies.hfcc.edu/policy/drug-and>

Dangerous Weapons Policy

<https://policies.hfcc.edu/policy/dangerous>

Non-Retaliation Policy

<https://policies.hfcc.edu/policy/non>

Jeanne Clery Act

<https://www.govinfo.gov/content/pkg/FR-2014-10-20/pdf/2014-24284.pdf>



### **VIII. Policy History**

- a. Current Policy Approved by Board: December 14, 2020
- b. Previous Revisions: June 22, 2015; November 20, 2017
- c. Previous Policy Section(s): Students Previous Policy No:8550

**This policy supersedes and replaces any and all policies related to this subject.**

Adopted date: Monday, December 14, 2020

### **Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

Henry Ford College prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking as defined in the Violence Against Women Act.

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic 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.

Henry Ford College's educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students that:

- Clearly communicate that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act);
- Provide the definitions of domestic violence, dating violence, sexual assault, and stalking according to any applicable jurisdictional definitions of these terms;
- Define consent and describe what behaviors and actions constitute consent, in reference to sexual activity as defined by the student and employee codes of conduct;
- Provide a description of safe and positive options for bystander intervention, Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions

that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

- Provide information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
- Provide an overview of information contained in the Annual Security Report in compliance with the Clery Act;
- Provide information regarding:
  - Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking occurs.
  - How the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this Annual Report);
  - Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both in the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this Annual Report); and
  - Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this Annual Report);
  - Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this Annual Report).

### **Primary Prevention and Awareness Programs**

The College provides primary prevention and awareness programs to all incoming students and employees that involves the distribution of educational materials to new students, participating in and presenting information and materials during new student and employee orientations, providing programs by invitation at staff meetings or academic programs, and requiring incoming first-year students and returning upper-class students to take online courses related to sexual assault and high risk drinking awareness and education. These trainings include:

- Clearly articulated statements that the College prohibits the crimes of domestic violence, dating violence, sexual assault and stalking;
- The Federal and State definitions of domestic violence, dating violence, sexual assault and stalking;
- The College and State definitions of consent;
- A description of safe and positive options for bystander intervention; and
- Information on specific risk reduction strategies.

## Ongoing Prevention and Awareness Campaigns

The College provides an annual educational campaign for all students and employees designed to provide ongoing education and programming around issues of sexual violence – including sexual assault, domestic violence, dating violence, and stalking. Campaign strategies employed include face-to-face presentations, online training programs, printed materials, tabling displays and related lectures.

The following are some specific examples of annual programs currently offered by the college. This list is not all inclusive:

- Online Education:
- Orientation Programing: Incoming first-year students participate in an information session about the Clery Act and Title IX information, in addition to learning about the Sexual Misconduct Policy, bystander intervention, and resources. New faculty and employees receive Clery Act and Title IX information during their orientation programs.
- Domestic Violence
- Intimate Partner Violence
- Anxiety and Depression
- Human Trafficking
- Sexual Assault and Harassment
- Active Attacker Training

**NOTE:** Due to the pandemic and the College's decision to move to remote learning and working in March of 2020, these and other face-to-face programs were suspended.

The Violence Against Women Act (VAWA) defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.
- Sex Offenses: Any sexual act directed against another person, without the consent of the victim, including instances where the victim 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 body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - **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.

For the purposes of this definition:

Consent means voluntary, positive agreement between the participants to engage in specific sexual activity.

Age of consent in Michigan is 16 years of age.

- **Domestic Violence:** A felony or misdemeanor crime of violence committed
  - By a current or former spouse or intimate partner of the victim;
  - By a person with whom the victim shares a child in common;
  - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; and
  - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

For the purposes of this definition:

Course of conduct means two or more acts, including, but not limited to, acts in 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.

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

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

- **Consent** is not defined by Michigan law and is not an element of criminal sexual conduct that prosecutors are required to disprove beyond a reasonable doubt. Rather, consent is an affirmative defense available for defendants who are charged with committing criminal sexual conduct. HFC's Sexual Misconduct Policy defines consent as the "words or actions that show a knowing and voluntary agreement to engage in mutually agreed upon sexual activity. Effective consent is absent when the activity in question exceeds the scope of effective consent previously given. Consent is a free and clearly given yes,

not the absence of a no, and cannot be received when a person is incapacitated by alcohol or drugs.”

## Michigan Laws and Definitions

The State of Michigan laws can be found in the Michigan Compiled Laws (MCL) and viewed at [www.legislature.mi.gov](http://www.legislature.mi.gov)

- **Domestic Violence** is defined as an assault or assault and battery of: 1) a current or former spouse, 2) an individual with whom the assailant has or has had a dating relationship, 3) an individual with whom the assailant has had a child in common, or 4) a resident or former resident of the assailant’s household.
  - **“Dating relationship”** means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.
- **Dating Violence** is a form of domestic violence under Michigan law.
- Michigan criminal laws regarding sexual assault are separated into four degrees of criminal sexual conduct. For each of those criminal offenses, the following definitions apply:
  - **“Sexual contact”** includes the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for: (i) revenge, (ii) to inflict humiliation, or (iii) out of anger.
  - **“Sexual penetration”** means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emission of semen is not required.
- **Sexual Assault** is called Criminal Sexual Conduct in the State of Michigan. It is gender neutral and includes marital, stranger, date, acquaintance, and child sexual assault. Criminal Sexual Conduct is forcing or coercing an individual to engage in any non-consensual sexual contact or sexual penetration.
- **Stalking** is a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.
- **Consent** is not defined by Michigan law and is not an element of criminal sexual conduct that prosecutors are required to disprove beyond a reasonable doubt. Rather, consent is an affirmative defense available for defendants who are charged with committing criminal sexual conduct. HFC’s Sexual Misconduct Policy defines consent as the “words or actions that show a knowing and voluntary agreement to engage in mutually agreed upon sexual activity. Effective consent is absent when the activity in question exceeds

the scope of effective consent previously given. Consent is a free and clearly given yes, not the absence of a no, and cannot be received when a person is incapacitated by alcohol or drugs.”

## **How to Be an Active Bystander**

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

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.” We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, call OCS at (313) 845-9630, or the local police by dialing 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- 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.
- Be direct, delegate responsibility, or cause a distraction when you see a person secludes, hits on, tries to make out with, or has sex with people who are incapacitated.
- Intervene when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on- or off-campus resources listed in this document for support in health, counseling, or with legal assistance.

## **Risk Reduction**

Risk Reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. 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](http://www.rainn.org))

- **Be Aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you don't know where you are going, act like you do.
- **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- Make sure **your cell phone is with you and charged** and that you have cab money and/or an on-demand driver app loaded.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **Know your resources**. Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center, campus police station, and a local sexual assault service provider. Notice where emergency phones are located on campus, and program the campus security number into your cell phone for easy access.
- **Stay alert**. When you're moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you're alone, only use headphones in one ear to stay aware of your surroundings.
- **Be careful about posting your location**. Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.
- **Make others earn your trust**. A college environment can foster a false sense of security. They may feel like fast friends, but give people time to earn your trust before relying on them.
- **Think about Plan B**. Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card? Do you have the address to your dorm or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?
- **Be secure**. Lock your door and windows when you're asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.
- 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.
- **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.)

- **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.
- **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.
- **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 them to a safe place immediately.
- 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.
- If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
  - Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - Be true to yourself. 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.
  - 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.
  - 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.
- 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?
- 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.

### **Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurs**

After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible at a local medical facility. Sexual Assault Nurse Examiners (SANE) at the hospital are trained and certified in physical evidentiary recovery kit collection. Evidence may be collected, even if the victim chooses 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/area where they were assaulted if the offense occurred within the past 96 hours, so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring, or may be helpful in obtaining a protection order. 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 infections. 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 adjudicators/investigators or local police.

### **Involvement of Law Enforcement and Campus Authorities**

Although the College strongly encourages all members of its community to report violations of this policy to Campus Safety and the Dearborn Police Department, it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement.

However, the Office of Campus Safety will assist any victim with notifying law enforcement if the victim so desires. The Dearborn Police Department may also be reached by calling (313) 943-2201, or 911 in emergency situations; or in person at the Dearborn Police Department located at 16099 Michigan Ave in Dearborn.

### **Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator (office: Building N, Room 223; phone (313) 845-6301) by calling, writing, or coming into the office to report in person. 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 review. The Title IX Coordinator is not a confidential reporting entity and is required to report criminal incidents to Campus Safety.

