Prepared By:

Kellogg Community College
Department of Public Safety
ANNUAL SECURITY REPORT
October 1, 2019

Campus Public Safety
Phone number (269) 965-4147
Campus emergency extension
4444 Non-emergency
extension 2567

Campus Public Safety Emergency or at regional centers contact 911

The Annual Security Report
This document is provided in accordance with the requirements of the Crime Awareness and Security Act of 1990, as part of the Student Right- to-Know, and Campus Security Act.

http://www.kellogg.edu/about/publicsafety/
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Introduction

Since 1956 Kellogg Community College has introduced higher education to thousands of people, not only in Michigan but worldwide. In the fast pace of the world today, students are required to obtain skills earlier and faster to meet the jobs challenges they need. It is not surprising then that students should expect their higher education institutions to provide them with those skills to keep them relevant. Kellogg Community College is such an institution and it understands those needs and has evolved to meet the challenges of today.

Like all departments within this fine institution, Public Safety is committed to help the college face those challenges, by providing a safe and stable environment for faculty, staff, visitors, and of course for all students. Since no college campus is isolated from crime, Kellogg Community College has developed a series of policies and procedures that are designed to ensure precautionary measures are taken to protect individuals on our campuses. Although we have been fortunate in not experiencing a significant number of serious crimes, it is impossible to state with 100 percent certainty that such incidents will not take place. We have taken numerous steps to enhance individual safety and security in our buildings and on our grounds. In addition, we provide all members of the College community with information about the policies and programs that are designed to enhance safety and reduce crime.

The Department of Public Safety

The Department of Public Safety is responsible for campus security, safety – including emergency management, public health, and OSHA/MIOSHA compliance.

The Department of Public Safety is located in the Lane Thomas Building, suite 306. The public safety desk is located in the lobby of the walkway and is open 24 hours a day, providing around-the-clock protection and services to the College community.

The College’s Department of Public Safety is fully functioning law enforcement agency with arrest powers on Kellogg Community College Campus’ and sponsored events. It is comprised of a blended force of Michigan Commission on Law Enforcement Standards certified officers and unarmed security officers contracted through a licensed State of Michigan security provider. The College Public Safety Department also maintains an excellent working relationship with the City of Battle Creek Police Department and other local law enforcement departments which can assist with enforcement of state and local laws and ordinances.

Security and Access of the College

The Department coordinates the locking and unlocking of all buildings on campus. Most buildings are closed and locked by 10:00 p.m. Monday through Thursday, by 5:00 p.m. Friday, and all weekend. Security patrols check locked buildings to make sure they are secure. Problems with building security are immediately reported to
maintenance personnel who respond and make repairs.

Video surveillance equipment is deployed in most public areas of all facilities and some parking lots. The College will continue to add cameras in these areas as funds are made available. Students and staff can request the Department of Public Safety to review video recordings for suspicious activity or alleged criminal activity. If video surveillance reveals alleged criminal activity, the Department of Public Safety will investigate it and take appropriate action.

Campus Public Safety provides on campus student and staff vehicle escort service anytime 7 days a week.

**Maintenance of Campus Facilities**

The facilities department maintains college buildings and grounds with a concern for safety and security. It inspects campus facilities regularly, promptly makes repairs affecting safety and security, and responds immediately to reports of potential safety and security hazards, such as broken windows and locks. Public safety staff reports maintenance needs concerning lighting and building security to the facilities department. The campus is well lighted, and further lighting improvements are being made when needs are identified or when buildings and parking lots are renovated. College landscape contract staff members are very much aware of the potential hazard that dense shrubbery can present. Evergreens and shrubbery that are near sidewalks or against buildings are pruned so that they could not conceal a person. Low growing low-density plants that would not provide hiding places for intruders are utilized near building entrances used at night.

