



**UNIVERSITY
POLICE**

**2020 CAMPUS SECURITY AND FIRE
SAFETY REPORT**

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December, 2020

Dear Members of the Saginaw Valley State University Community:

The **2020 Campus Security and Fire Safety Report** provides an overview of 2017, 2018 and 2019 crime statistics, safety practices and policies for Saginaw Valley State University.

This publication contains crime statistics and fire safety information from the main and Macomb campuses. The information is made available to provide SVSU community members with specific information about available resources, both on and off campus, in the event they become the victim of a crime. Crimes should be reported to the University Police.

The University Police department prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and the Violence Against Women Act. This report is prepared in cooperation with local law enforcement agencies, Student Affairs, Human Resources, and Diversity Programs. Each entity provides updated information on their educational efforts and programs to comply with the Acts.

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from the following sources: SVSU Police, SVSU Student Conduct Programs, SVSU officials with significant responsibility for student and campus activities, Saginaw County Sheriff's Department, Macomb County Sheriff's Department, Michigan State Police, and Chesterfield Township Police. A letter is sent from the Chief of Police to other law enforcement agencies asking for incident reports occurring on SVSU controlled property. An e-mail request is sent annually to SVSU Student Conduct Programs and SVSU officials with significant responsibility for student and campus activities requesting crime statistics. Annual crime statistics may also include anonymous crime reports. For statistical purposes, crime statistics reported to any of these sources would be recorded in the calendar year the crime was reported.

When the Campus Security and Fire Safety Report is complete all faculty, staff and current students receive an e-mail from the Chief of Police. The e-mail includes a brief summary of the contents of the report and a direct link to the report. Also included is the address for the University Police website where crime statistics can be found on-line.

The University Police Department

The University Police are responsible for providing police services to the SVSU campus. The department is located in the South Campus Complex A, on Pierce Road, between Bay Road and Davis Road. The department has nine sworn police officers, two part-time police clerks, and a Parking Services Coordinator. Police officers are responsible for enforcing University regulations, state and local laws. These officers are professionals who work as a team to provide a safe environment in which the mission of the University can be fully realized. The Department is service-oriented, and community policing is an important service the department provides. Officers work together with community members to address community problems related to crime, fears associated with crime, and social disorder.

University Police also employs trained students who are responsible for dispatching police officers, providing information to the campus community, motorized and foot patrol of parking lots and buildings, assisting motorists and issuing parking tickets while enforcing the SVSU Parking Ordinance.

University Police Authority and Jurisdiction

SVSU University Police have complete police authority to apprehend and arrest anyone involved in illegal acts on campus. If minor offenses involving University rules and regulations are committed by a University student, the University Police may refer the individual to Student Conduct Programs. Criminal offenses are reported and subject to prosecution in the Saginaw County Court system.

University Police Officers are sworn peace officers in the State of Michigan and are responsible for enforcing state and local laws and University regulations on campus and roadways adjacent to the University. They are certified by the Michigan Commission on Law Enforcement Standards and have full arrest powers.

University Police personnel work closely with local, state, and federal police agencies and have direct radio communication with Saginaw County 911. The University participates in the Saginaw County Mutual Aid Agreement whereby police agencies in Saginaw County utilize a protocol for providing assistance to one another. Participating police departments are able to assist SVSU Police when requested with criminal investigations, crowd control, arrests, short-term manpower and equipment needs.

Education and Training

Officers are licensed by the Michigan Commission on Law Enforcement Standards and have full arrest authority. The Department provides extensive on-going training for all campus police officers. Police officers are certified in Cardiopulmonary Resuscitation (CPR), First Aid and the use of Automatic External Defibrillators (AEDs).

Reporting a Crime

In the event of an emergency or to report a crime on the main SVSU campus, members of the campus community should call University Police at 989-964-4141 or 911 when using a cellular phone. If using a campus telephone, please dial 4141 or 911. Individuals may also report an incident in person at the department's headquarters in South Campus Complex A. University Police encourages the accurate and prompt reporting of all crimes to University Police or the appropriate law enforcement agency. Prompt reporting allows University Police to take the appropriate action(s) in a timely manner.

The University has installed emergency two-way call boxes (blue light phones) throughout campus for use during emergencies. By pressing the button on the stations, users can communicate directly with Central Dispatch.

Voluntary Confidential Reporting Procedures

Victims of a crime who do not want to pursue action within the University system or the criminal justice system may consider making a confidential report. The report will remain anonymous and can be completed by using the Anonymous Crime Tip Submission Form located on the University Police website at: www.svsu.edu/universitypolice .

The purpose of a confidential report is to comply with the wish to keep the matter confidential, while taking steps to ensure the future safety of the campus community. The University will keep accurate records of the number of incidents, determine if there is a pattern of crime and alert the campus community, if necessary, to potential threats. Reports filed in this manner are counted and disclosed in the annual crime statistics.

Campus Security Authorities

Campus Security Authorities (CSAs), as defined by the Clery Act, have an obligation to report allegations of Clery Act defined crimes that they conclude are made in good faith. These crime allegations should be reported to University Police. The Clery Act definition of a campus security authority includes SVSU personnel beyond SVSU police officers. An official of SVSU, who has significant responsibility for student and campus activities, including but not limited to, student housing, student discipline, coaches, student organization advisors and campus judicial proceedings, is a Campus Security Authority. The intent of including non-law enforcement personnel as campus security authorities is to acknowledge that many individuals and students in particular are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals. Although not encouraged, crimes may be reported confidentially to CSA's for inclusion in the annual security report. Individuals should report crimes to SVSU University Police to allow the incident to be assessed for a Timely Warning notice and for the purpose of annual statistical disclosures.

Counselors and Confidential Reporting

Campus Pastoral Counselors and Campus Professional Counselors, when acting as such, are not considered to be a Campus Security Authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if they deem appropriate, to inform persons being counseled to report crimes on a voluntary basis for inclusion into the annual crime statistics.

The Clery Act defines counselors as:

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.

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.

Response to Reports

Dispatchers are available 24 hours a day to answer your 911 calls or 911 calls from University phones. University Police procedures require an immediate response to emergency calls. In response to a non-emergency call, University Police will take the appropriate action, either dispatching an officer or asking the victim to report to University Police to file an incident report. After review, University Police incident reports may be forwarded to the Saginaw County Prosecutor's office and/or the Associate Dean for Student Affairs/Coordinator of Student Conduct Programs.

Non-Campus Crime

Saginaw Valley State University does not have any non-campus student organizations. University Police members do not provide law enforcement service to non-campus residences of recognized fraternity and sorority organizations, nor are non-campus activities recognized by University authority. Students, faculty and staff involved in criminal activity off campus may be subject to on-campus disciplinary action. Contact the Human Resources office at 989-964-4108 for further information regarding disciplinary action for faculty and staff. Questions regarding Student Code of Conduct Programs can be answered by the Associate Dean for Student Affairs/Coordinator of Student Conduct Programs at 989-964-2220.

Crime Log

A daily crime log is available for review 24 hours a day on the University Police website at <https://www.svsu.edu/universitypolice/monthlycrimereports>. The information in the crime log includes: the incident report number, date reported and occurred, general location and current disposition of each criminal investigation.

Definitions

Aggravated Assault	An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, dangerous disease or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.
Arrest	Persons processed by arrest, citation or summons.
Arson	Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property, etc.
Burglary	The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safe-cracking; and all attempts to commit any of the aforementioned
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; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.
Destruction of Property	To willfully or maliciously destroy, damage, or deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
Domestic Violence	<p>Felony or misdemeanor crime of violence committed by:</p> <ul style="list-style-type: none"> • A current or former spouse or intimate partner of the victim, • A person with whom the victim shares a child in common, • A person who is cohabiting with or has cohabitated with the victim as a spouse or intimate partner, • A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or • Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Domestic Violence (Michigan Definition)	<p>The occurrence of any of the following acts by a person that is not an act of self-defense:</p> <ul style="list-style-type: none"> • Causing or attempting to cause physical or mental harm to a family or household member. • Placing a family or household member in fear of physical or mental harm. • Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress. • Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.
Drug Law Violations	<p>Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).</p>
Hate Crimes	<p>Criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a performed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation, gender identity, ethnicity or national origin.</p>
Intimidation	<p>Criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a performed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation, gender identity, ethnicity or national origin.</p>
Judicial Referrals	<p>The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction. Statistics under the heading of "Judicial Referrals" include individuals referred to the Office of Student Conduct Programs or Human Resources. The numbers include referrals that are made via University Police incident reports and reports provided directly to the Office of Student Conduct Programs or Human Resources.</p>
Larceny	<p>The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another with intent to deprive. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.</p>

Liquor Law Violations	The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition).
Motor Vehicle Theft	The theft or attempted theft of a motor vehicle.
Murder/ Non-Negligent Manslaughter	The willful killing of one human being by another.
Manslaughter by Negligence	The killing of another person through gross negligence.
Robbery	The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force, violence and/or causing the victim fear.
Sexual Assault	An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting 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	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.
Sex Offenses Definitions	
Forcible Sex Offenses	Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. Includes forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling.