**Procedures the College Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking is Reported**

Incident Being Reported	Procedures Institution Will Follow
Sexual Assault	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), institution will provide victim with access to medical care.</li> <li>2. Institution will assess immediate safety needs of victim.</li> <li>3. Institution will assist victim with contacting local police if Complainant requests AND provide the victim with contact information for local police department.</li> <li>4. Institution will provide victim with referrals to on-and off-campus mental health providers.</li> <li>5. Institution will assess need to implement interim or long-term protective measures, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim’s rights and options.</li> <li>7. Institution will provide a “No Contact” directive to accused party if deemed appropriate.</li> <li>8. Institution will provide written instructions on how to apply for a Personal Protection Order (PPO)</li> <li>9. Institution will provide a copy of the policy applicable to Sexual Assault to the victim and inform the victim regarding timeframes for inquiry, investigation, and resolution.</li> <li>10. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is.</li> <li>11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting sex-based discrimination or for assisting in the investigation</li> </ol>
Stalking	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of victim.</li> <li>2. Institution will assist victim with contacting local police if Complainant requests AND provide the victim with contact information for local police department.</li> <li>3. Institution will provide written instructions on how to apply for a Personal Protection Order (PPO)</li> <li>4. Institution will provide written information to victim on how to preserve evidence.</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate.</li> <li>6. Institution will provide the victim with a written explanation of the victim’s rights and options.</li> <li>7. Institution will provide a “No Contact” directive to accused party if deemed appropriate</li> </ol>
	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of victim.</li> </ol>

<p>Dating Violence</p>	<ol style="list-style-type: none"> <li>2. Institution will assist victim with contacting local police if Complainant requests AND provide the victim with contact information for local police department.</li> <li>3. Institution will provide written instructions on how to apply for a Personal Protection Order (PPO)</li> <li>4. Institution will provide written information to victim on how to preserve evidence.</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim’s rights and options.</li> <li>7. Institution will provide a “No Contact” directive to accused party if deemed appropriate</li> </ol>
<p>Domestic Violence</p>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of victim.</li> <li>2. Institution will assist victim with contacting local police if Complainant requests AND provide the victim with contact information for local police department.</li> <li>3. Institution will provide written instructions on how to apply for a Personal Protection Order (PPO)</li> <li>4. Institution will provide written information to victim on how to preserve evidence.</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim’s rights and options.</li> <li>7. Institution will provide a “No Contact” directive to accused party if deemed appropriate .</li> </ol>

Please note, an employee complaint will be conducted either in accordance with this procedure or applicable Collective Bargaining Agreement.

**Facilitated Anonymous Reporting through the Counseling Center**

Professional counselors assigned to the Counseling Center are confidential resources and do not report incidents. In their capacity and function, they do not make identifiable reports of incidents to the official on-campus resources unless the student specifically requests them to do so; however, the College encourages counselors to inform students that they can report incidents of crime to the Office of Campus Safety, which can be done directly or anonymously (as described in “Anonymous and Confidential Reporting” elsewhere in this Annual Report). Students may request the Counseling Center to facilitate anonymous reporting using an internal form designed to capture general details about the incident (date, time, location, and brief description of the incident type) for inclusion in the College’s Annual Security Report.

## **Anonymous Online Reporting**

Students and employees of the College may additionally file a report about sexual misconduct anonymously through the college's online Maxient reporting system (as described in "Anonymous and Confidential Reporting" elsewhere in this Annual Report), but note, while anonymous reports are accepted, the College's ability to address the misconduct reported in this manner is significantly limited. The amount of detail provided in these reports may enable the College to initiate an investigation into the circumstances surrounding the report. Such an investigation may jeopardize the anonymity of the reporting person or Complainant.

## **Employee Assistance Program**

Henry Ford College also provides an Employee Assistant Program (EAP) for use by employees. The EAP is available to all benefit eligible employees with such problems as sexual or physical abuse, depression, marital and relationship conflict, stress, grief, critical incident stress, anxiety, and other personal matters. The contact number of the EAP is 855-775-4357.

All information relating to an employee's EAP participation is strictly confidential. Only the EAP provider maintains EAP records. The EAP provider does not release specific information about an employee's use of EAP services, unless the employee gives their advance written consent. The EAP does not report incidents to any Official On-Campus Resources unless the employee specifically gives them permission to do so.

## **Assistance for Victims – Rights & Options**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options.

Such written information will include:

- The procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred;
- Information about how the institution will protect the confidentiality of victims and other necessary parties;
- A statement that the institution will provide written notification to students and employees about victim services in the institution and in the community;
- A statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- An explanation of the procedures for institutional disciplinary action.

## **Personal Protection Orders (PPO) and No-Contact Orders**

The Assistant Director of Student Conduct and Compliance/Title IX Coordinator may decide to issue a “no-contact directive” as a protective measure. For example, a no-contact directive may prohibit the Complainant and Respondent from having contact with one another. No-contact directives are issued on a case-by-case basis and are enforced at the College level.

A Personal Protection Order (PPO) is different than a no-contact directive. A PPO is issued by the state court system – not by the College. A PPO is a judicial order that forbids an individual from doing something or requires an individual to do something. A PPO is enforced by the police. A PPO is only issued by the local county circuit court in the State of Michigan. In Wayne County you can apply for a PPO at:

Wayne County Clerk’s Office  
Coleman A. Young Municipal Center  
Suite 928  
Detroit, MI 48226  
(313) 224-6262

<https://www.waynecounty.com/elected/clerk/personal-protection.aspx>

Any person who obtains a PPO in Michigan or any reciprocal state should provide a copy to the OCS and 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 the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: safe walks, special parking arrangements, changing classroom/work site location, or working with Academic Advising on alternative class possibilities, allowing a student to complete assignments from home, allowing an employee to develop a flexible work schedule, etc.

## **Accommodations and Protective measures Available for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, Henry Ford College will provide written notification to students and employees about accommodations available to them, including academic and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures.

At the victim’s request, and to the extent of the victim’s cooperation and consent, College offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, working, or transportation situations regardless of whether the victim chooses to report the crime to law enforcement.

Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Possible changes to work situations may include changing

working hours. Possible changes in transportation may include having the student or employee park in a different location, providing a safe walk, etc.

To request changes to academic, transportation, and/or working situations, or protective measures, a victim should:

- **Students:** Contact the Assistant Director of Student Conduct and Compliance/Title IX Coordinator and/or the Campus Safety Manager.
- **Employees/Faculty:** Contact the Human Resources Office and/or the Campus Safety Manager.

## **Confidentiality**

Victims may request that directory information on file with the College be withheld by request. This request can be made to the Registrar's Office by visiting the Welcome Center or by calling (313) 845-9600. Employees can contact the Human Resources Office to make a similar request regarding directory information at (313) 845-9820.

Henry Ford College protects all student information in compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA). Regardless of whether a victim has opted-out of allowing the College to share "directory information," personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, 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 or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Campus Safety Alert is issued on the basis of a report of domestic violence, dating violence, sexual assault, or stalking, the name of the victim and other personally identifiable information about the victim will be withheld; this could include the specific location where an incident is reported to have occurred when reporting the location could inadvertently identify the victim.

## **On- and Off-Campus Services for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, Henry Ford College will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student

financial aid, and assistance in notifying appropriate local law enforcement. If a sexual assault or rape should occur on campus, staff on-scene, including OCS, will offer the victim a wide variety of services. This information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for Henry Ford College.

These resources include the following:

ON CAMPUS	EMPLOYEES	STUDENTS
Counseling/Mental Health	NOT PROVIDED	Henry Ford College Counseling Center Building A-117 (313) 845-9611 *Confidential Resource
Health Services	NOT PROVIDED	NOT PROVIDED
Victim Advocacy	NOT PROVIDED	NOT PROVIDED
Legal Assistance	NOT PROVIDED	NOT PROVIDED
Visa & Immigration Assistance	NOT PROVIDED	International Student Services (313) 317-6842
Student Financial Aid	NOT PROVIDED	Financial Aid Office Welcome Center (313) 845-9600 <a href="mailto:finaid@hfcc.edu">finaid@hfcc.edu</a>
LGBTQ+	<a href="mailto:safe@hfcc.edu">safe@hfcc.edu</a>	<a href="mailto:safe@hfcc.edu">safe@hfcc.edu</a> and Sexuality and Gender Acceptance Club (SAGA) Troy Gibson <a href="mailto:trgibson3@hfcc.edu">trgibson3@hfcc.edu</a>
Office of Campus Safety	(313) 845-9630	(313) 845-9630
Vice President of Academic Affairs	NOT PROVIDED	(313) 845-9835
Sexual Misconduct Resource Site	<a href="https://www.hfcc.edu/student-rights">https://www.hfcc.edu/student-rights</a>	<a href="https://www.hfcc.edu/student-rights">https://www.hfcc.edu/student-rights</a>  <a href="http://www.michigan.gov/campussexualassault">www.michigan.gov/campussexualassault</a>

OFF CAMPUS	EMPLOYEES	STUDENTS
Counseling/Mental Health	Employee Assistance Program (EAP) 855-775-4357 *Confidential Resource  ACCESS 6451 Schaefer Rd Dearborn, MI (313) 945-8380	ACCESS 6451 Schaefer Rd Dearborn, MI (313) 945-8380
Health Services	ACCESS 6451 Schaefer Rd Dearborn, MI (313) 945-8380	ACCESS 6451 Schaefer Rd Dearborn, MI (313) 945-8380
Victim Advocacy	First Step: (734) 416-1111 24-Hour Help Line: (734) 722 6800 or 888-453-5900 <a href="http://www.firststep-mi.org">www.firststep-mi.org</a>  Detroit Police Rape Counseling Center 420 St. Antoine St Detroit, MI 48201 (313) 833-1660 24-hours	First Step: (734) 416-1111 24-Hour Help Line: (734) 722 6800 or 888-453-5900 <a href="http://www.firststep-mi.org">www.firststep-mi.org</a>  Detroit Police Rape Counseling Center 420 St. Antoine St Detroit, MI 48201 (313) 833-1660 24-hours
Legal Assistance	Lakeshore Legal Aid 19855 W. Outer Drive Suite 502E Dearborn. (313) 314-1500	Lakeshore Legal Aid 19855 W. Outer Drive Suite 502E Dearborn. (313) 314-1500
Visa & Immigration Assistance	ACCESS 6451 Schaefer Rd Dearborn, MI (313) 945-8380	ACCESS 6451 Schaefer Rd Dearborn, MI (313) 945-8380
Dearborn Police Department	Dearborn Police Department 16099 Michigan Ave Dearborn, MI (313) 943-2201	Dearborn Police Department 16099 Michigan Ave Dearborn, MI (313) 943-2201
LGBTQ+	Affirmations of Ferndale <a href="http://www.goaffirmations.org">www.goaffirmations.org</a>  Transgender Michigan <a href="http://www.transgendermichigan.org">www.transgendermichigan.org</a>	Affirmations of Ferndale <a href="http://www.goaffirmations.org">www.goaffirmations.org</a>  Transgender Michigan <a href="http://www.transgendermichigan.org">www.transgendermichigan.org</a>