**Crime Reporting**

Student, faculty, staff, and visitors are encouraged to report all crime, emergencies, and suspicious situations to the Campus Security. Reports may be made in person, by telephone, or by emergency phones (yellow call boxes). All reports of crime, emergencies, and suspicious situations are immediately investigated by the Department of Public Safety and or security staff. Law enforcement agencies with which the college has mutual aid agreements, may also be asked to assist in the investigation of incidents.

Criminal offenses at any Kellogg Community College campus should be reported to the North Avenue campus Department of Public Safety at 269.965.4147 or in person at the public safety desk located in the walkway or be email to guard@kellogg.edu. Further, criminal offenses can be reported at the Public Safety Office at 306 Lane Thomas Building. Students and visitors at any campus may report a crime to any staff member, who shall promptly relay the information to the Department of Public Safety. The College urges any individual to report in a timely manner any act which results, or threatens to result in harm to a person or damage to property.
Contact can also be made with the regional centers:

° Eastern Academic Center, 517-630-8169
° Fehsenfeld Center, 269-948-9500
° Grahl Center, 517-278-3300
° RMTC, 269-965-4137

Additionally, individuals who wish to report a crime yet are concerned about confidentiality may go to the following link and download the Crime and Disciplinary Referral Report Form.


They may print the form and fill it out, but are not required to provide their name. This form then can be mailed to or dropped off at the Kellogg Community College DPS 306 Lane Thomas Building 450 North Ave. Battle Creek, Mi. 49017. Any person choosing to report a crime this way needs to be aware however, that by withholding their identity, it may hamper the investigation to the extent that a resolution will not be obtained.

Individuals who are victims of a crime yet do not wish to pursue action may speak confidentially to the college's licensed counseling staff. For Kellogg Community College students, counseling offices are located in the student services area of the Student Center at the North Avenue campus, or call 269.965.4150.

**Timely Warning**

In the event a situation arises on or off any Kellogg Community College campus, that in the judgment of the KCC Chief of Police, KCC Police Officer, local law enforcement officials, or the Public Safety Security Officer in charge, constitutes a serious or continuing threat, a "timely warning" will be issued to the college community. The warning will be issued through the most efficacious means currently available, including as appropriate but not limited to the College mass alerting system (text, e-mail, and phone), building wardens, or information may be placed on the web at http://www.kellogg.edu. Information may be replicated by such other means as deemed necessary to alert and inform students, faculty, staff and visitors.

The timely warning shall include information that promotes safety, allows individuals to take appropriate steps for self-protection, i.e. building evacuation, taking appropriate shelter, and in the event of a criminal act, identifies the time, location, and alleged type of crime. The College will test the warning system at least twice a year.
Emergency Procedures

Kellogg Community College has a Crisis Management Plan that it maintains. This plan identifies numerous types of incidents and the appropriate response for each. The plan highlights the responsibility of Public Safety and staff; including the use of a Building Warden system that is used to assist in emergencies. Public Safety and staff are required to review the Crisis Management Plan every year to help remind them of appropriate procedures for emergencies.

Also, in every classroom, there is an Emergency Procedures document that is posted in plain view for all to see. This document explains the appropriate response in the event of a fire and tornado. This, along with a floor plan that shows evacuation routes for fire and tornado, should be reviewed by all staff and students.

**Fire:** Upon notification of a fire alarm via audible sound and flashing lights, everyone should evacuate the building. Proceed to the nearest exit and move approximately 200 ft. from the building. If you are unsure of the nearest exit, review the floor plan from the room you are in. In the event of inclement weather, evacuate to the nearest adjacent college building. Return to the classroom once you receive and all clear from Public Safety or Building Warden.

**Tornado:** The National Weather Service will issue an alert advising of a Tornado Warning. It can be issued after a tornado or funnel cloud has been spotted. It can also be issued based of Doppler radar indicators. If the college becomes aware of the alert and/or a siren is activated, all students and staff are expected to evacuate to the nearest shelter. Each building at Kellogg Community College has its own designated shelter. Students and staff should familiarize themselves with the location of each shelter, in the event of a need to move there.