<p>Non-Forcible Sex Offenses</p>	<p>Unlawful, non-forcible sexual intercourse. Includes statutory rape and incest.</p>
<p>Simple Assault</p>	<p>An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.</p>
<p>Stalking</p>	<p>Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.</p>
<p>Unfounded Crimes</p>	<p>A crime investigated by law enforcement authorities and found to be false or baseless. Only sworn or commissioned law enforcement personnel may “unfound” a crime.</p>
<p>Weapon Law Violations</p>	<p>The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.</p>

Main Campus

2019 Arrests and Judicial Referrals	On-Campus			Non-campus	Public Property
	Student Housing	Other	Total		
ARRESTS					
Liquor Law Violations	0	2	2	0	2
Drug Abuse Violations	3	0	3	0	0
Weapons: Carrying, Possession, etc.	0	0	0	0	0
JUDICIAL REFERRALS					
Liquor Law Violations	57	2	59	0	0
Drug Abuse Violations	8	9	17	0	0
Weapons: Carrying, Possession, etc.	2	0	2	0	0

2018 Arrests and Judicial Referrals	On-Campus			Non-campus	Public Property
	Student Housing	Other	Total		
ARRESTS					
Liquor Law Violations	3	0	3	0	0
Drug Abuse Violations	7	13	20	0	4
Weapons: Carrying, Possession, etc.	1	0	1	0	0
JUDICIAL REFERRALS					
Liquor Law Violations	92 ¹	3	95	0	0
Drug Abuse Violations	20	10	30	0	0
Weapons: Carrying, Possession, etc.	1	0	1	0	0

¹Liquor law violations changed from 94 residential to 92 due to reclassification

2017 Arrests and Judicial Referrals	On-Campus			Non-campus	Public Property
	Student Housing	Other	Total		
ARRESTS					
Liquor Law Violations	38	6	44	0	4
Drug Abuse Violations	4	12	16 ¹	0	5
Weapons: Carrying, Possession, etc.	0	0	0	0	0
JUDICIAL REFERRALS					
Liquor Law Violations	65	1	66	0	0
Drug Abuse Violations	23	12	35 ²	0	0
Weapons: Carrying, Possession, etc.	1	0	1	0	0

¹Drug abuse violations was changed from 10 to 16 because these offenses were initially classified as disciplinary rather than arrests

²Drug abuse violations was changed from 41 to 35 because these offenses were initially classified as disciplinary rather than arrests

Macomb Campus

2019 Arrests and Judicial Referrals			
	On-campus	Non-campus	Public Property
ARRESTS			
Liquor Law Violations	0	0	0
Drug Abuse Violations	0	0	0
Weapon Violations	0	0	0
JUDICIAL REFERRALS			
Liquor Law Violations	0	0	0
Drug Abuse Violations	0	0	0
Weapon Violations	0	0	0

2018 Arrests and Judicial Referrals			
	On-campus	Non-campus	Public Property
ARRESTS			
Liquor Law Violations	0	0	0
Drug Abuse Violations	0	0	0
Weapon Violations	0	0	0
JUDICIAL REFERRALS			
Liquor Law Violations	0	0	0
Drug Abuse Violations	0	0	0
Weapon Violations	0	0	0

2017 Arrests and Judicial Referrals			
	On-campus	Non-campus	Public Property
ARRESTS			
Liquor Law Violations	0	0	0
Drug Abuse Violations	0	0	0
Weapon Violations	0	0	0
JUDICIAL REFERRALS			
Liquor Law Violations	0	0	0
Drug Abuse Violations	0	0	0
Weapon Violations	0	0	0

Main Campus

2019 Criminal Offenses	On-Campus			Non-campus	Public Property	Unfounded
	Student Housing	Other	Total			
Murder/Non-negligent Manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Sexual Offense: Rape	2	0	2	0	0	0
Sexual Offense: Fondling	2	1	3	0	0	0
Sexual Offense: Incest	0	0	0	0	0	0
Sexual Offense: Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	3	0	3	0	0	0
Burglary	6	0	6	0	0	0
Motor Vehicle Theft	0	2	2	0	0	1
Arson	0	0	0	0	0	0
Domestic Violence	1	1	2	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	2	2	0	0	0
*Larcenies	2	7	9	-	-	-

*Larcenies are not a required category.

2018 Criminal Offenses	On-Campus			Non-campus	Public Property	Unfounded
	Student Housing	Other	Total			
Murder/Non-negligent Manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Sexual Offense: Rape	1	0	1	0	0	0
Sexual Offense: Fondling	1	0	1	0	0	0
Sexual Offense: Incest	0	0	0	0	0	0
Sexual Offense: Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	1	4	5	0	0	0
Burglary	1	1	2	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0		0	0	0
Domestic Violence	1	1	2	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	2	2	0	0	0
*Larcenies			40	-	-	-

*Larcenies are not a required category.

Main Campus, cont.

2017 Criminal Offenses	On-Campus			Non-campus	Public Property	Unfounded
	Student Housing	Other	Total			
Murder/Non-negligent Manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Sexual Offense: Rape	1	0	1	0	0	0
Sexual Offense: Fondling	1	0	1	0	0	0
Sexual Offense: Incest	0	0	0	0	0	0
Sexual Offense: Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Domestic Violence	1	0	1	0	0	0
Dating Violence	1	0	1	0	0	0
Stalking	1	4	5	0	0	0
*Larcenies	6	40	46	-	-	-

Macomb Campus

2019 Criminal Offenses	On-Campus	Non-campus	Public Property	Unfounded
Murder/Non-negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Sexual Offense: Rape	0	0	0	0
Sexual Offense: Fondling	0	0	0	0
Sexual Offense: Incest	0	0	0	0
Sexual Offense: Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0
*Larcenies	0	-	-	-

*Larcenies are not a required category.

Macomb Campus, cont.

2018 Criminal Offenses	On-Campus	Non-campus	Public Property	Unfounded
Murder/Non-negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Sexual Offense: Rape	0	0	0	0
Sexual Offense: Fondling	0	0	0	0
Sexual Offense: Incest	0	0	0	0
Sexual Offense: Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0
*Larcenies	0	-	-	-

*Larcenies are not a required category.

2017 Criminal Offenses	On-Campus	Non-campus	Public Property	Unfounded
Murder/Non-negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Sexual Offense: Rape	0	0	0	0
Sexual Offense: Fondling	0	0	0	0
Sexual Offense: Incest	0	0	0	0
Sexual Offense: Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0
*Larcenies	0	-	-	-

*Larcenies are not a required category.

Hate Crimes

Criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation, gender identity, ethnicity or national origin.

2019: Zero hate crimes reported in the following crime categories: Murder, non-negligent manslaughter, rape, fondling, statutory rape, incest, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny, simple assault, intimidation, destruction of property, domestic violence, dating violence and stalking.

2018: Zero hate crimes reported in the following crime categories: Murder, non-negligent manslaughter, rape, fondling, statutory rape, incest, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny, simple assault, intimidation, destruction of property, domestic violence, dating violence and stalking.

2017: Zero hate crimes reported in the following crime categories: Murder, non-negligent manslaughter, rape, fondling, statutory rape, incest, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny, simple assault, intimidation, destruction of property, domestic violence, dating violence and stalking.

Crime Prevention and Security Awareness Programs

Crime Prevention Programs on personal safety are sponsored by various campus organizations throughout the year. Campus crime prevention and security awareness programs are discussed annually in the fall by University Police during new student and parent orientation. Members of the University Police Department conduct crime prevention presentations when requested by various campus community groups. During these presentations the following information is typically provided – crime prevention tips, statistics on crime at SVSU, sexual misconduct, information regarding campus security procedures and practices, including encouraging participants to be responsible for their own security, and the security of others on campus.

The Residential Life staff strives to provide appropriate enforcement of security measures in all campus housing, promoting a community respectful of individual and group rights and responsibilities. Periodic educational sessions on safety and crime awareness are provided in collaboration with University Police.

The University Police offers a self-defense program, "RAD" (Rape Aggression Defense), to all members of the SVSU community. The RAD program teaches basic self-defense skills and assists individuals in gaining confidence in their own abilities, as well as making them more aware of their surroundings. RAD is offered to groups on and off campus throughout the year. Classes are taught by certified RAD instructors. Topics include awareness of rape, acquaintance rape and other sex offenses. The following University Police staff can provide additional information: Officer Kyle Barber (989-964-4514).