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

- Rape, Abuse, and Incest National Network [www.rainn.org](http://www.rainn.org) 1-800-656-4673
- Department of Justice [www.justice.gov/ovw/sexual-assault](http://www.justice.gov/ovw/sexual-assault)



- Department of Education, Office of Civil Rights <https://www2.ed.gov/about/offices/list/ocr/index.html> –
- National Teen Dating Abuse Helpline [www.loveisrespect.org](http://www.loveisrespect.org) 1-866-331-9474
- National Domestic Violence Hotline [www.thehotline.org](http://www.thehotline.org) 1-800-799-7233
- Michigan Sexual Assault Hotline 1-855-864-2374
- National Sexual Assault Hotline 1-800-656-HOPE
- Michigan VOICES (sexual abuse survivors) – Catholic Social Services (313) 883-2100

## Adjudication of Violations

The College’s disciplinary process includes a prompt, fair, and impartial process from the initial investigation to the final result. A prompt, fair, and impartial proceeding includes a proceeding that is:

- A. Completed within reasonably prompt timeframes designated by an institution’s policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;
- B. Conducted in a manner that –
  1. Is consistent with the institution’s policies and transparent to the accuser and accused;
  2. Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
  3. Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
- C. Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
- D. The proceedings will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- E. The proceedings 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.
- F. The proceedings will require simultaneous notification, in writing, to both the accuser and the accused, of the result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking. Result means 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.

- G. The accuser and the accused will receive simultaneous notification, in writing, of any change to the result and when such results become final.

### **If the Complainant Does Not Wish to Pursue resolution**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, and/or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The College may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the College's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of the Policy.

When the College proceeds, the Complainant (and/or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under the Policy and Procedure irrespective of their level of participation.

Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the College to honor that request, the College may offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Page 22 | 82 HFC Title IX

Grievance Process Complainant has the right, and can expect, to have allegations taken seriously by College and to have the incident(s) investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

### **Title IX Student and Employee Grievance Process (includes cases of Sexual Assault, Dating Violence, Domestic Violence, and Stalking)**

Please note, an employee complaint will be conducted either in accordance with this procedure or applicable Collective Bargaining Agreement.

#### **A. Receipt of Notice/Complaint.**

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps HFC needs to take.

The Title IX Coordinator will contact the Complainant to offer supportive measures and determine whether the Complainant wishes to file a Formal Complaint. The Title IX Coordinator will initiate at least one of three responses:

- 1) Offering supportive measures because the Complainant does not want to file a formal complaint.
- 2) An informal resolution (upon submission of a formal complaint).
- 3) A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

The College uses the Formal Grievance Process to determine whether the Policy has been violated. If so, the College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment or retaliation, their potential recurrence, and/or their effects.

#### **B. Initial Assessment.**

Following receipt of notice or a complaint of an alleged violation of the Policy, the Title IX Coordinator<sup>11</sup> engages in an initial assessment, typically within seven (7) business days. The steps in an initial assessment can include: The Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them in doing so, if desired.

- If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint themselves.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.

- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
  - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses their request(s), and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
  - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available and may seek to determine if the Respondent is also willing to engage in informal resolution.
  - If a Formal Grievance Process is preferred by the Complainant, the Title IX Coordinator determines if the misconduct alleged falls within the scope of the 2020 Title IX regulations:
    - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
      - an incident, and/or
      - a pattern of alleged misconduct, and/or a culture/climate issue

If alleged misconduct does not fall within the scope of the Title IX regulations, or the Title IX Coordinator determines that the regulations do not apply (and will “dismiss” that aspect of the complaint, if any), assess which policies may apply, which Resolution Process is applicable, and will refer the matter accordingly. Please note that dismissing a complaint under the 2020 Title IX regulations is solely a procedural requirement under Title IX which does not limit the Title IX authority to address a complaint with an appropriate process and remedies.

### **When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, and/or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The College may be compelled to act on alleged employee misconduct irrespective of a Complainant’s wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the College's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of the Policy.

When the College proceeds, the Complainant (and/or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under the Policy and Procedure irrespective of their level of participation.

Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the College to honor that request, the College may offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Page 22 | 82 HFC Title IX Grievance Process Complainant has the right, and can expect, to have allegations taken seriously by College and to have the incident(s) investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

#### **D. Supportive Measures.**

HFC will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual misconduct and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available. They are offered without fee or charge to the parties to restore or preserve access to the College's education program or activity, including measures designed to protect the safety of all parties and/or the College's educational environment, and/or to deter sexual harassment and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may file a formal complaint with the College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

HFC will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the College's ability to provide those supportive measures. HFC will act to ensure as minimal an academic/occupational impact on the parties as possible. The College will implement measures in a way that does not unreasonably burden the other party.

## **INFORMAL RESOLUTION**

To initiate Informal Resolution, a Complainant must submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator. The parties may agree as a condition of engaging in Informal Resolution that statements made, or evidence shared during the Informal Resolution Process will not be considered in the Formal Grievance Process unless all parties consent.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process. The parties may not enter into an agreement that requires the College to impose specific sanctions, though the parties can agree to certain restrictions or other courses of action. For example, the parties cannot require a student be suspended, but the parties can agree that the Respondent will temporarily or permanently withdraw. The only Informal Resolution Process that can result in sanctions levied by the College is "Accepted Responsibility." The Title IX Coordinator has discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process.

Prior to implementing Informal Resolution, the College will provide the parties with written notice of the reported misconduct and any sanctions of (only in the case of Accepted Responsibility) or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the College.

The College will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

### **A. Purpose of Informal Resolution.**

Informal Resolution provides an opportunity for the Complainant to confront the Respondent, in the presence of, and facilitated by, a presiding officer, and to communicate their feelings and perceptions regarding the incident, the impact of the incident, and their wishes and expectations regarding protection in the future. The Respondent will have an opportunity to respond.

### **B. Advisors.**

The Complainant and the Respondent each may bring an advisor to the Informal Resolution. Advisors are assigned and subject to the same restrictions set forth for advisors in Formal Resolution, outlined above. The Panel Chair or a designee of the Chair will preside over the Informal Resolution and may elect to be assisted by another member of the Panel or senior staff representative of the Vice President of Student Affairs.

### **C. Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the College are able to agree on responsibility, restrictions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of College policy and implements agreed-upon restrictions and remedies and determines the appropriate sanction(s) in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon resolution terms. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction(s) or responsive actions are promptly implemented in order to effectively stop the sexual harassment or retaliation, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

### **D. Alternative Resolution**

Alternative Resolution is an informal approach, [including mediation, restorative practices, facilitated dialogue, etc.] by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternative Resolution approach.

The Title IX Coordinator may look to the following factors to assess whether Alternative Resolution is appropriate, or which form of Alternative Resolution may be most successful for the parties:

- The parties' amenability to Alternative Resolution
- Likelihood of potential resolution, considering any power dynamics between the parties
- The nature and severity of the alleged misconduct
- The parties' motivation to participate
- Civility of the parties
- Results of a violence risk assessment/ongoing risk analysis
- Disciplinary history of the Respondent
- Whether an emergency removal is needed

- Skill of the Alternative Resolution facilitator with this type of complaint
- Complaint complexity Emotional investment/capability of the parties
- Rationality of the parties
- Goals of the parties
- Adequate resources to invest in Alternative Resolution (time, staff, etc.)

The ultimate determination of whether Alternative Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator is authorized to facilitate a resolution that is acceptable to all the parties and/or to accept a resolution that is proposed by the parties, usually through their Advisors, including terms of confidentiality, release, and non-disparagement.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions(e.g., referral for formal resolution, referral to the conduct process for failure to comply).

#### **E. Election of Formal Resolution.**

The College or the Complainant may, at any time prior to the conclusion of the Informal Resolution, elect to end such proceedings and initiate Formal Resolution instead. In such cases, statements or disclosures made by the parties in the course of the Informal Resolution may be considered in the subsequent Formal Resolution.

#### **F. Privacy of Informal Resolution.**

In order to promote honest, direct communication, information disclosed during Informal Resolution must remain private while the Informal Resolution is pending, except where disclosure may be required by law or authorized in connection with duties on behalf of the College.

### **FORMAL RESOLUTION**

A Complainant may elect to pursue a formal resolution, which involves a hearing before the Panel, as more particularly described in this section. Such a hearing is also referred to as "Formal Resolution." Formal resolution shall be completed within a reasonable timeframe (which is usually 60-120 days) unless extended for good cause by the Assistant Director of Student Conduct and Compliance/Title IX Coordinator.

#### **A. Appointment of Investigators.**

Once the decision to commence a formal investigation is made, the Title IX Coordinator will ensure an investigator is assigned to conduct an investigation, usually within seven (7) business days of determining that an investigation should proceed.



## **B. Investigation.**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record. Recordings of interviews are not provided to the parties, but the parties will have the ability to review the transcript/summary/recording of the interview once the investigation report is compiled.