**Tornado Shelters Located in Kellogg Community College Buildings**

**Binda Performing Arts Theater:** Basement.
**C Building:** C Building Classroom 1st floor Nursing Simulation Room and Storeroom.
**Davidson Building:** First Floor Hallway, Rooms 106 and 110.
**Lane Thomas Building:** First Floor room 105 and Mechanical Room.
**Miller Gym:** Men’s and Women’s Shower Rooms.
**Ohm Information & Technology Center:** Lower Level Hallways.
**Roll Building:** Administrative Storeroom, Mechanical Room.
**Schwarz Science Building:** Lower Level Hallway.
**Severin Building:** Severin Lower Level Mechanical Room.
**Student Center:** Lower Level Basement.

**Centers**

**Eastern Academic Center**: Men’s & Woman’s Restrooms, Rooms 112 & 113.
**Fehsenfeld Center**: Basement.
**Grahl Center**: Men’s & Woman’s Restrooms.
**Regional Manufacturing Technology Center**: Men’s & Woman’s Locker Rooms.

**Definitions of Geography for Kellogg Community College**

The Clery Act requires all colleges to report certain crimes that occur within identified areas. These are identified as (1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on non-campus buildings or property that the college owns or controls.

For “On-Campus” Clery defines: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls (KCC has no residence halls); and any building or property that is within or reasonably contiguous to the area identified of this definition that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

To simplify this further, for “On-Campus” Kellogg Community College considers these sites as having at least one administrator at the building. Kellogg Community College has sites in three counties: Calhoun, Branch, and Barry.

**Calhoun**: Main Campus, Eastern Academic Center, and Regional Manufacturing Technology Center.
**Barry**: Fehsenfeld Center.
**Branch**: Grahl Center.

For “Public Property” Clery defines as: All public property, including thoroughfares, streets, sidewalks, and parking facilities that are within the campus or immediately adjacent to and accessible from the campus. The KCC crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries. Public Property refers to property owned by a government entity such as a city or state government. The crimes occurring in parking lots owned by KCC are included in the On-Campus crime statistics.
For “Non-Campus Buildings or Property” Clery defines as: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to the institution’s educational purposes is frequently used by students, and is not in the same reasonably contiguous geographic area of the institution. Although Kellogg Community College owns no “Non-Campus Buildings or Property,” many other locations are included in this category; the following is a sample of what is included:

Hotels used by athletics teams and student organizations when they travel for more than two nights or use the same location every year.

Locations used by athletic teams for games or practices, as well as for academic courses taught in off-site locations, such as Bailey Park, and the BCCHS Field House.

**Disclosure of Crime Statistics**

Each year, notice will be placed on the College portal advising all enrolled students and employees when the Annual Security Report is published and the web site URL to access the report.

Prospective students and prospective employees will be provided with a notice containing a statement of the report’s availability, and a description of its contents, the exact address of the internet site at which the report is posted. Additionally, any person interviewed as a result of an advertisement position shall be provided a notice of the availability of the Annual Security Report.

This Annual Security Report complies with the Jeanne Clery Act and is prepared by the Kellogg Community College Department of Public Safety, with additional information from local law enforcement authorities, and in cooperation with victims, witnesses, students, employees, and third party information.

Additionally, the Kellogg Community College Department of Public Safety has memorandums of understanding with Battle Creek Police Department, Calhoun County Sheriff Department, Barry County Sheriff Department, and the Coldwater Department of Public Safety, to ensure the safety of its campuses. Requests for crime statistics are made every year to these agencies to help provide accurate crime statistics for the Annual Security Report.

The Kellogg Community College Department of Public Safety tracks and reports annual crime statistics in accordance with the Federal Clery Act and such other federal, state, and board mandates as are applicable. The full text of the annual security report is made available in electronic format readily accessible to interested current and prospective students and employees. A paper copy shall be made available upon request at no charge. Annual notification of where to find this report shall be made to all
enrolled students and current employees. All prospective employees shall be notified via the medium in which they submit their application for employment, as part of the acknowledgment of receipt of their application.