The University Police take a proactive approach to minimize opportunities for criminal behavior. Periodically during the academic year, the University Police, in cooperation with other university organizations and departments, present crime prevention awareness sessions on sexual assault, thefts, and educational sessions on personal safety and residence hall security. Crime prevention efforts stress community awareness and interaction through presentations and dissemination of materials, including:

- New student and adjunct faculty Orientation Programs – Provided safety and crime prevention information, Title IX, and sexual assault programming.
- Parent Orientation- Provide safety and crime prevention information. This occurs annually in the summer and fall
- Escort Services – Police or Service Officer will provide an escort to an individual who feels uncomfortable walking alone on campus
- Operation Identification – Students and employees are able to register valuable personal property with University Police. Available online
- Residential Life staff and student organization training on::-safety and crime prevention, sexual assault, Title IX, sexual harassment/stalking, and domestic/dating violence, annually in the fall and periodically throughout the year
- Title IX Training- “Responsible Employee” training, general education and awareness training including some auxiliary operations, webinar sessions for faculty and staff focusing on updates and changes
- Monthly Title IX meetings with Faculty and Staff of each College to provide Title IX updates
- Online Sexual Assault Training for Faculty/Staff/Students
- Campus Security Authority online course
- All athletes and athletic department staff, including volunteers, took the EVERFI Sexual Violence Prevention Training program.
- Training provided to student employees in the student life department related to reporting crime, emergency preparedness and the new VAWA policies and requirements
- Bystander Intervention training- Over 300 students, administrators, resident assistant, peer educators and student affairs team members have been trained

Emergency Notification Procedures

The process of issuing an emergency notification begins by confirming there is a significant emergency or dangerous situation. Chief of Police (or designee) will verify information about a potential significant emergency or dangerous situation. This occurs by collecting and assimilating information from firsthand accounts and from uniformed officers in the field. In some circumstances local, state, or federal agencies may notify University Police of a possible emergency and may provide information or guidance to be used in verifying whether a significant emergency or dangerous situation exists.

Upon confirmation of an emergency or dangerous situation that poses an immediate threat to the health or safety of students or employees, Chief of Police (or designee) will, without delay, and

taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Chief of Police (or designee) is responsible for determining the content of an emergency notification; the content of a notification is determined based on the circumstances and the manner in which the situation is impacting campus. The content of the notification message is designed to provide instruction to the University community that promotes the safety and well-being of those impacted. At times, messages may simply contain information about an area of campus to avoid. At other times, messages may have specific protective action recommendations or information about the nature of the incident itself. The content of the notification is dependent upon the amount of information available. A message may be directed to the entire campus community or to specific areas or segments of the campus depending on the nature and location of the incident.

The SVSU Chief of Police or a designee will develop emergency notifications for the University Community. In the absence of the Chief of Police the following designees may issue an Emergency Notification after consulting with the Chief of Police and/or the Executive Vice President of Administration and Business Affairs:

- Police Sergeant
- Director of Media & Community Relations
- Manager of Business and Operations
- Police Dispatcher
- Associate Vice President for Administration and Business Affairs
- General Counsel
- Parking Services Coordinator

The University has a variety of methods to notify students, faculty and staff of an active, major campus emergency. Any or all methods may be used:

- SVSU Alert system-sends text and voice messages to cellular phones, classroom phones, social media accounts, and home phones to registered individuals. All faculty, staff and students will receive e-mails from the system.
- News Blast-displayed on the SVSU website homepage, University Police webpage, local media, and computer screens that are logged onto SVSU Network, SVSU e-mail account
- Public Address System-outdoor campus public alert system
- Alertus – Displayed on walls where there is high traffic volume

Emergency Drills, Testing and Evacuation Procedures

The University's Emergency Procedures Guide has information and procedures to follow in the case of an emergency, and can be found at:

<http://www.svsu.edu/universitypolice/campussafety/emergencyproceduresguide>

This guide covers a variety of topics and aids community members in both evacuation and shelter-in-place situations.

University Police has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation.

Evacuation and shelter-in-place drills are coordinated annually by University Police, Residential Life, and the Kochville Township Fire Department for all residential facilities. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. University Police do not tell residents 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, and other factors such as the location and nature of the threat.

University Police and the Kochville Township Fire department will communicate information to students regarding the developing situation or any evacuation status changes.

Two severe weather drills are conducted yearly, one in fall and one in spring, with the first occurring in April and the other in September. The dates and times of the drills will be announced by an e-mail to the campus community well in advance. During the severe weather drills the campus community is expected to shelter-in-place. The drill notification including shelter-in-place instructions is sent through the SVSU Alert system (email, phone, classroom phone, and social media), the outdoor PA and tornado sirens.

Student residents receive information about evacuation procedures during their resident hall meetings. The Residential Life staff is trained in these procedures and act as an on-going resource for the residents living in residential facilities.

Evacuation of a classroom or area may be ordered by faculty or staff, University Police, or local public safety agencies. The purpose is to move occupants away from potentially threatening situations that do not require full building evacuation. Evacuation of a building is used to move occupants out of the building by a pre-designated route (if usable) to avoid a potentially threatening situation that involves the entire building. Orders to evacuate the building may be issued by University Police or local public safety agencies. Occupants should adhere by the following evacuation steps:

- Remain calm.
- Go immediately, in a calm and orderly manner, to the designated evacuation assembly area.
- Remember to take your class roster with you.
- Consider special-needs occupants that may need assistance evacuating.
- When leaving a room, feel the door with the back of your hand before opening it. Do not open any door that feels hot.
- If smoke is present, stay low. The best quality of air is near the floor .
- If your primary route is blocked or unusable, use your secondary exit route.
- Do not take personal items with you.
- Close doors behind you while exiting.
- Walk, do not run.
- Do not go into the restrooms.
- Do not use the elevators.

- Once you have reached the designated area, assist in accounting for all occupants and immediately report any missing occupant to University Police.
- Remain at the designated evacuation assembly area until directed by University Police or an All-Clear has been announced.

Responsibilities of the University Community

Members of the University community should assume responsibility for their own personal safety, their personal property and the security of others. The following precautions provide guidance:

- Report all suspicious activity to the University Police Department immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night. Walk with a friend when possible.
- Never leave valuables unattended.
- Always lock the door to your residence hall room, whether or not you are there. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not at home.
- Do not leave valuables in your car, especially if they can be easily noticed.
- Use the Police Department Operation ID online service to register personal items of value.
- For lost or found property, contact the University Police at 989-964-4141. Found property items are listed on the University Police website: www.svsu.edu/universitypolice . Property is turned in daily to the department.

SVSU Campus Alerts

“SVSU Alert” is an emergency notification system which provides University administrators the ability to send text and voice messages to cellular phones, campus phones (including classroom phones), home phones and e-mail accounts. All SVSU faculty, adjunct faculty, staff, and students e-mail addresses are automatically entered into the system. Campus members can modify their contact information by logging-in to the “SVSU Alert” system at:

<https://www.getrave.com/login/svsu>

“SVSU Alert” informs as many people as possible by using multiple means of communication.

Depending upon the nature of a particular situation, the University’s website www.svsu.edu/universitypolice and e-mail system are also used, in addition to local media. When a situation arises that, in the judgment of the Chief of Police, constitutes an ongoing or continuing threat, a campus wide “Timely Warning” will be issued. The warning will be issued through the University e-mail system to students, faculty and staff. “Timely Warnings” are designed to educate the community in a timely manner regarding criminal activity. Alertus is also utilized to send notifications to the SVSU campus community via the SVSU network. Individuals must be logged onto the network to receive the notification.

Timely Warnings

The SVSU Chief of Police or a designee will develop Timely Warning notices for the University Community to notify members of the community about serious crimes against people that occur either on or off campus, where it is confirmed that the incident may pose a serious or ongoing threat to members of the SVSU campus community. These warnings will be distributed if the incident is reported either to University Police directly or indirectly through a Campus Security Authority or Saginaw County Dispatch. Timely Warnings will be considered when any of the following crimes occur:

- Murder, Non-negligent Manslaughter, and Negligent Manslaughter
- Rape
- Sex Offenses (fondling, incest, and statutory rape)
- Aggravated Assault
- Robbery
- Burglary
- Motor Vehicle Theft
- Arson
- Domestic Violence, Dating Violence, and Stalking
- Crimes involving bodily injury to persons intentionally selected based on actual or perceived race, gender, religion, sexual orientation, ethnicity, national origin, gender identity or disability
- Other crimes as determined necessary by the Chief of Police, or designee

The University Police may not issue Timely Warnings for the above listed crimes if:

- The University Police apprehend the subject(s) and the threat of imminent danger for members of the SVSU community have been mitigated by the apprehension.
- If a report was not filed with University Police or if the University Police was not notified of the crime in a manner that would allow a “timely” warning for the community.

University Police personnel will make the decision whether to issue a Timely Warning notice on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing threat to the campus community and the possible risk of compromising law enforcement efforts. Timely Warnings will be distributed to the campus community as soon as pertinent information is available and updated as new information becomes available.

The Chief of Police may consult with the Executive Vice President of Administration and Business Affairs (or designee), and/or the General Counsel when making the decision to issue a Timely Warning.

University Police will draft the proposed Timely Warning and the Chief of Police or designee will transmit the email containing the Timely Warning to faculty, staff and students. Updates to the SVSU community regarding the Timely Warning also may be distributed electronically via blast email. In addition to email the following methods may also be used to notify the campus community:

- Campus Alert System
- Social Media

- University Web Page
- Media Releases

Timely Warnings may also be posted in campus buildings, when deemed necessary and are included with the corresponding incident report.