At the discretion of the Title IX Coordinator, investigations can be combined when complaints implicate a pattern, collusion, and/or other shared or similar actions.

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

- Determine the identity and contact information of the Complainant
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator, if needed, with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- Work with the Title IX Coordinator, as necessary, to prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
  - Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible.

- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report.
- Prior to the conclusion of the investigation, the parties will be given 10 business days to review and comment on all evidence obtained, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the College does not intend to rely on in reaching a determination. The parties may elect to waive the full ten days
- Elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- Incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- Share the report with the Title IX Coordinator and/or legal counsel for their review and feedback
- Incorporate any relevant feedback and share the final report with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties and advisors are also provided with a file of any directly related evidence that was not included in the report.

### **C. Referral for Hearing.**

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be held less than ten (10) business days from the conclusion of the investigation – when the final investigation report is transmitted to the parties and the Decision-maker – unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-maker(s) and provide a copy of the investigation report and the file of directly related evidence. Allegations involving student-employees in the context of their employment will be directed to the appropriate Decision-maker(s) depending on the context and nature of the alleged misconduct..

### **D. Advisors to the Parties.**

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the Resolution Process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

As a public entity, HFC fully respects and accords the Weingarten rights of employees. For parties who are entitled to union representation, the College will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have one support person and an Advisors. Witnesses are/are not permitted to have union representation or Advisors in grievance process interviews or meetings.

### **E. Hearing Procedures**

**Evidentiary Considerations in the Hearing.** Any evidence that the Decision-maker(s) determine(s) is relevant may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) questions and evidence about the Complainant's sexual predisposition; or 3) questions or evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the ng decision-maker can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

Previous disciplinary action of any kind involving the Respondent may not be used unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility, assuming the College uses a progressive discipline system. This information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker(s) render(s) a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

**Hearing Notice.** No less than ten (10) business days prior to the hearing, the Title IX Coordinator, Chair, or designee will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- Description of any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker(s) on the basis of demonstrated bias or conflict of interest. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and how the parties may access the recording after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the College will appoint one. Each party must have an Advisor present. There are no exceptions.

- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker(s) will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Whether parties can bring mobile phones/devices into the hearing. If allowed, parties will not be allowed to record, etc. the hearing and all mobile devices must be silenced.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to the Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the 60-120 business day goal for resolution. Employees who do not have 12-month contracts are still expected to participate in Resolution Proceedings that occur during months between contracts.

**Pre-Hearing Preparation.** After any necessary consultation with the parties, the Chair will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and/or instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the complaint.

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at a prehearing meeting or at the hearing and will be exchanged between each party by the Chair.

**Hearing Procedures** At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of sexual misconduct, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that occurred in concert with the sexual harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the Policy.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, Advisors to the parties, any called witnesses, the Title IX Coordinator, and anyone providing authorized accommodations, interpretation, and/or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing to respond to specific questions from the Decision-maker(s) and the parties, and the witnesses will then be excused..

**Refusal to Submit to Questioning: Inferences** If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may determine whether or not any prior statement made by that party or witness at the hearing (including those contained in the investigation report) should be considered in the ultimate determination of responsibility. Evidence provided that is something other than a statement by the party or witness may be considered.

The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared. It is otherwise considered off-limits, and an Advisor who is an institutional employee is temporarily relieved from Responsible Employee responsibilities related to their interaction with their advisee during the Resolution Process.

If collateral charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for questioning is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with the College's established rules of decorum for the hearing, the College may require the party to use a different Advisor. If a College-provided Advisor refuses to comply with the rules of decorum, the College may provide that party with a different Advisor to conduct questioning on behalf of that party.

**Recording.** Hearings (but not deliberations) are recorded by the College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the College will be permitted to listen to the recording or review a transcript of the recording in a controlled environment determined by the Title IX Coordinator, upon request. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

**Deliberation, Decision-Making, and Standard of Proof.** The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence is used. The hearing facilitator may be invited to attend the deliberation by the Decisionmaker, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decisionmaker(s) may then consider the previously submitted party impact and/or mitigation statement(s) in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any impact and/or mitigation statement(s) once they are submitted. The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by the appropriate administrator and will recommend/determine the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Chair will then prepare a written statement detailing all findings and final Page 53 | 82 HFC Title IX Grievance Process determinations, the rationale(s) explaining the decision(s), the evidence used in support of the determination(s), the evidence not relied upon in the determination(s), credibility assessments, and any sanction(s) or recommendation(s) and rationale explaining the sanction(s) and will deliver the statement to the Title IX Coordinator.

This report is typically three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within fourteen (14) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

**Notice of Final Outcome.** Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome letter. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within ten (10) business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official College records, or emailed to the parties' College-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific alleged policy violation(s), including the relevant policy section(s), and will contain a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.



The Notice of Outcome will specify the finding for each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the College is permitted to share such information under state or federal law; any sanction(s) issued which the Recipient is permitted to share according to state or federal law; and whether remedies will be provided to the Complainant to ensure access to the Recipient's educational or employment program or activity. The Notice of Outcome will also include information on when the results are considered final by the College, will note any changes to the outcome and/or sanction(s) that occur prior to finalization, and the relevant procedures and bases for appeal

The following are the usual sanctions that may be imposed upon students singly or in combination:

- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Required Counseling:** A mandate to meet with and engage in either College- sponsored or external counseling to better comprehend the misconduct and its effects.
- **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- **Suspension:** Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at HFC.
- **Expulsion:** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend College-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript, [subject to any applicable expungement policies.]
- **Withholding Diploma:** The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for an alleged violation.
- **Revocation of Degree:** The College reserves the right to revoke a degree previously awarded from the College for fraud, misrepresentation, and/or other violation of College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Organizational Sanctions:** Deactivation, loss of recognition, loss of some or all privileges (including College registration) for a specified period of time.



Other Actions: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

## B. Interim and Permanent Suspension

1. In some cases the College will place a hold on the student's account to prevent the student from registering for additional classes or receiving transcripts. This step is usually taken when a student fails to respond to correspondence or is in the midst of upholding a suspension.
2. In more severe cases, the Vice President/Designee may, at his/her discretion, remove a student from a class or suspend him or her from the College for an interim period pending an investigation or disciplinary proceedings. In the event a student is suspended based on conduct that posed a direct threat to the health and safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services, the College may require as a precondition to student's return that the student provide documentation or information demonstrating that the student no longer poses a direct threat. The documentation or information should allow the College to appropriately assess whether or not the student currently poses a direct threat. The documentation or information should allow the College to appropriately assess whether or not the student currently poses a direct threat. Documentation or information could include a treatment plan that the student followed, a report from the student's treating professional, or consent for the College to talk with the student's treating professional; this list is non-exhaustive as these are examples of what could be provided to verify there is no longer the existence of a direct threat, depending on the individual circumstances. This is a non-exhaustive list and are examples of what could be provided to verify there is no longer the existence of a direct threat, depending on the individual circumstances.

If circumstances are such that the Interim Assistant Director of Student Conduct and Compliance/Title IX Coordinator determines it is not practical to give the student an opportunity to appear personally before an interim suspension is imposed because the safety of others is of immediate concern because of a direct threat of harm to others, then the Interim Assistant Director of Student Conduct and Compliance/Title IX Coordinator may issue an interim suspension pending a final decision regarding an adverse action against the student and the opportunity for such an appearance shall be given as soon after the imposition of an interim suspension as is practical. In addition, the student will be afforded the earliest opportunity to speak with the Vice President of Student Affairs/Designee either by phone, through HAWK email or via a letter addressed to the Vice President of Student Affairs/Designee at 5101 Evergreen Road, L-430, Dearborn, MI 48128

3. The College believes suspending or restricting the student will preserve the safety of the student/others, preserve the integrity of an investigation, protect College property and/or prevent disruption of College operations.
4. Voluntary and Involuntary Withdrawals. The Vice President/Designee may also, with the approval of the President or his/her designee, remove a student from a class or suspend him or her for an interim period, for purposes of obtaining a

medical, psychiatric or psychological evaluation, whenever the Vice President/Designee determines that there is reasonable cause to believe that the continued presence of a student in class or on the College campus poses a threat to him/herself or to others or to the stability of normal College classes or functions. In such situation the voluntary or involuntary withdrawal process will begin.

5. If practical, a student will be given an opportunity to appear personally before the Vice President/Designee before he or she is suspended on an interim basis. Such an appearance is solely for the purpose of considering:
  - a. The reliability of the information concerning the student's alleged conduct; and
  - b. Whether the alleged conduct and surrounding circumstances reasonably indicate that the continued presence of the student in class or on the College campus poses a threat to him/herself or to others or to the stability of normal College classes or functions.

If circumstances are such that the Vice President/Designee does not believe it is advisable to give the student an opportunity to appear personally before an interim suspension is imposed because of a concern of a threat to themselves or others, the student will be afforded the earliest opportunity to speak with the Vice President of Student Affairs/Designee either by phone, through HAWK email or via a letter addressed to the Vice President of Student Affairs/Designee at 5101 Evergreen Road, L-430, Dearborn, MI 48128.

**Decision.** The Panel will simultaneously notify, in writing, both the accuser and the accused, of the result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking; Result means 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.)

**Appeals.** Any party may submit a written a request for appeal (“Request for Appeal”) to the Title IX Coordinator within three (3) business days of the delivery of the Notice of Outcome. A single Appeal Decision-maker will Chair the appeal. No Appeal Decision-maker(s) will have been previously involved in the Resolution Process for the complaint, including in any dismissal appeal that may have been heard earlier in the process. The Request for Appeal will be forwarded to the Appeal Chair or designee for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

Appeals are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter.
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.

3. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents Page 58 | 82  
HFC Title IX Grievance Process generally or the specific Complainant or Respondent that affected the outcome of the matter.

**Effective Date of Sanction.** Sanctions imposed by the Panel become effective immediately until the resolution of any timely appeal of the Panel's decision. The Vice President of Student Affairs (or his or her designee) may suspend the determination pending exhaustion of any appeals by the Respondent or may allow the Respondent to attend classes or to engage in other activity on a supervised or monitored basis, or may make such other modifications to the determination as may be advisable in the sole discretion of the Vice President of Student Affairs (or his or her designee). The Vice President of Student Affairs (or his or her designee) decision may not be appealed.

**Privacy of the Hearing Process; Final Outcome Letter.** In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the hearing process is not open to the general public. Accordingly, documents prepared in anticipation of the hearing (including the investigative report, the Notice of Hearing, and the pre-hearing submissions referenced in written statements, testimony, or other information introduced at the hearing, and any transcript of the hearing itself, may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law.

In addition to complying with Title IX and FERPA, the College is required to comply with the Clery Act. Under the Clery Act, both the Complainant and the Respondent must be informed of the hearing outcome, and the College may not impose any limitations on the re-disclosure of this information. Accordingly, following the hearing, the Panel will issue a written decision letter (the "Final Decision Letter"), concurrently to both the Respondent and the Complainant. The Final Decision Letter will set forth, as required by the Clery Act, the name of the Respondent; the violation(s) of the Student Code of Conduct for which the Respondent was found responsible, if any; any essential findings supporting the Panel's decision on the issue of responsibility; and the sanction imposed, if any. College policy neither encourages nor discourages the further disclosure of the Final Decision Letter by either the Complainant or the Respondent. The College acknowledges that sharing the Final Decision Letter with others, including family, friends, legal counsel, mental health professionals, and sexual assault advocates or victims, may be a critically important part of a student's healing process.

## **NOTIFICATION OF VICTIMS OF CRIMES OF VIOLENCE**

In accordance with the Higher Education Opportunity Act (HEOA), the College will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the report on the results of any disciplinary proceeding conducted by the College against a student or employee who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## **Student and Employee Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

### **Organizational Behavior**

Student groups are subject to the conduct expectations detailed throughout this policy. Any behavior, patterns of behavior, or information suggesting patterns of behavior that creates or contributes to the creation of hostile environment, retaliation, discrimination, or harassment will be investigated and could result in organizational and/or individual charges.

Any member of the College community may bring allegations against a student group/organization for violation of the Sexual Misconduct Policy. The College will conduct a preliminary investigation into an incident.

An investigation will be conducted to determine if the allegations have merit and have met the threshold (defined below) to move forward with charges. The Assistant Director of Student Conduct and Compliance/Title IX Coordinator may confer with the student group/organization's advisor(s) and/or other faculty and staff with a relationship to the student group/organization to solicit advice and recommendations regarding the case. Ultimately, the College is responsible for determining if the organization and/or individuals will be charged and the process for adjudication. All sections of this policy apply to groups and organizations.

### **Statement on Privacy**

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). Additionally, the College will take all reasonable steps to investigate and respond to the complaint consistent with any request for privacy or request not to pursue an investigation. However, its ability to do so may be limited based on the nature of the request by the Complainant. If the Victim requests anonymity or that the College not pursue an investigation, the College must balance this request in the context of its responsibility to provide a safe environment for all College community members. In cases where the College cannot respect the wishes of the Victim, the College will consult with the Victim and keep them informed about the College's course of action.

If the report of misconduct discloses an immediate threat to the college community, where timely notice must be given to protect the health or safety of the community, the College will maintain the privacy of the Victim or Respondent's identities, understanding that in a small community a Campus Safety Alert may make members of the community feel known or singled out.

The College will assess any barriers to proceeding, including retaliation, and in cases where informal or formal resolution will take place, the College will inform the Respondent that Title IX prohibits retaliation, and the College will take strong responsive action to protect the Complainant.

The College has designated individuals to evaluate requests for privacy once the College is aware of alleged sexual violence. That process is coordinated by the Assistant Director of Student Conduct and Compliance/Title IX Coordinator.

### **Investigation of Reports of Sexual Misconduct Not Covered Under Title IX Grievance Process (Student Sexual Misconduct Policy)**

The purpose of the Henry Ford College Student Code of Conduct Due Process Procedure is to provide due process and uphold the Student Code of Conduct policy. The HFC Student Code of Conduct's purpose is to protect the safety and well-being of the collage community and to assist the College in providing an environment that supports the educational process. The responsibility for maintaining such an environment is shared by all members of the College community.

**\*\*NOTE:** Complaints about academic matters such as grade disputes, academic dishonesty or levels of customer service are reviewed through the Student Complaint Policy and Procedure. Please review the Student Complaint Policy and Procedure for specific processes and time frames. The policy can be found at <https://policies.hfcc.edu/policy/student-0>. The procedure can be found at <https://policies.hfcc.edu/procedure/8300r>.

All faculty members, staff members, administrators, or those perceived by a Complainant as a person that would address complaints (e.g., teaching assistants, supervisors, coaches, counselors, rape crisis advocates, medical providers, and clergy) are expected to report any disclosures that involve allegations of Sexual Misconduct/Title IX/ Sexual Harassment directly to the College Title IX Coordinators. You may report such incidents at [www.hfcc.edu/incidentreport](http://www.hfcc.edu/incidentreport).**\*\***

Henry Ford College (HFC) is a comprehensive college that is dedicated to maintaining a teaching-learning environment that fosters critical thinking, creativity, personal integrity and self-esteem. We value the diversity of our educational community and of the communities we serve. When an incident is reported for alleged violations of the Student Code of Conduct, the Behavioral Intervention Team (BIT)/ Counseling Assessment Response Education (CARE) Team provide students the opportunity to state their version of events in addition to the due process options stipulated in the due process procedure.

**\*\*The HFC Behavioral Intervention (BIT) Team \*\*assesses, responds, and makes recommendations pertaining to the alleged behavior exhibited by students who may pose a threat to themselves or others in the College community.**

**\*\*The HFC Counseling Assessment Response Education (CARE) Team \*\*assesses, responds, and makes recommendations pertaining to any behavior or incident such as disturbed writings, disturbing statements, disturbing actions that may lead to harm to self or others. Students facing alleged violations of the Student Code of Conduct by the College have the right to due process. When a student is alleged to have violated the Code of Conduct, the student receives due process, which includes 1) Receiving a written description of their possible Code violations, due process options and 2) Having the opportunity to state their version of events by one or more objective decision-makers.**

The due process outcome leads to one of three possible outcomes. The student is found either “not responsible” “responsible” or “findings are inconclusive” per violation of the Code.

Students found responsible may be sanctioned.

### **Expected Behavior Guidelines**

A college is a community and students have a significant impact on the quality of that community's shared experience. The Student Code of Conduct is grounded in two core values:

**Respect:** Henry Ford College students show positive regard for the worth, dignity and property of others.

**Responsibility:** Henry Ford College students are given and accept a high level of responsibility to self, to others and to the community.

It is every student's responsibility to avoid conduct that restricts other individuals from enjoying their rights, privileges and freedoms, or from accessing and benefitting from the college's offerings.

Students are responsible for being familiar with, and complying with, the Student Code of Conduct, and for upholding its core values of respect and responsibility. (<https://policies.hfcc.edu/policy/henry-ford-college-1>)

### **Due Process Procedure (Student Rights)**

The College will use the following procedures to respond to behavior which goes against the values of the College community. The College considers the procedures for resolving disputes a part of its education mission and is committed to a process which provides both peer review and mediation. Resolution and appeal processes are administrative functions and are not subject to the same rules of civil or criminal proceedings. Because some violations of these standards are also violations of law, students may be accountable to both the legal system and the College.

Communication regarding this process will be sent to the student's HAWK e-mail address. Students have the responsibility to access their email and have the latest contact information on-file through their Web Advisor account.

Some of the procedures related to the Student Code of Conduct policy are subject to the regulations in the Family Educational Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act of 1996 (HIPPA), and Title IX which may limit the amount of information that maybe shared with parties involved in Student Code of Conduct and/or Title IX situations.

### **Definitions**

**“Advocate/Supporter”** is a person of the student's is choosing who serves as a support person throughout the conflict resolution and/or disciplinary process. In the conflict resolution process; the advocate/supporter may participate in the conflict resolution procedure and speak for



themselves not for the student. In the disciplinary or BIT process the advocate/supporter, is not allowed to actively participate in the disciplinary process. Their role is to observe the process and support the student without taking an active role in the process. See hearing procedures for advocate/supporter for further detail.

**“College”** means Henry Ford College

**“Student”** \*\*means all persons who are currently admitted, enrolled (registered) and/or attending HFC (or upon the issuance of a student ID number). This includes part-time or full-time students despite geographical location i.e., including being enrolled in on-line courses, certificate courses, non-credit courses, and clinical sites.

\*\*\***“Faculty member”** means any person hired by HFC to conduct classroom or teaching activities.

**“College administrator or staff”** means any person who is employed by HFC and has the designation of part-time or full-time status and is hired as a temporary or full-time permanent employee.

**“Campus community and college community”** includes any person who is a student, faculty member, college administrator or staff member employed by HFC, and any authorized non-employed personnel (such as interns). A person’s status in a particular situation shall be determined by the Vice President of Student Affairs/designee.