Crime Statistics are located in Appendix A and B.

**Daily Crime Log**

Kellogg Community College maintains a Daily Crime Log at the North Avenue campus security desk in the location. This report includes all crimes and calls for assistance, not just Clery Act crimes. Information is recorded on the log when the crime is reported to the Public Safety Department regardless of how much time has passed since the crime was committed.

The Daily Crime log includes the nature of the crime, date and time reported or occurred, general location of the crime and disposition of the complaint, if known. The Daily Crime Log for the most recent sixty-day period is kept in the Public Safety Department office at the North Avenue campus. The log is available for inspection upon request during the operational hours of the College. Any person may ask to see the log, whether or not they are associated with the college, including the media. Requests for information from the logs, which are older than sixty days, will be made available within two business days of the request for public inspection. The Daily Crime Log will be retained by the Public Safety Department for three years following publication of the last report.

**Crime Prevention**

We feel that almost every crime committed on campus is preventable. As part of the College’s educational mission, the Department of Public Safety attempts to inform the campus community on how to reduce their chances of suffering from a violation of their property or themselves. The College's crime prevention program is based upon the dual concepts of eliminating or minimizing criminal opportunities, whenever possible, and encouraging students, faculty, and staff to be responsible for their own security and the security of others.


**Individual Responsibility**

The cooperation and involvement of students and employees themselves in a campus safety program is absolutely necessary. Individuals must assume responsibility for their own personal safety and the security of their personal belongings by taking simple, common sense precautions. For example, although the campus is well lighted, an individual student may feel more comfortable using the Campus Security escort service when returning to the parking lots/vehicles late at night. Valuable items should
not be openly displayed in vehicles or left unattended in campus facilities. Bicycles should be secured with a sturdy lock to campus provided bicycle racks. Individuals with cars must park them in non-reserved spaces and keep their vehicles locked at all times. Individuals should report any suspicious looking people whom they feel do not belong in the area or any unusual incidents to the Campus Security immediately.

Institutional Policies

Threats/Violence Policy

The College will not tolerate violence or threats of violence anywhere on its campuses or in connection with College sponsored events. Individuals who become aware of situations which pose an imminent threat to the safety of the community or one of its members, including self-harm, should notify campus public safety at extension 4444, by campus emergency phone, or via the 9-1-1. Individuals should report any threats or violent behavior that have occurred, particularly threats or behavior they have witnessed or been subject to. Such behavior should be reported regardless of the personal or professional relationship between the apparent perpetrator and victim.

Individuals who become aware of situations which might pose a threat to the safety of the community or one of its members, including self-harm, are encouraged to consult with a campus public safety or any appropriate college official in a timely manner.

All weapons are banned from College premises. Students who violate this policy or who intentionally bring weapons to the college will be subject to disciplinary action. Visitor violations of this policy will be handled in accordance with applicable laws.

Any person who makes threats or engages in violent behavior while on property owned or controlled by the College may be removed from the premises as quickly as safety permits. They may be required to remain off College premises pending the outcome of an investigation.

The College recognizes that there may be activities related to the educational mission of the College (e.g., physical fitness activities or theatrical productions) that may appear to violate the letter but not the intent of this policy. In such cases, the department or organization coordinating the activity is responsible for obtaining written approval from the Director of Public Safety or his designee, in advance, to conduct the activity.