All messages issued under this policy shall be titled “Timely Warning” and include the following (if known):

- Type of Incident
- Location of Incident
- Date/Time of Incident
- Safety Information for Campus Community Members

In the absence of the Chief of Police the following individuals may issue a Timely Warning after consulting with the Chief of Police and/or the Executive Vice President of Administration and Business Affairs:

- Police Sergeant
- Director of Media & Community Relations

Residential Missing Persons Protocol

Saginaw Valley State University observes the requirement for Missing Persons as mandated in the Higher Education Reauthorization Act of 2008. If a member of the University community has reason to believe a student who resides in on-campus housing is missing, he or she should immediately notify University Police at 989-964-4141. Each resident student has the opportunity to confidentially identify an individual he or she wants contacted in the event the student is reported missing for a period of 24 hours. Students who wish to identify a confidential contact can do so in the offices of Housing and/or Residential Life. A student’s confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation. If the missing student is under the age of 18 and is not an emancipated individual, SVSU will notify the student’s parent or legal guardian within 24 hours.

Additionally, the University will invoke a procedure under the direction of the University Police initiating an investigation in response to the missing person report. The University Police will aggressively investigate the incident taking into account such factors as the emotional state of the student, the last known location of the student, and any other personal information that may determine the student’s location. The investigation will include notifying University administrators, the Residential Life staff, and local law enforcement within 24 hours if the student is determined to be missing.

Campus Facilities

The academic and administrative buildings are open to the campus community and public during normal business hours. Campus Facilities employees lock most academic buildings by 11:00 p.m. Faculty and staff are allowed entry to academic buildings after hours and on weekends by use of their SVSU ID. The main entrance of the First Year Suites, Living Centers and University Village efficiency buildings for student residents are controlled by card access. Door locks and security hardware are checked frequently and any issues should be immediately reported to the Campus Facilities department. Pine Grove Apartments and multi-person units in University Village are private-entry key access.

University police officers patrol the academic, administrative buildings and campus regularly and any maintenance issues are immediately reported. The police make recommendations for the trimming of trees and other vegetation that may limit the visibility around buildings and residence halls. The Facilities Planning & Construction department frequently surveils campus for maintenance concerns related to safety and security.

Michigan Sex Offender Registry

The Michigan State Police maintains a computerized Sexual Offender Registry which is located at <https://www.mipsor.state.mi.us> This link is also located on the University Police website.

Alcohol and Drug Policies

SVSU is committed to the health and safety of its campus community through programs of alcohol education provided by the Student Counseling Center. The University enforces compliance with alcoholic beverage laws on campus and at University-sponsored activities. The University's Substance Abuse Policy and Regulations and the Drug Free Workplace Policy are distributed to all employees by the Human Resources office upon hire and by annual notices sent to all employees. In addition, these policies are included as annual notices on the University's web portal.

The possession, sale or the furnishing of alcohol on the University campus is governed by SVSU Substance Abuse Policy and Regulations, Student Code of Conduct and Michigan state law. Laws regarding the possession, sale, consumption or furnishing of alcohol are controlled by the Michigan Liquor Control Commission (MLCC). However, the enforcement of alcohol laws on-campus is the primary responsibility of University Police. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by University Police. Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment.

Alcohol is not permitted on campus by any person under the age of 21. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone less than 21 years of age in a public place or a place open to the public is illegal. Consumption of alcohol by those 21 years of age or older is permitted in University Housing facilities only in accordance with provisions outlined in the Student Code of Conduct. Alcoholic beverages are not permitted at athletic

events, concerts or any other event open to the campus community or general public, without prior authorization from the University.

There are additional regulations in the Student Handbook for students living in residence halls and apartment complexes. Unauthorized sale, use, manufacturing or distribution of alcohol or controlled substances by a student or employee may result in disciplinary action.

The Drug-Free Workplace Act of 1988, Subtitle D, Section 5152, requires that Saginaw Valley State University maintain a workplace free from the unlawful manufacture, distribution, dispensation, possession or use of controlled substances. The unlawful manufacture, distribution, dispensation, possession or use of drugs and narcotics is prohibited on any property under the control of and governed by the Board of Control of Saginaw Valley State University, and at any site where work is performed by individuals on behalf of Saginaw Valley State University.

The SVSU campus has been designated drug free. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the SVSU University Police. Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment. Refer to SVSU's Alcohol and Other Drugs Policies for additional information and sanctions.

University:

<https://www.svsu.edu/operationsmanual/healthsafety/substanceabusepolicyandregulations43-1/>

<https://www.svsu.edu/operationsmanual/humanresources/drugfreeworkplacepolicy43-2/>

Students: <http://www.svsu.edu/studenthandbook/alcoholandotherdrugs>

Alcohol and Drug Abuse Treatment Services

Saginaw Valley State University offers a specifically designed Employee Assistance Program (EAP) to assist in solving the difficult issues that we are faced with. Life-Balance provides experienced consultants to talk with when you have a question, referrals to resources and services in your community, and a commitment to always being there when you have a question or need help. The program offers information, advice, and support on a wide range of everyday issues, including alcohol and drug issues. Lifebalance can be contacted at (800) 854-1446 or www.unum.com/lifebalance.

Virtually all college students experience the effects of college drinking - whether they drink or not. The Student Counseling Center offers free, confidential education on alcohol or other substances that is researched-based. Risk assessments are also provided for students who require it.

Some programs that The Student Counseling Center offers are:

CANS - Cardinals Avoiding Negative Situations - a brief alcohol abuse prevention and harm reduction program. It is presented as a one-session, interactive discussion course for students who have been referred for or would like alcohol education.

CHOICES - A brief alcohol abuse prevention and harm reduction program for students who have been referred for alcohol education as a result of conduct/policy violation. It is a two-session, interactive journaling and discussion course.

BASICS - Brief Alcohol Screening and Intervention of College Students - targets students who drink alcohol heavily, have faced legal consequences as a result of their drinking, or have experienced or are at risk for alcohol-related problems such as poor class attendance, missed assignments, accidents, sexual assault, and violence.

Drug Counseling - A fast-paced, relevant, and individualized online course for students who have received a conduct/policy violation for drug use. It consists of an individual assessment with a Student Counseling Center therapist and an online class.

Title IX

Title IX Policy

I. Introduction

Saginaw Valley State University (SVSU) is committed to creating and maintaining an educational environment free from all forms of sexual misconduct, including sex discrimination and sexual harassment. Consequently, SVSU strictly prohibits sex discrimination, gender and sex-based harassment, dating/domestic violence, sexual assault, sexual exploitation, and stalking. Retaliation of any kind will not be tolerated. These acts have a real impact on the lives of victims. They not only violate a person's feelings of trust and safety, but they can also substantially interfere with an individual's education or professional development.

SVSU will respond promptly and supportively to persons alleged to be victims of sexual misconduct, resolve allegations promptly and accurately under a predictable, fair investigation and hearing process that provides due process protections to alleged victims and alleged perpetrators, and effectively implements remedies for victims. It is the collective responsibility of all members of the SVSU community to foster a safe and secure campus environment.

This policy reflects SVSU's efforts to comply with the requirements of Title IX of the Educational Amendments Acts of 1972, the Elliott-Larsen Civil Rights Act, The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and other applicable federal, state, and local laws. Because this policy is a reflection of both the values of the University and the requirements of the law, this Sexual Misconduct Policy is comprehensive, extending beyond the technical requirements of any particular law, to articulate the expected standard of conduct within the University community.

II. Scope of Policy

Who: This policy applies to all members of the SVSU community, including students, faculty, staff, visitors, independent contractors, and other third parties who are on campus and involved in or witnessed an incident of sexual misconduct.

What: This policy prohibits all forms of sexual misconduct. Please refer to the Prohibited Conduct Section for a complete list of terms and prohibited acts.

Where: This policy applies to conduct that occurs on the University campus as well as any off-campus conduct that affects the participation by a member of the SVSU community in a University activity. It also applies to all University Programs and University Activities. Please refer to the Definitions Section of this policy for specific details related to the terms used in this description.

III. Role of the Title IX Coordinator

SVSU has designated *Dr. Mamie T. Thorns, Special Assistant to the President for Diversity Programs* to serve as the University's Title IX Coordinator. She reports directly to the President of the University. The Title IX Coordinator shall be notified of all sexual misconduct complaints by the University employee who took the complaint in order for the Title IX Coordinator to oversee the complaint process and provide supportive measures.

The Title IX Coordinator is:

- Responsible for overseeing investigations of sexual misconduct involving any community member (student, faculty, staff, administrators, visitors and third parties)
- Responsible for monitoring and overseeing the University's compliance with Title IX and relevant VAWA provisions
- Knowledgeable and trained in University policies and procedures and relevant state and federal laws
- Available to advise any individual, including a Complainant, a Respondent or a third party, about the courses of action available at the University, both informally and formally, and in the community
- Responsible for overseeing and providing reasonable interim measures that protect a Complainant and assure equal access to university programs and activities, including educational and employment opportunities
- Responsible for administering and communicating the complaint procedures
- Available to provide assistance to any University student, employee or third party regarding how to respond appropriately to a report of sexual misconduct
- Responsible for monitoring full compliance with all procedural requirements, record keeping and timeframes outlined in this policy
- Responsible for the coordination and oversight of outreach education and training to increase awareness, and to prevent sexual misconduct in the University community.