**“Business days”** refers to days Henry Ford College’s administrative offices are open.

**“Vice President”** refers to the Vice President of Student Affairs (and his or her designee).

**“Vice President’s office”** means the Office of the Vice President of Student Affairs, located in the Administration Building, Room number 430.

**“Policy”** means the written regulations of the College documented but not limited to the HFC Catalog, Student Handbook, Student Code of Conduct, College web site and departmental/division publications.

**“Hearing Officer Cadre”** means the standing group of faculty and/or staff appointed by the Vice President of Students (or his or her designee) to specifically conduct hearings of alleged violations of the Student Code of Conduct.

**“witness/es”** refers to parties who may have information relative to the situation at hand.

Witnesses are protected by the Henry Ford College anti-retaliation policies.

Reference <https://policies.hfcc.edu/policy/non> for guidelines.

**“Student Code of Conduct”** means HFC's Student Code of Conduct, as enforced by the Office of the Vice President of Student Affairs/ Designee (Student Conduct and Compliance).

**“Conflict Resolution”** means a process of resolving a dispute or disagreement. It mainly aims at reconciling opposing arguments in a manner that promotes and protects the human rights of all parties concerned. Conflict Resolution will only be offered if both parties voluntarily agree to the alternate process as long as the parties are not a threat to themselves or others. Students who are determined by the Student Conduct Officer/Designee and/or the BIT team to have displayed behavior that would not be resolved through conflict resolution and/or whose situation rises to the level of an Interim Suspension is not eligible for this process.

**“Expungement”** means to eliminate or remove from a student’s school record.

**“Expulsion”** refers to the removal/banning of a student from the College system for an extensive period of time due to a student persistently violating College’s Policies & Procedures, or for a single offense of appropriate severity in extreme cases.

## I. Disciplinary Process

The College has the right, at its discretion, to impose any penalty or combination of penalties in any order, depending on the severity of the conduct or violation which has occurred. It is recognized that “progressive discipline” is not required, and that immediate dismissal is an appropriate discipline for certain conduct, regardless of whether there has been previous discipline. Students who are removed from their course of study as a result of a disciplinary matter, will be financially responsible for the cost of the courses from which he or she is removed.

A. Disciplinary proceedings are subject to the following guidelines:

1. Violations of College rules/regulations may be reported by any College employee, faculty member or student;
2. Reports shall be in writing and shall be filed with the Vice President of Student Affairs or other administrative official designated by the Vice President (or his/her designee) (hereinafter referred to as “Vice President/Designee”), to the Office of Campus Safety or using the on-line webform [www.hfcc.edu/incidentreport](http://www.hfcc.edu/incidentreport).
3. If the report and evidence are determined by the Vice President/Designee to warrant proceeding further:
  - a. The Vice President/Designee shall notify the student in writing through HAWK email that he/she is accused of a violation of one or more regulations, and shall specify each alleged violation;
  - b. This notification shall include a statement of possible consequences, including potential penalties, and a statement of the student’s right to hearing and other due process rights;
  - c. This notice shall be sent within seven (7) business days after the incident is first filed with the Vice President/Designee. The timeline may be modified by days the College is closed to the public. Such letter shall also specify the course of action available to the student, as indicated below.
4. Within seven (7) business days after the Vice President/Designee emails the letter set forth above, the student shall have the right to elect, in writing, one of the following courses of action. The timeline may be modified by days the College is closed to the public:
  - a. The student may voluntarily admit the alleged violation (with or without an explanation) and waive, in writing, their rights to a judicial hearing and other such due process protection and request that the Vice President/Designee take whatever action he/she deems appropriate. If the student elects this option, the decision of the Vice President/Designee is final. The Vice President/Designee has the option to recommend alternative process called “Conflict Resolution” which is described in more detail in the definition section of this Procedure.
  - b. The student also has the option to admit responsibility and elect to enter into an alternative process called “Conflict Resolution.” Conflict Resolution will



only be offered if both parties voluntarily agree to the alternate process as long as the parties are not a threat to themselves or others. Students who are determined by the Student Conduct Officer/Designee and/or the BIT team to have displayed behavior that would not be resolved through conflict resolution and/or whose situation rises to the level of an Interim Suspension is not eligible for this process. is described in more detail in the definition section of this Procedure.

- c. The student may voluntarily admit the alleged violation and request a hearing before the Vice President/Designee. The Vice President/Designee has the option to recommend alternative process called “Conflict Resolution” which is described in more detail in the definition section of this Procedure.
  - d. The student may deny the alleged violation, in which case the Vice President/Designee may conduct an initial investigation and do one of the following:
    - i. Dismiss the matter;
    - ii. Hear the case;
    - iii. Assign the case to another administrator for hearing; or
    - iv. Offer the parties to participate in Conflict Resolution. Conflict Resolution will only be offered if both parties voluntarily agree to the alternate process as long as the parties are not a threat to themselves or others. Students who are determined by the Student Conduct Officer/Designee and/or the BIT team to have displayed behavior that would not be resolved through conflict resolution and/or whose situation rises to the level of an Interim Suspension is not eligible for this process.
5. The student has the right not to respond. If no response is received from the student within seven (7) business days after the Vice President/Designee emails the letter set forth in IV above, the Vice President/Designee has the right to take whatever measures he/she, in his/her discretion, deems appropriate, including holding a hearing or issuing discipline without a hearing. The timeline may be modified by days the College is closed to the public and/or if there are any mitigating circumstances.
  6. If the hearing is to be conducted by an administrator who initiated the disciplinary process or who determined that the allegations warranted further proceeding, the student must agree in writing by the deadline set forth in the notice of allegations to a hearing before such administrator.
  7. The student shall be notified at least seven (7) business days prior to the hearing as to the time and place of such hearing, and the name of the individual who will be hearing the matter. The written notice shall contain a statement of the allegations with sufficient particularity so that the student may prepare their defense.
  8. If the student objects to the administrator who will be hearing the matter, the student must notify the Vice President/Designee of the objection, in writing, not less than three (3) business days prior to the hearing. The timeline may be modified by days the College is closed to the public or if there are any mitigating circumstances. Upon receipt of a timely objection, the Vice President/Designee will consider the student objection and has the option to assign another administrator to the matter. The Vice President/Designee shall maintain a list of administrators for this purpose. When a timely objection is made, the Vice President/Designee shall assign a neutral individual who shall hear the matter.

9. If the student requests a hearing but fails to respond to the administrator overseeing the hearing within 3 business days from notice of the attempt to set up the hearing; a hearing will be conducted without the student. Failure of a student to appear shall not indicate guilt. The decision on the matter will be rendered with the information provided to the Administrator at the time of the hearing. Communication with the student regarding the decision will take place through HAWK email.

## II. Potential Sanctions (Consequences for breaking the rules)

A. If a student is found to have committed any offense deemed to violate the Student Code of Conduct, the Vice President of Student Affairs/Designee will levy an appropriate penalty.

The College has the right, at its discretion, to impose any penalty or combination of penalties in any order, depending on the severity of the conduct or violation which has occurred. It is recognized that “progressive discipline” is not required, and that immediate dismissal is an appropriate discipline for certain conduct, regardless of whether there has been previous discipline. Students who are removed from their course of study as a result of a disciplinary matter, will be financially responsible for the cost of the courses from which he or she is removed.

The following are examples of penalties which can be imposed:

- A. **Interim Suspension:** Separation from the College for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, although this deadline may be extended upon application to, and at the discretion of, the Vice President of Student Affairs/Designee. During the suspension period, the student is banned from College property, functions, events and activities without prior written approval from the Vice President of Student Affairs/Designee. This sanction may be enforced with a trespass action if necessary.

Assistant Director of Student Conduct and Compliance/Title IX Coordinator may, at their discretion, remove a student from a class or suspend him or her from the College for an interim period pending an investigation or disciplinary proceedings. The Assistant Director of Student Conduct and Compliance/Title IX Coordinator may also, with the approval of the President or his/her designee, remove a student from a class or suspend him or her for an interim period, whenever the Vice President/Designee determines in consultation with the Behavioral Intervention Team that there is reasonable cause to believe that the continued presence of a student in class or on the College campus poses a direct threat to the health or safety of others.

“**Direct Threat**” is defined as a significant risk to the health and safety of others (or self) that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.

The determination that a student poses a direct threat to others shall be made through an individualized assessment based on reasonable judgment relying on the most current medical knowledge of the individual or the best available objective evidence. This assessment shall

determine the nature, duration, and severity of the risk, the probability that the potentially threatening injury will actually occur, and whether reasonable modifications of policies, practices, or procedures will significantly mitigate the risk. Following a proper determination that a student poses a direct threat the College may require as a precondition to student's return that the student provide documentation or information demonstrating that the student no longer poses a direct threat. The documentation or information should allow the College to appropriately assess whether or not the student currently poses a direct threat. Documentation or information could include a treatment plan that the student followed, a report from the student's treating professional, or consent for the College to talk with the student's treating professional; this list is non-exhaustive as these are examples of what could be provided to verify there is no longer the existence of a direct threat, depending on the individual circumstances. This is a non-exhaustive list and are examples of what could be provided to verify there is no longer the existence of a direct threat, depending on the individual circumstances.