Threat Assessment and Behavioral Intervention Team (TABI)

The purpose of the Threat Assessment and Behavior Intervention Team (TABI) is to promote a safe academic and work environment; to review cases, address high-risk situations, and take appropriate actions, and to propose and review policies. Members include:

- Vice President for Student Services
• Chief of Police
• Dean, Student Services
• Title IX Coordinator
• Counselors
• other departments as needed, depending on the situation

TABI meets regularly during the year for business, case, and policy review. The Team also meets as needed to address high risk situations or in the aftermath of an incident. The goals of TABI are as follows:

• Maintain a safe and secure environment.
• Provide clear and direct communication resources for individuals to express concern.
• Establish and maintain early intervention strategies which include alternative support and legal intervention and advocacy.
• Provide education with regards to safety, the reporting of threats, and alternative support resources.
• Constant evaluation of lines of communication to ensure that they remain open and fluid.
• Proper/appropriate threat assessment of behavior.
• Measured response: development of strategies that are scalable, flexible, adaptive and able to incorporate a variety of relevant resources.
• Building partnerships with departments, offices, organizations and agencies to address potential threats on campus.
• Scanning the national, state and local environment for the latest trends.

Additional Campus Resources

The following additional contacts are available to campus community who have questions or concerns about threats or violent behavior on College premises. These contacts can provide information about established guidelines and procedures for dealing with and preventing threats and violent behavior. In the exercise of their function, these contacts will maintain the greatest degree of confidentiality consistent with their responsibilities as College representatives.

• Vice President Student Services, x-2611
• Chief of Police, x-2223
• Support Services, 269.965.4150
• Title IX Coordinator, x-2363

Violence, Harassment and Sexual Assault Policy

Kellogg Community College is committed to providing an educational and work environment free from all forms of violence and harassment including sexual harassment and assault.
Therefore, the policy of Kellogg Community College is no tolerance to all forms of violence, harassment, and other forms of abusive behavior, physical or verbal, by employees, students, or the public on its property, in its facilities, or elsewhere, when conducting its business. All claims will be investigated and appropriate action taken. The College will take all reasonable steps to prevent or eliminate harassment or violence within the College. It includes employee to employee, employer to student, student to employer, student to student, and by or against non-employees who have contact with employees and students.

The College recognizes the right of a sexual assault victim to decide, without pressure or coercion, what action she or he will take following an assault. The College encourages students to report all crimes to the police and to pursue sanctions against accused offenders through the College’s student conduct process as well, if the accused is a student.

A student found responsible by Title IX Coordinator for committing sexual misconduct will be given a sanction appropriate to the offense. Possible sanctions range from a warning to expulsion from the College.

The College encourages victims of sexual assault to take the following steps following a sexual assault:

If you are in danger or need immediate medical attention, **call 9-1-1**.

Preserve physical evidence. Physical evidence may be critical to successfully prosecuting a case. Immediately after an assault, the victim may not know whether she or he wants to file a police report and attempt to prosecute. Because sometimes a victim changes his/her mind, it is prudent to preserve and document physical evidence before it is destroyed. Contact the Calhoun County Sexual Assault Services 24 hour crisis line for assistance at 888-383-2192

Seek medical attention immediately:

If assault occurs on campus, contact Campus Public Safety at (269) 965-4147.

**Bystanders**

Bystanders can play a key role in the prevention of sexual and relationship violence. A bystander is anyone in our campus who observe violence or witness an environment where sexual violence can occur. A bystander is not directly involved, but may have a choice to intervene, speak up, or in other ways act. Kellogg Community College encourages individuals to become active in preventing acts of violence, discrimination, harassment, and sexual misconduct when they become aware of such situations. Being an active bystander can include:

- Speaking out against statements, attitudes, or behaviors that may perpetuate a culture endorsing violence as acceptable or inevitable.
• Identifying and stopping situations that could lead to acts of discrimination, harassment, or sexual misconduct.
• Stepping in during a high-risk incident whether by disruption, distraction, speaking up, or calling for help so others can step in.
• Supporting and believing others when they feel uncomfortable or hurt.
• Helping others respond to problematic situations.

Being an active bystander does not mean that one should risk their own personal safety. There is a choice of appropriate actions depending on the bystander and the situation at hand. It is good to be aware of the situation, interpret if the situation requires intervention, assume responsibility for intervening and in what way, and determine how to effectively help. This could mean leaving the situation and seeking help from others.