IV. Prohibited Conduct

A. All Sexual Activity Requires Consent

1. Definition of Consent

For the purposes of this policy, consent to sexual activity is defined as a clear, unambiguous, and voluntary communication of willingness to engage in specific sexual acts or behavior, expressed by words or clear, unambiguous action. Consent cannot be inferred from the absence of a “no.” A clear “yes,” verbal or otherwise, is necessary. Silence, passivity, past consent, or lack of active resistance does not imply consent.

Consent must be clear and unambiguous for each participant throughout any sexual encounter. Consent to some sexual contact does not imply consent to others, nor does past consent to a given act imply ongoing or future consent. Consent can be revoked at any time.

2. Incapacitation

Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. A person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Consent also cannot be obtained by intimidation, threat, coercion, or force, and agreement given under such conditions does not constitute consent. Please see Section XII for definitions of those terms.

Consumption of alcohol or other drugs, impairment, inebriation or intoxication are insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person. Consequently, evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual’s:

- a. Decision-making ability;
- b. Awareness of consequences;
- c. Ability to make informed judgments; or
- d. Capacity to appreciate the nature and the quality of the act.

Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have known that the Complainant was incapacitated when viewed from the position of a sober, reasonable person.

Sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person’s decision-making capacity, awareness of the consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person’s level of intoxication. If there is any doubt as to the level or extent of the other individual’s intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct and does not diminish one’s responsibility to obtain consent.

B. Sexual Misconduct is Prohibited

As used within this policy, sexual misconduct includes all sex and gender-based harassment; sexual assault, Dating/Domestic Violence, Sexual Exploitation, and Stalking. The University will treat attempts to commit any prohibited conduct as if those attempts had been completed. Definitions and examples of each type of sexual misconduct are provided in the following sections.

1. Sex and Gender-Based Harassment

Sexual Harassment is conduct on the basis of sex that satisfies one or more of the following:

- a. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
- b. 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 educational institution's education program or activity; or
- c. Sexual assault (as defined in the Clery Act), or dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

This definition is used for Title IX. By law, an alternative approach is used under Title VII. Individuals who have experienced this type of behavior may have recourse under a separate SVSU policy: [2.5-2 Anti-Harassment/Discrimination Policy](#).

This definition is used for Title IX. By law, an alternative approach is used under Title VII which applies to harassment in the workplace. Employees who have experienced this type of behavior may have recourse under both this policy and a separate SVSU policy: [2.5-2 Anti-Harassment/Discrimination Policy](#).

Sexual harassment also includes gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, even if those acts do not involve conduct of a sexual nature.

Examples of sex and gender-based harassment include, but are not limited to:

- o Explicit sexual pictures are displayed in a professor's office, on the exterior of a residence hall door or on a computer monitor in a public place.
- o A student repeatedly sends sexually oriented jokes around on an email list, even when asked to stop, causing one recipient to avoid the sender.

2. Sexual Assault

Sexual Assault is having or attempting to have (1) sexual contact or (2) sexual intercourse with another individual by force or threat of force; without consent; or where the person is incapacitated. Specific information regarding both offenses follows:

Non-Consensual Sexual Contact: Having sexual contact with another individual:

- a. By force or threat of force;
- b. Without consent; OR
- c. Where that individual is incapacitated.

Non-consensual sexual contact includes intentional contact with the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner.

Examples of Non-Consensual Sexual Contact include, but are not limited to:

- At a campus event, a student seated at a table unzips his pants and forces the student sitting next to him to touch his penis.
- While a student was visiting a friend's dorm room, a neighbor runs into the room naked and hugs him.

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Non-Consensual Sexual Intercourse: Having or attempting to have sexual intercourse with another individual:

- a. By force or threat of force;
- b. Without consent; or
- c. Where that individual is incapacitated.

Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact.

Examples of Non-Consensual Sexual Intercourse include, but are not limited to:

- Despite a student repeatedly stating that she did not want to have sex, another student forced his penis into her vagina.
- While a student is passed out from drinking too much, another student pulls down his shorts and puts a finger into his anus.

3. Dating/Domestic Violence

Dating/domestic violence is behavior or physical force that is used to intimidate, manipulate, isolate, frighten, terrorize, coerce, threaten, hurt, or injure someone in order to obtain or maintain power or control over that person. It is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the other person. The existence of such a relationship is determined based upon the length, type, and frequency of interaction between the persons involved.

Examples of Dating/Domestic Violence include, but are not limited to:

- A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend.
- An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance.

4. Sexual Exploitation

Sexual exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.

Examples of Sexual Exploitation include, but are not limited to:

- Surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- Non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- Exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances;
- Knowingly exposing another individual to a sexually transmitted disease or virus without their knowledge;
- Sexually based bullying; and
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

5. Stalking

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress because of fear, intimidation, apprehension or threat. It is the willful course of conduct over time that involves repeated or continuing harassment made against the expressed wishes of another. Examples of Stalking include, but are not limited to:

- Repeatedly waiting at the classrooms of another student, following her to her car after, and lurking outside her place of employment.
- A student repeatedly shows up at another student's on-campus residence despite being told he or she is not welcome.

C. Prohibited Relationships by Persons in Authority

Sexual or romantic relationships in which one party maintains a direct supervisory or evaluative role over the other party are prohibited. In general, this includes all sexual or romantic relationships between students and their employers, supervisors, professors, coaches, advisors, or other non-student University employees. Similarly, University employees (faculty and staff) who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or romantic relationship with an individual under their direct supervision.

Faculty, administrators, and others who educate, supervise, evaluate, employ, counsel, coach or otherwise guide students or subordinates should understand the fundamentally asymmetrical nature of the relationship they have with students or subordinates. Romantic or sexual relationships where

there is differential in power or authority produce risks for every member of our community and undermine the professionalism of faculty and supervisors. In either context, the unequal position of the parties presents an inherent element of risk and may raise sexual harassment concerns if one person in the relationship has the actual or apparent authority to supervise, evaluate, counsel, coach or otherwise make decisions or recommendations as to the other person in connection with their employment or education at the University.

Sexual relations between persons occupying asymmetrical positions of power, even when both consent, raise suspicions that the person in authority has violated standards of professional conduct and potentially subject the person in authority to charges of sexual harassment based on changes in the perspective of the individuals as to the consensual nature of the relationship. Similarly, these relationships may impact third parties based on perceived or actual favoritism or special treatment based on the relationship. Therefore, persons with direct supervisory or evaluative responsibilities who contemplate beginning or are involved in such relationships are required to promptly:

- 1) Discontinue any supervising role or relationship over the other person; AND
- 2) Report the circumstances to their direct supervisor.

Failure to fully or timely comply with these requirements is a violation of this policy, and the person in authority could be subject to disciplinary action, up to and including dismissal from employment by the University.

The University does not intend to interfere with private choices regarding personal relationships when these relationships do not violate the goals and policies of the University. Any individual may file a complaint alleging harassment or discrimination, including an aggrieved party outside the relationship affected by the perceived harassment or discrimination. Retaliation against persons who report good-faith concerns about consensual relationships is prohibited and constitutes a violation of this policy.

See also the University [Personal Involvements Policy 2.6-2](#).

D. Retaliation is Prohibited

Retaliation is intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, 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 policy and procedure.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator who will promptly investigate and take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Examples of Retaliation include, but are not limited to:

- o Threatening to hit the Complainant if she meets with the Title IX Coordinator.
- o Excluding an individual from a club activity because he reported another member's sexual misconduct.

V. Privacy and Confidentiality

A. Protection of Party Privacy

Reasonable efforts will be made to protect the privacy of individuals, in accordance with applicable state and federal law, while balancing the need to gather information about sexual misconduct to prevent its recurrence and remedy its effects.

Information about reported sexual misconduct will only be shared with those who “need to know” in order to assist in the assessment, investigation, and resolution of the report. It will also be shared with the other party and the party’s advisor, as required by law. All employees who are involved in the university’s response to reports of prohibited conduct receive specific training about safeguarding private information in accordance with state and federal law.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined in the university’s FERPA policy. The privacy of an individual’s medical and related records, generally, is protected by the Health Insurance Portability and Accountability Act (“HIPAA”), excepting health records protected by FERPA. Access to an employee’s personnel records may be restricted in accordance with the Freedom of Information Act, and, where applicable, Human Resources Office.

B. Confidential Employees

Laws protect confidentiality in certain relationships, including but not limited to health care providers and licensed counselors, all of whom may engage in confidential communications under Michigan law. The university has designated those individuals “confidential employees.” When information is shared with a Confidential Employee, they cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure. For example, Professional Counselors do not have to report sexual misconduct that is disclosed to them when providing services.