1. **Warning Placed in Student Record:** A written notice that the student violated the Code of Conduct and that they will face more severe sanctions if they violate the Code of Conduct again.
2. **Restitution:** Compensation for damage caused to the College or any person's property.
3. **Community/College Service Requirements:** A student or a student organization can be required to complete a specific service project.
4. **Loss of Privileges:** The student is denied specified privileges for a designated period of time.
5. **Confiscation of Prohibited Property:** Items whose presence is in violation of the Code of Conduct are confiscated and become College property (i.e., weapons, drugs, etc.). Prohibited items may be returned to the owner at the discretion of the Vice President of Student Affairs/Designee and/or Campus Safety.
6. **Behavioral Agreement-** This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.
7. **Educational Program or Assignment: Requirement** to attend, present and/or participate in an educational program relative to the violation. It may also be a requirement to sponsor or assist with an awareness program or event. Another possibility is an assignment to produce a written, spoken or videotaped piece on a topic related to the violation.
8. **College Probation:** The student is put on official notice that, should further violations occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.
9. **Eligibility Restriction:** The student is deemed "not in good standing" with the College for a specified period of time. Specific limitations or exceptions may be granted by the Vice President of Student Affairs/Designee and terms of this conduct sanction may include, but is not limited to, the following:
  - a. Ineligibility to hold any office in any student organization recognized by the College or hold an elected or appointed office at the College; or
  - b. Ineligibility to represent the College to anyone outside the College community in any way including, participating in the student abroad program, attending conferences, or representing the College at an official function, event or intercollegiate competition as a player, manager or student coach, etc.

10. **Expulsion:** Permanent separation from the College. The student is banned from College property and the student's presence at any College sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary.
11. **Other Sanctions:** Additional or alternate sanctions may be created and designed as deemed appropriate to the office with the approval of the Vice President of Student Affairs/Designee.

Student groups or organizations can also be sanctioned.

The following sanctions may be imposed upon groups or organizations found to have violated the Student Code of Conduct:

- a. One or more of the sanctions listed above, specifically 1 through 7, 9 through 11, and/or
- b. Deactivation, de-recognition, loss of all privileges (including status as a College registered group/organization), for a specified period of time.

## **B. Interim and Permanent Suspension**

- I. In some cases the College will place a hold on the student's account to prevent the student from registering for additional classes or receiving transcripts. This step is usually taken when a student fails to respond to correspondence or is in the midst of upholding a suspension.
- II. In more severe cases, the Vice President/Designee may, at his/her discretion, remove a student from a class or suspend him or her from the College for an interim period pending an investigation or disciplinary proceedings. In the event a student is suspended based on conduct that posed a direct threat to the health and safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services, the College may require as a precondition to student's return that the student provide documentation or information demonstrating that the student no longer poses a direct threat. The documentation or information should allow the College to appropriately assess whether or not the student currently poses a direct threat. The documentation or information should allow the College to appropriately assess whether or not the student currently poses a direct threat. Documentation or information could include a treatment plan that the student followed, a report from the student's treating professional, or consent for the College to talk with the student's treating professional; this list is non-exhaustive as these are examples of what could be provided to verify there is no longer the existence of a direct threat, depending on the individual circumstances. This is a non-exhaustive list and are examples of what could be provided to verify there is no longer the existence of a direct threat, depending on the individual circumstances.

If circumstances are such that the Student's Conduct and Compliance Officer determines it is not practical to give the student an opportunity to appear personally before an interim suspension is imposed because the safety of others is of immediate concern because of a direct threat of harm to others, then the Student Conduct and Compliance Officer may issue an

interim suspension pending a final decision regarding an adverse action against the student and the opportunity for such an appearance shall be given as soon after the imposition of an interim suspension as is practical. In addition, the student will be afforded the earliest opportunity to speak with the Vice President of Student Affairs/Designee either by phone, through HAWK email or via a letter addressed to the Vice President of Student Affairs/Designee at 5101 Evergreen Road, L-430, Dearborn, MI 48128

- III. The College believes suspending or restricting the student will preserve the safety of the student/others, preserve the integrity of an investigation, protect College property and/or prevent disruption of College operations.
- IV. Voluntary and Involuntary Withdrawals. The Vice President/Designee may also, with the approval of the President or his/her designee, remove a student from a class or suspend him or her for an interim period, for purposes of obtaining a medical, psychiatric or psychological evaluation, whenever the Vice President/Designee determines that there is reasonable cause to believe that the continued presence of a student in class or on the College campus poses a threat to him/herself or to others or to the stability of normal College classes or functions. In such situation the voluntary or involuntary withdrawal process will begin.
- V. If practical, a student will be given an opportunity to appear personally before the Vice President/Designee before he or she is suspended on an interim basis. Such an appearance is solely for the purpose of considering:
  - a. The reliability of the information concerning the student's alleged conduct;
  - b. Whether the alleged conduct and surrounding circumstances reasonably indicate that the continued presence of the student in class or on the College campus poses a threat to him/herself or to others or to the stability of normal College classes or functions.

If circumstances are such that the Vice President/Designee does not believe it is advisable to give the student an opportunity to appear personally before an interim suspension is imposed because of a concern of a threat to themselves or others, the student will be afforded the earliest opportunity to speak with the Vice President of Student Affairs/Designee either by phone, through HAWK email or via a letter addressed to the Vice President of Student Affairs/Designee at 5101 Evergreen Road, L-430, Dearborn, MI 48128.

## **HEARING PROCEDURE**

### **I. Disciplinary Hearing**

- A. All HFC students have the right to the protection of due process in disciplinary proceedings. The student is entitled to a fair and prompt hearing before an impartial person.
- B. During a disciplinary hearing, both the student and the College have the right to be advised by a non-attorney advocate/supporter. If the student desires such a advocate/supporter, but is unable to arrange for the advocate/supporter, the Vice

President/Designee, upon request of the student, shall provide the student with a list of five faculty members from whom the student may choose. The role of the representative is to observe the hearing preceding only. This means the advisor's role is non-participatory and cannot speak or cross-examine other parties involved in the hearing (unless documented accommodations through the Assisted Learning Services Office recommend modification of the advisor's role). To facilitate such protection, the following preliminary procedures shall be used in disciplinary proceedings:

- i. No student may be compelled to testify against himself/herself in a disciplinary hearing;
  - ii. In a disciplinary hearing the student has the right to question those who testify against him/her (in cases where the safety of the parties involved is in question, the questions will be facilitated through the hearing officer); and,
  - iii. No student shall be subject to a disciplinary hearing twice for the same incident or event. However, the student may appeal the decision of the Vice President/Designee to the Judicial Board, as stipulate in the criteria documented in this Procedure.
- C. The Vice President/Designee may modify the time limits and procedures of the disciplinary process when, in his/her discretion, doing so is desirable or necessary to appropriately proceed, and the modification is not contrary to due process requirements.

## **II. Hearing Procedures:**

- A. The student shall be entitled to appear at the hearing in person before the Vice President of Student Affairs/Designee and to present their defense, which may include the presentation of witnesses.
- B. The student shall be entitled to inspect any evidence which the College or Complainant intends to submit at the hearing 48 business hours in advance of the hearing.
- C. The student has the right to elect not to appear at the hearing. Should they elect not to appear, the hearing shall be held in the student's absence. Failure of a student to appear shall not indicate guilt and may not be considered in any finding, decision or recommendation.
- D. If the student elects to have the assistance of an advocate, the advocate's role is non-participatory and the advocate may not examine or cross-examine witnesses unless, in the judgment of the administrator conducting the hearing, the student is unable to question witnesses through some impairment, language impediment or disability, or other reason.
- E. A student shall be permitted to hear evidence against themselves and shall be afforded an opportunity to question all witnesses who testify at the hearing. Each witness shall be asked to affirm that their testimony will be truthful. The witness will also be informed that knowingly furnishing false information may cause the witness to be subject to disciplinary procedures as stated in the Student Code of Conduct.
- F. In cases where the safety of the parties involved is in question, all questions may be facilitated through the hearing officer.

## **III. The Hearing**

- A. The hearing will be closed to the public.



- B. Formal rules of evidence shall not be applicable in student disciplinary hearings. The Vice President/Designee shall admit evidence in their discretion. Without reducing that discretion, the Vice President/Designee shall give appropriate consideration to concerns of confidentiality and privilege, and shall admit evidence which they believe would be considered by reasonable persons in the conduct of their everyday affairs. Unduly repetitious or irrelevant evidence may be excluded at the Vice President of Student Affairs/Designee's discretion.
- C. If the student chooses to testify, the student may refuse to answer questions. The facts of the case shall be determined solely on the basis of evidence presented at the hearing.
- D. The respondent, Complainant and hearing officer may question witnesses and the other parties involved, either directly or through the hearing officer at the hearing officer's discretion. Unduly repetitive witnesses can be limited at the discretion of the hearing officer.
- E. The administrator hearing the matter shall make findings of responsible, not responsible, or inconclusive per each allegation brought against the student. The administrator will make recommendations as to possible sanctions and/or other remedies.
- F. It is the responsibility of the Vice President/Designee or administrator hearing the matter to make an audio taped record of the hearing.
- G. The hearing officer has the right to limit personal belongings in the hearing room and any unauthorized recording of the hearing is prohibited.
- H. After the hearing, the Vice President of Student Affairs/Designee or administrator hearing the matter shall prepare a written statement of the decision and explanation of the reasons for such decision. This information will be provided to the student in the outcome letter.
- I. The decision of the Vice President/Designee is final, unless the penalty involves an expulsion, a suspension, or a permanent notation on the student's record, in which case the student may appeal to the Judicial Board or the Appeal Panel by providing supportive documentation to the Vice President of Student Affairs/Designee identifying the specific reason(s) for the appeal, by selecting one or more of the following:
  - substantial evidence not previously considered;
  - evidence of bias by the administrator who conducted the disciplinary hearing;
  - significant errors in procedures by the administrator who conducted the disciplinary hearing;
  - significant finding of inequity in disciplinary actions related to findings;
  - the cumulative conduct record of the respondent.