Amnesty in Sexual Misconduct Cases

An individual who, in good faith reports any form of sexual misconduct, including sexual harassment and sexual violence, or any individual who provides witness statements related to a sexual misconduct matter will not be subject to disciplinary action for violations related to consumption of alcohol and/or drug use policies occurring at the time of the sexual violence. Amnesty may also be granted for other violations of the Student Code of Conduct, depending on the severity of the violation.

Risk Reduction Strategies

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

• Be aware of your surroundings. Knowing where you are and who is around you may help you find a way of escaping a bad situation.
• Try to avoid isolated areas. Obviously, it is more difficult to get help if no one is around.
• Walk with purpose. Even if you do not know where you are going, walk confidently and act like you do.
• Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
• Make sure your cell phone is with you and charged.
• Do not allow yourself to be isolated with someone you do not know or someone you do not trust.
• When using a headset, avoid putting earphones in both ears so that you can be more audibly aware of your surroundings, especially when walking alone.
• Don’t leave your drink unattended and do not accept drinks from people you do not know or trust.
• Watch out for your friends, and vice versa.
• If you suspect that you or a friend has been drugged, contact local law enforcement immediately—Call 9-1-1!

Violence Against Women Act

Kellogg Community College does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, Kellogg Community College issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a College official. In this context, KCC prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the college community.

In 2013, The U.S. Department of Education amended sections of the higher Education Act (HEA), also known as the Clery Act Disclosure of Campus Security Policy and Campus Crimes Statistics, to implement the violence Against Women’s Act. The HEA defines the new crime categories of domestic violence, dating violence, and stalking in accordance with section 40002(a) of the Violence Against Women Act of 1994 as follows:

For a complete copy of KCC’s policy governing sexual misconduct, visit the KCC Student Handbook: [http://catalog.kellogg.edu/index.php](http://catalog.kellogg.edu/index.php)
(Use the drop down menu and click on 2019-2020 Student Handbook)

A. Definitions

There are numerous terms used by KCC in its policy and procedures.

**Consent** is defined in Michigan as a person consents to a sexual act by agreeing to freely and willingly without being forced or coerced.

**Sexual Assault:** “Sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim if incapable of giving consent.

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

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

Incest is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.

Domestic violence means a “felony or misdemeanor crime of violence committed by -
• A current or former spouse or intimate partner of the victim,
• A person with whom the victim shares a child in common,
• A person who is cohabitating with or has cohabitated with the victim
• A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under VAWA], 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 is a criminal act committed against a person who is a spouse, former spouse, cohabitant, former cohabitant, sibling, parent, or child with whom the suspect has a personal relationship.

It is the policy of the Kellogg Community College Department of Public Safety to view all domestic violence, dating violence, or sexual assault complaints as an instance of alleged criminal conduct. The arrest and prosecution of the suspect(s) involved shall be regarded as the most appropriate law-enforcement response when officers determine that probable cause exists in these situations.

Michigan Criminal Law: 750.81

(1) Except as otherwise provided in this section, a person who assaults or assaults and batters an individual, if no other punishment is prescribed by law, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

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

(3) An individual who commits an assault or an assault and battery in violation of
subsection (2), and who has previously been convicted of assaulting or assault and battery on his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, under any of the following, may be punished by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both.

**Dating Violence**

**Uniform Criminal Reporting**
The term “dating violence” means 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.

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.”

**Stalking**

Stalking is a willful course of conduct involving repeated or continuous harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested. It is the policy of the Kellogg
Community College Department of Public Safety to aggressively investigate any cases of stalking. When officers are able to establish probable cause in these cases, appropriate action will be taken.

**Michigan Criminal Law: 750.411h**

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

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

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

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

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

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

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

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

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

v. Contacting that individual by telephone.

vi. Sending mail or electronic communications to that individual.