Individuals who want to have a confidential discussion of an allegation of sexual misconduct may wish to contact the organizations listed below:

For Students - Students can obtain confidential and free counseling at the [University Student Counseling Center](#) (989) 964-7078.

For Employees - Employees can obtain confidential counseling through the Employee Assistance Program at (800) 854-1446 or www.unum.com/lifebalance.

VI. Reporting Sexual Misconduct

There are two different types of reports that an individual may file: a police report or a report to the University. A person may choose to file one or both types of reports.

A. University Reports

Any person who has experienced, observed, or learned of sexual misconduct may report it by submitting the online form; or via email, telephone or visit to any of the Title IX Advisory Board

Members. There is no “wrong way” to report sexual misconduct. The Title IX Advisory Board Members will forward the report to the Title IX Coordinator.

All University employees, including student employees, are required to report sex discrimination and sexual harassment to the Title IX Coordinator whenever they observe it or otherwise become aware of it. The only exception is for Confidential Employees.

Anonymous reports can be filed with the University using the [online form](#). The University’s response to an anonymous report will depend in its ability to identify the parties and other information contained in the report. If an anonymous report leads to a formal complaint, notice disclosing the identities of all of the parties involved will be provided to all parties.

B. Police Reports

To file a report with the police, please contact any of the following organizations:

University Police

South Complex A

Corner of Pierce Road & South Campus

Dispatch (989) 964-4141

Saginaw County Sheriff

Central Dispatch (989) 797-4580

With a police report, The State of Michigan and/or federal law will apply, and the matter will follow the criminal processes through a police investigation, a referral to the Prosecutor’s Office for prosecution and the criminal court system for resolution.

C. Reporting Details

To encourage reporting, individuals who in good faith report sexual misconduct, will not be disciplined by the University for their own personal consumption of alcohol or drugs related to the incident, provided the violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

To promote thorough, and effective investigations, the University strongly encourages individuals to promptly report sexual misconduct. Waiting to make a report makes it more difficult to gather relevant and reliable information.

Individuals who are alleged to have been the victim of sexual misconduct are referred to throughout the process as the "Complainant." Individuals who are alleged to have engaged in sexual misconduct are referred to throughout the process as the "Respondent." If the sexual misconduct was reported by an individual who observed it or learned about it indirectly, that individual will be referred to as the "3rd Party Reporter."

When sexual misconduct is reported, the Title IX Coordinator or designee will provide information about how to file a Formal Complaint and provide Supportive Measures, as appropriate.

VII. Supportive Measures

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties. They are available before or after the filing of a formal complaint, or where no formal complaint has been filed. Such measures are designed to restore or preserve access to the education program or activity, without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment or deter sexual misconduct. The Title IX Coordinator will provide written notification to both parties about available assistance and oversee the implementation of appropriate supportive measures.

Services provided to either the complainant or the respondent will be kept confidential unless disclosure is necessary to provide the service; for example, a no-contact order requested by one party would have to be disclosed to the other party in order to be implemented.

A. Examples of Supportive Measures

Supportive Measures include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions 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.

The Complainant's wishes will be considered in the implementation of Supportive Measures. The University will make a fact-specific analysis of appropriate Supportive Measures, taking into account the nature of the educational programs, activities, opportunities, and benefits in which each party is participating. In some cases, Supportive Measures may be continued after a determination of non-responsibility.

B. Emergency Removal

The University is committed to ensuring the safety and well-being of all parties. If an emergency situation requiring a student to be removed from an educational program or activity appears to exist, the Title IX Coordinator in consultation with the University CARE Team will conduct a prompt individualized safety and risk analysis.

If that assessment determines that there is an immediate threat to the physical health or safety of any individual arising from the alleged sexual misconduct, emergency removal may be appropriate. The potential removal will be evaluated with regard to applicable disability laws. Consideration will also be given to the potential to use additional Supportive Measures rather than removal. If the Title IX Coordinator determines that emergency removal is necessary based on this assessment, a written notice will be sent to all parties and the Respondent will have an immediate opportunity to challenge the decision.

A non-student employee may be placed on administrative leave while the formal investigation and hearing process is pending.

C. Additional Assistance

For additional assistance, please contact any of the Campus or Community organizations identified under Resources & Support. If requested, other participants in the process (such as those who reported or witnessed the alleged sexual misconduct) may also be offered appropriate support measures.

VIII. Filing a Formal Complaint

A Formal Complaint is a document filed by a Complainant alleging sexual misconduct against a Respondent and requesting that the University investigate the allegation. The Title IX Coordinator also has the discretion to sign a formal complaint under circumstances including but not limited to allegations of violence, threats, use of weapons, and serial predation.

Once the complaint is filed, the Title IX Coordinator will do an initial assessment to determine if an investigation is appropriate. If an investigation is undertaken, notification that includes the identity of the Complainant and details regarding the allegations will be sent to all parties

To file an institutional complaint, please use the [Title IX Sexual Assault and Misconduct Report online form](#) or contact any of the following individuals who have the authority to institute corrective measures

Title IX Coordinator
Office of Diversity Programs
Wickes Hall 260
(989) 964-4068

Associate Provost for Student Affairs/Dean of Students
Office of Student Affairs
Curtiss Hall 114
(989) 964-4410

Associate Dean of Students/Student Conduct Programs
Office of Student Affairs
Curtiss Hall 114
(989) 964-2220

Director of Human Resources
Wickes Hall 373
(989) 964-2253

Deputy Athletic Director/Senior Woman Administrator
Athletics Department
Ryder Center 215
(989) 964-7311

Individuals may also report an allegation of sexual discrimination or sexual harassment or concerns about the process to the government. Specifically, incident Reporting to the U.S. Department of Education, Office for Civil Rights is an option for the resolution of discrimination.

To file a complaint with the government, please contact the following offices:

REGIONAL OFFICE (serving Michigan and Ohio): Office for Civil Rights (OCR)

U.S. Department of Education
1350 Euclid Avenue, Suite 325
Cleveland, OH 44115-1812
Phone: 216-522-4970
FAX: 216-522-2573
TDD: 800-877-8339
OCR.Cleveland@ed.gov

NATIONAL HEADQUARTERS:

Office for Civil Rights (OCR)
U.S. Department of Education
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100
Phone: 800-421-3481
FAX: 202-453-6012
TDD: 800-877-8339
OCR@ed.gov

IX. Processing a Formal Sexual Misconduct Complaint

A. Initial Assessment

Following receipt of a Formal Complaint of an alleged violation of this Policy, the Title IX Coordinator will conduct an initial assessment, which is typically one to five business days in duration.

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; and/or
- 2) An informal resolution (upon submission of a Formal Complaint); and/or
- 3) A formal investigation and hearing process including an investigation and a hearing (upon submission of a formal complaint).

In determining how to proceed, the Title IX Coordinator will divide the allegations in the Formal Complaint into two categories: (1) allegations of Sexual Misconduct that fall within Title IX (henceforth Category One) and (2) allegations of Sexual Misconduct that are beyond the scope of Title IX (henceforth Category Two). For example, Title IX does not apply to activities outside of the United States because laws created by the United States generally apply only to the United States. However, the University's Sexual Misconduct Policy does apply to students and faculty on study abroad trips. Sexual harassment that occurs on campus would be a Category One allegation. If the same behavior occurred on a study abroad trip, that would be a Category Two allegation.

The Category One allegation will be dismissed under any of the following circumstances:

1. If the conduct did not occur against a person in the United States; and/or
2. If at the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed; and/or
3. If the conduct did not occur in the recipient's education program or activity; and/or
4. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in § 106.30 even if proved.

The Category One allegation may be dismissed at the discretion of the Title IX Coordinator under any of the following circumstances:

1. If at any time during the investigation or hearing, a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
2. The Respondent is no longer enrolled or employed by the recipient; or
3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

Any remaining Category One allegations will be combined with any Category Two allegations and resolved using the process outlined in this policy. If there are no remaining Category One allegations, the Category Two allegations will be resolved using the process outlined in this policy. At the discretion of the Title IX Coordinator, a Formal Complaint containing only Category Two allegations may be resolved utilizing a streamlined process or alternative resolution measures when appropriate.

If Category One allegations are dismissed, a written notification including the reason(s) for dismissal will be provided to both parties. The decision to dismiss a Formal Title IX complaint can be appealed by either party, using the process outlined in section XI.

If a Formal Complaint also implicates other forms of discriminatory and/or harassing conduct prohibited by university policies, the Title IX Coordinator will evaluate all reported allegations to determine whether the allegations may be appropriately investigated together without unduly delaying the resolution of the report of prohibited conduct. Where the Title IX Coordinator determines that a single investigation is appropriate, the determination of responsibility for the violation of university policy will be evaluated under the applicable policy, but the investigation and resolution will be conducted in accordance with these procedures.

If a report or Formal Complaint does not involve any students or if it does not implicate any form of sexual misconduct under this policy, the report/Formal Complaint will be processed under the appropriate policies.