#### **IV. Appeals to the Appeal Panel or Judicial Board**

When the penalty imposed involves a suspension, an expulsion, or a permanent notation on the student's record, the student has the right to appeal. Appeal requests must be provided in writing from the students HAWK email account or via a letter addressed to the Vice President of Student Affairs/Designee at 5101 Evergreen Road, L-430, Dearborn, MI 48128

##### **A. Appeal Panel**

Students who admit responsibility (with or without explanation) may qualify for an appeal request to be reviewed by the Vice President of Student Affairs/Designee as set forth in Section 9, above, must follow the procedures for the Appeal Panel.

Students who deny responsibility and may qualify for an appeal request to be reviewed by the Vice President of Student Affairs/Designee as set forth in Section 9, above, follow the procedure for the Judicial Review Board Appeal.

A request for an appeal will be considered if in the case the sanctions imposed are substantially outside the parameters or guidelines set by the College. A request for an appeal will be considered and may be granted if the request meets the criteria as set forth in Section 9 above.

The President/Vice President will review the appeal request and determine in 5 business days if the request is denied or allowed to proceed to the appeal review board.

The President/Vice President will convene a review board to hear the appeal.

The suspension sanction will remain in place while the appeal is being considered, unless it is determined by the VP of Student Affairs that lifting the sanction does not create a threat of harm to the College or to an individual. A decision regarding this issue will be made at the time the request to appeal is granted or denied. If granted, the Appeal Board is composed of three (3) administrators randomly selected from a pool of administrators.

#### B. Appeal Panel Hearing Procedures

1. Within fourteen (14) business days of the composition of the Appeal Panel being finalized, it will meet. The timeline may be modified by days the College is closed to the public or if there are any mitigating circumstances.
2. The review by the Appeal Panel will include examination of the appeal request, the transcript or record of the original hearing, the original allegation and/or physical evidence, and an appeal hearing.
3. The Chair of the Appeal Panel shall limit discussion to only those issues contained in the appeal request. The Appeal Panel shall hear any new evidence, new witness(es) and review the new physical evidence. The Appeal Panel may call other witnesses, seek other information, or hear any other evidence, and recess and reconvene as it deems necessary.
4. The student shall be entitled to appear at the Appeal Panel hearing in person to present their appeal.
5. If the student fails to appear at the hearing, the appeal will be dismissed and the decision at the disciplinary level affirmed.
6. In an appeal hearing before the Appeal Panel, both the student and the College have the right to be advised by a non-attorney representative. If the student desires such a representative, but is unable to arrange for the representative, the Appeal Panel or the Vice President/Designee, upon request of the student, shall provide the student with a list of five faculty members, from whom the student may choose. The role of the representative is to advise the student. If the student elects to have the assistance of a representative, the representative's role is non-participatory and may not examine or cross-examine witnesses. The Appeal Panel may, in its judgment, permit the representative to participate if it determines the student



requires assistance (i.e. impairment, language impediment or disability, or other reason).

7. The student shall be permitted to call witnesses who have evidence deemed relevant by the Appeal Panel and shall be accorded an opportunity to question all witnesses who testify at the hearing. Each witness shall be asked to affirm that their testimony will be truthful. The witness will also be informed that knowingly furnishing false information can cause him/her to be subject to disciplinary procedures as stated in the Student Code of Conduct.
8. The hearing will be closed to the public.
9. Formal rules of evidence shall not be applicable in the appeal hearing. The Appeal Panel shall admit evidence in its discretion. Without reducing that discretion, the Appeal Panel shall give appropriate consideration to concerns of confidentiality and privilege and shall admit evidence which it believes would be considered by reasonable persons in the conduct of their everyday affairs. Unduly repetitious or irrelevant evidence may be excluded at the discretion of the Appeal Panel.

#### C. Decision by Appeal Panel

The Appeal Panel will make its decision by a majority vote of those present and voting. The Appeal Panel has the authority to take any action it deems appropriate, including the authority to:

1. uphold the disciplinary decision,
2. modify the decision, or,
3. overturn the decision.

The decision of the Appeal Panel will be provided to the student, in writing, within seven (7) business days after it is reached. The Appeal Panel's decision in the matter is final and shall be implemented immediately. The timeline may be modified by days the College is closed to the public.

#### D. Appeal Procedure to Judicial Review Board

1. A student who wishes to appeal a disciplinary decision as set forth above, must request review by the Judicial Board in writing, within ten (10) business days after the decision of the Vice President/Designee is mailed. The timeline may be modified by days the College is closed to the public.
2. The letter of appeal must contain supportive documentation stating the reason(s) for the appeal, based on one or more of the following:
  - a. substantial evidence not previously considered;
  - b. evidence of bias by the administrator who conducted the disciplinary hearing;
  - c. significant errors in procedures by the administrator who conducted the disciplinary hearing;
  - d. significant finding of inequity in disciplinary actions related to findings.
3. In an appeal to the Judicial Board, the appeal shall be decided by majority vote of the members of the Board present and voting.
4. The Judicial Board has the authority to uphold the decision of the Vice President/Designee or other administrator who heard the matter, reverse the decision or modify the decision (which can include an increased penalty). If the Judicial Board elects

to modify the decision, it may choose a penalty it deems appropriate, including any penalty set forth in section III (A) of the Student Conduct Policy, “Sanctions.”

5. The decision rendered by the Judicial Board is final.

#### E. Judicial Board Organization and Hearing Procedure

1. The Judicial Board shall be composed of two students, two faculty members and one administrator.
2. The Chair of the Judicial Board shall be designated by the Vice President/Designee at the beginning of each academic year.
3. A pool of eight students will be assigned by the Student Council to serve on the Judicial Board for one academic year. Two students shall be appointed by the Student Council from the group of eight (8) assigned students with consent of the Student Council to serve on the Board for each particular case.
4. A group of eight faculty members, three of whom shall be from the Academic Education area, three from the Career Education area, and two from the Student Affairs area, will be designated by the Senate for one academic year. Two faculty members shall be appointed by the Senate to hear each case.
5. The student will be informed within seven (7) business days of the composition of the Judicial Board, and of the date, time, and place of the Judicial Board appeal hearing. A student may challenge a Judicial Board member. Any objection to a Judicial Board member must be made in writing, within three (3) business days of the letter indicating the composition of the Board. A Judicial Board member shall be disqualified if a majority of the Judicial Board members agree that the student has made a reasonable showing for the objection. A replacement for a successfully challenged member will be selected from the same group as the challenged member and in the manner described in Section IIIB. The timeline may be modified by days the College is closed to the public.
6. Within fourteen (14) business days of the composition of the Judicial Board being finalized, it will meet. The timeline may be modified by days the College is closed to the public or if there are any mitigating circumstances.
7. The review by the Judicial Board will include examination of the appeal request, the transcript or record of the original hearing, the original allegation and/or physical evidence, and an appeal hearing.
8. The Chair of the Judicial Board shall limit discussion to only those issues contained in the appeal request. The Judicial Board shall hear any new evidence, new witness(es) and review the new physical evidence. The Judicial Board may call other witnesses, seek other information, or hear any other evidence, and recess and reconvene as it deems necessary.
9. The student shall be entitled to appear at the Judicial Board hearing in person to present their appeal.
10. If the student fails to appear at the hearing, the appeal will be dismissed and the decision at the disciplinary level affirmed.
11. In an appeal hearing before the Judicial Board, both the student and the College have the right to be advised by a non-attorney representative. If the student desires such a representative, but is unable to arrange for the representative, the Judicial Board or the Vice President/Designee, upon request of the student, shall provide the student with a list of five faculty members, from whom the student may choose. The role of the

representative is to advise the student. If the student elects to have the assistance of a representative, the representative's role is non-participatory and may not examine or cross-examine witnesses. The Judicial Board may, in its judgment, permit the representative to participate if it determines the student requires assistance (i.e. impairment, language impediment or disability, or other reason).

12. The student shall be permitted to call witnesses who have evidence deemed relevant by the Judicial Board and shall be accorded an opportunity to question all witnesses who testify at the hearing. Each witness shall be asked to affirm that their testimony will be truthful. The witness will also be informed that knowingly furnishing false information can cause him/her to be subject to disciplinary procedures as stated in the Student Code of Conduct.
13. The hearing will be closed to the public.
14. Formal rules of evidence shall not be applicable in the appeal hearing. The Judicial Board shall admit evidence in its discretion. Without reducing that discretion, the Judicial Board shall give appropriate consideration to concerns of confidentiality and privilege and shall admit evidence which it believes would be considered by reasonable persons in the conduct of their everyday affairs. Unduly repetitious or irrelevant evidence may be excluded at the discretion of the Judicial Board.

#### F. Decision By Judicial Board

The Judicial Board will make its decision by a majority vote of those present and voting. The Judicial Board has the authority to take any action it deems appropriate, including the authority to:

- a. uphold the disciplinary decision, or
- b. modify/overturn the decision.

The decision of the Judicial Board will be provided to the student, in writing, within seven (7) business days after it is reached. The Judicial Board's decision in the matter is final and shall be implemented immediately. The timeline may be modified by days the College is closed to the public.

**END OF DOCUMENT**