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

**Resources for Support and Assistance for Sexual Assault Victims in the Greater Battle Creek Area**

**Domestic Violence**

S.A.F.E. Place (Shelter) (269) 965-7233

Shelter, Personal Protection Order Assistance,
Family Advocacy Program (888) 664-9832
Summit Pointe, Batterer’s Treatment
Program, Family Therapy (269) 966-1460
Or (269) 979-8333
(Albion) (517) 629-5531

Sexual Assault

Sexual Assault Services (888) 383-2192

Housing

S.A.F.E. Place (269) 965-7233
In as much house (269) 788-0968
Haven of Rest (269) 965-1148

Substance Abuse

National Drug Helpline (888) 633-3239

Alcohol Abuse 24 hour (800) 662-4357
(Assistance and treatment).

Financial Assistance

Department of Human Services
Switchboard, Workers, Emergency (269) 966-1284
Salvation Army (269) 963-3640

Mental Health

Family and Children’s Services (269) 965-3247
Summit Pointe (269) 966-1460
Crisis Line (800) 632-5449

SHARE Center (269) 964-8133
(Self-help resources for homeless and emotionally & mentally disabled persons).

Senior Services
Calhoun County Senior Services (269) 781-0846
Area Agency on Aging (269) 966-2450

**Personal Protection Orders**

PPO thru Circuit Court Clerk (269) 969-6518

**Support Groups**

Parents of Murdered Children & Other Survivors of Homicide Victims (888) 818-7662
Mothers Against Drunk Drivers (877) 275-6233
Voces (Hispanic/Latino) (269) 841-4111

**Legal Services**

Legal Services (269) 965-3951

**Hospitals**

Bronson Battle Creek (269) 245-8000
Oaklawn Hospital Marshall (269) 781-4271
Oaklawn Psychiatric/Psychological services (269) 781-9119
Battle Creek VA Medical Center (269) 966-5600

**Poison Control**

Poison Control (800) 222-1222

**Important Phone Numbers**

Calhoun County Area Emergencies Call 911
Calhoun County Prosecutor (269) 969-6980
Victim’s Unit (269) 969-6944
Witness Unit (269) 969-6947
Michigan Dept. Of Corrections Crime Victim Services (877) 886-5401
Calhoun County Veteran’s Affairs (269) 969-6735
Calhoun County Consolidated Dispatch (269) 781-0911
Michigan Crime Victim Notification Network  
(MCVNN)  
(800) 770-7657

Police Agencies – Non-Emergency Lines

Albion Department of Public Safety  
(517) 629-3933
Battle Creek Police Department  
(269) 966-3363
Calhoun County Sheriff Department  
(269) 969-6450
Emmett Township Department of Public Safety  
(269) 968-9303
Marshall City Police Department  
(269) 781-2596
Michigan State Police  
(269) 558-0500
Nottawaseppi Huron Band of Potawatomi  
(269) 729-5222

Resources for Support and Assistance for Sexual Assault Victims in the greater 
Coldwater, MI Area (Branch County)

Coldwater Police Department  
(517) 278-4525
Branch County Sexual Assault Services  
(ER of ProMedica Coldwater Regional Hospital)  
(517) 424-3291
Shelter House  
(517) 278-7233
Michigan Coalition Against Domestic  
And Sexual Violence  
(517) 347-7000

Resources for Support and Assistance for Sexual Assault Victims in the greater 
Hastings, MI Area (Barry County)

Barry County Emergency Dispatch  
(269) 948-4800
Hastings Police Department  
(269) 945-5744
S.A.F.E Place  
(269) 965-7233
Crisis Line  
(888) 664-9832

Rape Crisis (YWCA Kalamazoo)  
(269) 385-3587
(YWCA Grand Rapids)  
(616) 454-9922
Or (616) 459-4652
Additional Resources may also be found at the web site, A Resource Handbook for Campus Sexual Assault Survivors, Friends and Family.