B. Formal Investigation

The Title IX Coordinator or designee will notify the parties in writing of the commencement of an investigation. Such notice will

- 1) Identify the Complainant and the respondent;
- 2) Specify the date, time (if known), location, and nature of the alleged prohibited conduct;
- 3) Identify potential policy violation(s);
- 4) Include information about the parties' respective expectations under the policy and these procedures;
- 5) Explain the prohibition against retaliation;
- 6) Instruct the parties to preserve any potentially relevant evidence in any format; and
- 7) Direct the recipient to a copy of the policy and these procedures.

The investigation is a neutral fact-gathering process. The Respondent is presumed to be not responsible; this presumption may be overcome only where the investigators conclude that there is sufficient evidence, by a preponderance of the evidence, to support a finding that the Respondent violated the policy. (Please see the Definition Section of this Policy for a more detailed description of the preponderance of evidence standard of proof.)

Under the direction of the Title IX Coordinator, the investigators may meet separately with the Complainant, Respondent, and any pertinent witnesses. They may also review other relevant information offered by either party or discovered independently by the investigators. Written notice of the interview including the date, time, location, participants and purpose of the meeting will be provided to each party with sufficient time to prepare to participate. A separate notice will be provided for each interview or meeting. During the investigation, the parties will have an equal opportunity to be heard, to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions that they believe should be directed by the investigators to each other or to any witness.

At any time during an investigation, the Complainant, Respondent, or any witness may provide a written statement, other supporting materials, or identify other potential witnesses, regarding the matter under review.

At any point during the investigation, if it is determined there is no reasonable cause to believe that university policy has been violated, the Title IX Coordinator has the authority to terminate the investigation and end resolution proceedings.

C. Advisors

Throughout the process, the Complainant or Respondent may have an Advisor present at any meeting they participate in that is related to the investigation of the reported sexual misconduct.

An Advisor is a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any. Both parties are strongly discouraged from selecting an Advisor who is also a witness who will be interviewed by the Investigators regarding their independent

knowledge of events related to the allegation. Selecting a Witness as an Advisor may prevent the Investigators from making an accurate assessment of the credibility of the information offered by that individual. The Complainant or Respondent may choose an attorney as an Advisor, but it shall be at his/her own expense.

The Advisor may be present but may not participate in any meeting related to the investigation, other than to advise the Complainant or Respondent.

D. Evidence Review and Comment Period

Prior to the conclusion of the investigation, the investigators will provide the parties and their respective Advisors (if so desired by the parties) a 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 the evidence upon which the investigators does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days.

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or 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.

For the purpose of this Policy, a "business" day is a day when the University is open and conducting regular University operations. Business days do not include weekends, holidays that close the University, and days where emergency conditions warrant University closure.

The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, including any additional relevant evidence, make any necessary revisions, and finalize the report.

The Title IX Coordinator will review the written report and send it simultaneously, to both the Complainant and Respondent. The University neither encourages nor discourages the subsequent disclosure or sharing of the written notification by either person.

E. Hearing Process

Provided that the complaint is not resolved, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing and appoint a Hearing Officer to oversee the hearing process.

The purpose of the hearing is to provide both parties with an opportunity to have their advisors ask questions of those individuals who provided information that will be used to determine whether the Sexual Misconduct Policy was violated and to determine what if any sanctions will be applied. Technology will be used to allow the parties to participate in the hearing from separate rooms.

The hearing cannot be 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 hearing officer(s) will use the preponderance of the evidence standard. The Title IX Coordinator will provide written procedures and guidelines to assist the parties and hearing officer(s) through the hearing process.

After the hearing is conducted, the hearing officer will prepare a final report that includes the following information:

- 1) Identification of the allegations potentially constituting sexual misconduct;
- 2) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- 3) Findings of fact supporting the determination;
- 4) Conclusions regarding the application of the Sexual Misconduct Policy to the facts;
- 5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant;
- 6) The procedures and permissible bases for the complainant and respondent to appeal.

At the conclusion of the investigation, and, if applicable, the hearing, both the Complainant and Respondent will receive simultaneous written notification of the outcome and the rationale for the outcome from the Title IX Coordinator. The Title IX Coordinator will oversee the implementation of sanctions if any.

X. Sanctions

A. Sanctions for Students

Any student who violates this Policy will be subject to the range of remedial actions (in accordance with University Code of Student Conduct), which for students, range from probation to expulsion, depending on the totality of the circumstances of the incident, and taking into account any previous Student Code violations. Remedial actions may include, but are not limited to, one or more of the following:

- 1) Completion of the Rehabilitation Program
- 2) Developmental/Educational Assignments
- 3) Expulsion
- 4) Fines
- 5) Referral for Counseling
- 6) Restitution
- 7) Restrictions
- 8) Temporary University Suspension

- 9) University Housing Probation
- 10) University Housing Suspension
- 11) University Probation
- 12) University Suspension
- 13) Warning

In addition to the sanctions applied to students found responsible for sexual misconduct, the University may find it helpful or necessary to request or require others to undertake specific steps designed to eliminate the misconduct, prevent its recurrence, or remedy its effects.

Examples include, but are not limited to, the following:

- Requesting or requiring a University entity to conduct training for its staff or members;
- Making involved parties aware of available academic support services;
- Making involved parties aware of available counseling or medical services;
- Revising University policies, practices, or services.

Respondents may also be subject to civil action or criminal prosecution because conduct that violates the University's Sexual Misconduct Policy may also violate state or federal laws.

B. Sanctions for Faculty or Staff

A review of the findings of the investigation shall occur pursuant to the employee's collective bargaining agreement, where applicable, or in accordance with the applicable SVSU policy. If the Respondent is a member of the faculty or staff, possible sanctions are as follows:

Formal Reprimand: Written documentation of a failure to abide by SVSU policy or procedures maintained in the employee's personnel file.

Educational Programs: Participation in educational programs, such as training, workshops, seminars, or other educational activities.

Revocation of SVSU privileges: Revocation of SVSU privileges, such as participation in extra-curricular or volunteer activities, for a definite or indefinite period of time.

Campus Restrictions: Limitations on the times and/or places where the employee may be present on campus.

No contact orders: Prohibition on all forms of contact with certain people.

Suspension: Exclusion from work, with or without pay, and other related activities as set forth for a definite period of time.

Termination: Permanent separation from employment.

C. Sanctions for Contractors, Guests, Volunteers and Other Third Parties

If the Respondent is a contractor, guest, volunteer, or other third party, possible sanctions are as follows:

Trespass Warning: Notice that future visits to the SVSU campus may result in a citation for trespassing.

Campus Restrictions: Limitations on the times and/or places where the person may be present on campus.

No Contact Orders: Prohibition on all forms of contact with certain people.

Relationship Termination: Termination of the person's relationship with SVSU

XI. Appeals Process

Either party may appeal the outcome of the matter except where a Respondent has accepted an agreement under the sanctioning process outlined above. A party may seek review only on the following grounds:

- 1) The 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; and
- 3) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Both the Complainant and the Respondent have the right to appeal the decision. To request an appeal, a party must submit a written request indicating the specific grounds for the appeal to the Title IX Coordinator within five (5) business days of the date of the notification of the University's Final Decision.

The Title IX Coordinator will appoint an appeal decision-maker(s) or panel, who is “bias-free” and “conflict of interest-free”, to review the record related to the hearing decision.

If the appeal decision-maker concludes that there are no relevant issues of concern, he or she will affirm the final decision and sanctions. The decision is final. Participating parties will be notified simultaneously, in writing.

If the appeal decision-maker identifies issues of concern, he or she will issue a revised final report that reflects the results of the appeal. All participating parties will be notified simultaneously, in writing.

XII. Definitions

Advisor: A person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

Coercion: The improper use of pressure to compel another individual to initiate or continue sexual activity against the individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to “out” someone based on sexual orientation or gender identity and threatening to harm oneself if the other party does not engage in the sexual activity.

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual misconduct.

Confidential Employee: A confidential employee does not have to report sexual misconduct. Confidential employees include (1) any employee who is a licensed mental-health professional (e.g., licensed counselors and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services to a patient who is a student and (2) any employee providing administrative, operational and/or related support for such health care providers in their performance of such services. A confidential employee will not disclose information about prohibited conduct to the University's Title IX Coordinator without the student's permission subject to the exceptions set forth in the confidentiality section of this policy). Every University employee is designated as either a, "Confidential Employee", or a "Responsible Employee".

Education program or activity: Includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

Formal Complaint: A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual misconduct against a Respondent and requesting that the University investigate the allegation.

Force: the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. For the use of force to be demonstrated, there is no requirement that a Complainant resist the sexual advance or request. However, resistance by the Complainant will be considered a clear demonstration of non-consent. An example is: "Have sex with me or I'll hit you. Okay, don't hit me, I'll do what you want."

Intimidation: the use of implied threats or acts that cause an unreasonable fear of harm in another.

Preponderance of Evidence: The investigator's findings of responsibility for sexual misconduct will be made using the preponderance of the evidence standard of proof. This standard requires that the information supporting a finding of responsibility be more convincing than the information in opposition to it. Under this standard, individuals are presumed to not have engaged in sexual misconduct unless a preponderance of the evidence supports a finding that sexual misconduct occurred. If the weight of the evidence suggesting a violation is equal to or less than the weight of the evidence suggesting no violation occurred (i.e. 50-50), the determination will be that no violation occurred.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct.

Responsible Employee: A responsible employee is required to report to the Title IX Coordinator all relevant details (obtained directly or indirectly) about an incident of prohibited conduct that involves any student as a Complainant, Respondent, and/or witness. Responsible Employees include all staff, faculty, Resident Assistants, Graduate Assistants, and all other student employees, when disclosures are made to any of them in their capacities as employees. Every University employee is designated as either a, "Confidential Employee", or a "Responsible Employee".

Supportive Measures: 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. Such measures are designed to restore or preserve 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 recipients' educational environment or deter sexual harassment.

3rd Party Reporter: An individual who reports sexual misconduct that he or she observed or learned about indirectly. A person who was not personally the target of sexual misconduct.

Title IX Coordinator: By law, SVSU must have a Title IX Coordinator who is responsible for overseeing all facets of Title IX compliance in the University community. This individual not only supervises enforcement of the Sexual Misconduct Policy, he or she is also actively engaged in educating the community and implementing programs designed to prevent sexual misconduct. For more detailed information, see the section of this policy entitled the "Role of the Title IX Coordinator."

University Activity: All campus and school-related activities, including, but not limited to, student organizations (academic, Greek, multicultural, religious, service, social and support, sports and recreational), community organizations with student and/or faculty participation, and all other educational or extracurricular events hosted by or at the University.

University Campus: The University campus includes any building or property owned or controlled by SVSU and used in direct support of, or in a manner related to, the school's educational purposes, including residence halls, dining halls, and public property within or immediately adjacent to and accessible from campus. This also includes any building or property not within the same reasonably contiguous geographic area of SVSU that supports or relates to the school's educational purposes and is frequently used by students.

University Programs: All educational, extracurricular, athletic, or other campus programs.

Witness: An individual who was not directly involved in a sexual misconduct incident but has information that is relevant to the investigation of an allegation of sexual misconduct.

Prevention and Awareness Campaigns

Primary prevention programs are intended to stop regarding domestic violence, dating violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in a healthy and safe direction. Ongoing prevention and awareness programs are initiatives sustained over time and focus on increasing understanding of topics relevant to and skills for addressing the aforementioned crimes using a range of strategies with audiences throughout the University.

The following are primary and ongoing prevention and awareness programs presented to various student audiences regarding domestic violence, dating violence, sexual assault and stalking.

1. Fresh Start Weekend (Weekend before fall semester begins)

- (a) Peer Theater. Saturday of Fresh Start from 1pm to 4pm. Student theater performance with 10 skits that focus on bystander intervention, the importance of consent, sex under the influence of alcohol, highlights resources, and audience involvement.

2. SVSU's Student Wellness Program hosted several workshops and programs on: (a) Sexual Responsibility, (b) Alcohol Education, (c) Healthy/Unhealthy Abusive Relationships, (d) What is/isn't Consent
3. PHE (Peer Health Education)
Trained student group who educates the community about the resources and information about various health topics. Our sexual health program we always talk about consent when talking about sex and in the Latex League program there is a card with fun ways to ask for consent. Alcohol education also includes a portion that talks about sexual assault and alcohol.
4. Sexual Assault (Title IX) prevention training for all resident assistants Topics included VAWA crimes, consent, risk reduction, and bystander intervention.
5. Sexual Assault (Title IX) prevention training for all student athletes
6. Sexual Harassment training for all student athletes
7. Risk management workshop for Greek Life students that included topics such as bystander intervention, hazing, alcohol/other drug consumption, student code of conduct, and various resources provided by Student Counseling, Student Conduct and Student Wellness.

Annual Fire Safety Report

University Police publishes this fire safety report as part of its annual Clery Act compliance document, via this report, which contains information with respect to the fire safety practices and standards for SVSU. This report includes statistics concerning the number of fires, the cause of each fire, the numbers of injuries and deaths related to a fire, and the value of the property damage caused by a fire. After the annual fire safety inspection, the Campus Facilities department determined there are no necessary future improvements in fire safety.

If a fire occurs in an SVSU building, community members should immediately notify University Police at 911 or 911 from a University phone. University Police will initiate a response, as the department can summon the fire department quickly. If a member of the SVSU community finds evidence of a fire that has been extinguished the community member should immediately notify University Police to investigate and document the incident.

The fire alarms alert community members of potential hazards and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building.

Fire Log

A daily Fire log is available for review 24 hours a day on the University Police website at www.svsu.edu/universitypolice. The information includes the date, nature, time, and location of the fire.

Fire Safety Education and Training

Campus security and fire safety procedures are discussed during new student orientation. The University Police, Residential Life, including Housing officials, participate in forums and programs in residence halls to address students and explain University security, public safety, and fire safety measures and procedures at SVSU. Upon housing check-in resident students receive information on evacuation in the event of a fire. This information is also located in each room.

Residential Life collaborated with University Police and Kochville Township Fire Department (KFD) to provide fire safety training to the Residential Life staff (administrators, resident directors, and resident assistants). KFD trained the staff on fire safety including evacuation, fire extinguisher use and general building safety. Staff concluded the training by practicing how to exit a building that was filled with smoke using the safety guides that were taught.

Employees receive annual training regarding fire safety. The Director of Environmental Health and Safety disseminates information regarding SVSU fire safety procedures and building evacuation protocol to employees prior to the start of fall semester.

Fire Safety Inspections and Drills

Residential Life performs Residence Hall Health and Safety Inspections monthly. Inspections will be announced during the fall semester. All health and safety inspections are announced. The fire inspections are primarily designed to find and eliminate safety violations. Students are required to read and comply with the Residential Handbook, which includes the fire inspections and all other rules and regulations for residential buildings. The inspections include, but are not limited to, a visual examination of electrical cords, sprinkler heads, smoke detectors; fire extinguishers are checked monthly and other life safety systems. In addition, each room will be examined for the presence of prohibited items such as sources of open flames and portable cooking appliances in non-kitchen areas. Smoking in residence halls is strictly prohibited.

Fire evacuation drills are conducted once per semester. The drills are typically held within the first two weeks of the beginning of the fall and winter semesters.

Fire Safety Tips

A door can be the first line of defense against the spread of smoke or fire from one area to another. Some doors, such as fire doors in corridors or stairwells of residence halls, are designed to stand up to fire longer than those of an individual room. It is important that these doors are CLOSED.

Sprinklers are 98% effective in preventing the spread of fire when operating properly. DO NOT obstruct the sprinkler heads with materials such as clothing.

Smoke detectors cannot do their job if they are disabled or covered by the occupant, which is a violation of University Policy.

Almost 75% of all fires that are caused by smoking material are the result of a cigarette being abandoned or disposed of carelessly. Smoking is NOT PERMITTED in any SVSU building.

Fire Evacuation Procedures

In the event of a fire, the University expects that all campus community members will evacuate by the nearest exit. It is required by law that all persons exit the building during a fire alarm. Any persons not leaving the building during an alarm will face disciplinary action.

When the fire alarm sounds in a residential hall, all students must immediately evacuate their rooms or apartments exiting away from the building. In the event of a fire, do not use the elevators. Once you have reached the designated evacuation assembly area, account for all occupants and report any missing occupants to the Residential Life Staff. Follow the instructions of Residential Life staff, University Police Officers or firefighting personnel. Each student will be informed by their R.A. of the designated gathering location upon evacuation. Only return to the building when directed by the University Police or University administrators.

Fire Safety in Residential Housing and Academic Buildings-Sprinkler System

The following chart details fire sprinkler systems currently installed in residence facilities and academic buildings on main campus. There are no residence halls on the Macomb Campus. “Full” refers to a building that is 100% protected by automatic fire sprinkler systems. “Partial” refers to a building that is not 100% protected and “None” indicates building does not have a fire sprinkler system installed. All residential rooms are equipped with a fire extinguisher and smoke detector. All fire systems report, upon activation, to Central Dispatch via 24-hour central monitoring systems.

Building	None	Partial	Full	# of Fire Drills (2019)
Great Lakes Residence Halls (First Year Suites, A-E)		X		2
Tranquil Residence Halls (First Year Suites, F & G)		X		2
*MJ Brandimore House			X	2
*Living Center South			X	2
*Living Center Southwest			X	2
Pine Grove Apartments	X			0
*Pine Grove Apartments, Community Center			X	0
*Pine Grove Apartments West	X			0
University Village Apartments	X			2 for UV 420 and 432 only
*University Village Laundry Center		X		0
*University Village Community Center			X	0
Arbury Fine Arts Center			X	0

Art Studio			X	0
Brown Hall			X	0
Curtiss Hall			X	0
Founders Hall			X	0
Gilbertson Hall			X	0
Health & Human Services			X	0
Pioneer Hall			X	0
Ryder Center			X	0
Science Building East			X	0
Science Building West			X	0
Wickes Hall			X	0
Zahnow Library			X	0