Prevention Efforts

KCC addresses the topic of sexual assault with students in a variety of ways. The subject is presented in productions and in educational programs offered on campus. Students who participate in the educational programs receive information on the College and community resources for sexual assault victims. This information is also available at http://www.kellogg.edu/safecampus/ Educational programs that address the subject of sexual assault are also presented by the Admissions Office during student orientation and by Support Services. To request a program for or to obtain information about upcoming scheduled programs, call (269) 965-4150. Support Services also maintains references, brochures, and other educational materials about sexual assault. Printed crime prevention materials are distributed during these presentations and at various locations on campus. Any student can request educational programs by calling public safety (269) 965-4147.

Personal Protection and Abuse/Restraining Orders

All individuals who apply for or obtain a temporary or permanent Protection from Abuse Order or Restraining Order listing any Kellogg Community College location as a protected area should provide Campus Public Safety with a copy of the order. The Department of Public Safety's police officers can enforce such orders on all Kellogg Community College Campuses. Campus Public Safety Department understands the sensitivity of this information and respects the privacy of the reporting person. Procedures are in place to maintain the confidentiality of the information.

Categories of Prejudice (Hate Crimes)

National origin and gender identity are the two new categories of prejudice (hate crime) added in 2013. Kellogg Community College is required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, and larceny, vandalism, intimidation, and simple assault.

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the annual security report.
A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of bias against the victim's race, gender, gender identity, sexual orientation, ethnicity, national origin, religion, or disability, the assault is then also classified as a hate/bias crime.

**Sexual Misconduct Policy (Title IX)**

The policy of Kellogg Community College is zero tolerance to all forms of discrimination, harassment, violence, and other forms of abusive behavior, physical or verbal, by any persons on its property, in its facilities, or elsewhere when conducting its business and at KCC-sponsored activities.

No person in the U.S. shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activities receiving Federal financial assistance Title IX of the Education Amendment of 1972, and its implementation regulation at 34 C.F.R. Park 108 (Title IX)

Members of the College community, guests and visitors have the right to be free from all forms of sex/gender harassment, discrimination and misconduct, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are to conduct themselves in a manner that does not infringe upon the rights of others.

Zero tolerance means that when an allegation of misconduct is brought to the attention of any KCC faculty, staff, or Title IX team member, protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the victim and community are remedied, including serious sanctions when a responding party is found to have violated this policy. The College uses the preponderance of the evidence (also known as “more likely than not”) as a standard for proof of whether a violation occurred.

The College’s sex/gender harassment, discrimination and misconduct policies are not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom. Academic freedom extends to topics that are pedagogically appropriate and germane to the subject matter of courses or that touch on academic exploration of matters of public concern even when those topics may be challenging or provocative.
Title IX Team

The College’s Title IX Coordinator oversees compliance with all aspects of the sex/gender harassment, discrimination and misconduct policy. Direct questions about this policy to the Title IX Coordinator. Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to a member of the college Title IX team.

Title IX Coordinator — Ali Robertson Human Resources Office Whitmore Administration Building. PHONE 269-965-4152 EMAIL robertsona@kellogg.edu

Title IX Deputy Coordinator — Gwyn James Student & Community Services Division Roll Building PHONE 269-565-7899 EMAIL jamesg@kellogg.edu

Title IX Deputy — Vicki Rivera Human Resources Office Whitmore Administration Building PHONE 269-565-7931 EMAIL riverav@kellogg.edu

Title IX Investigator — Austin Simons KCC Public Safety Lane-Thomas Building PHONE 269-565-7895 EMAIL simonsa2@kellogg.edu

Title IX Investigator — Marc Pierce KCC Public Safety Lane-Thomas Building PHONE 269-565-2113 EMAIL piercem@kellogg.edu

Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities:

Michigan Department of Civil Rights
110 W Michigan Avenue, Ste 800
Lansing MI 48933 PHONE 313-456-3700
TOLL-FREE 800-482-3604
FAX 313-456-3701
TTY 877-878-8464
EMAIL MDCRSserviceCenter@michigan.gov
WEB www.Michigan.gov/mdcr

U S Department of Justice Civil Rights Division
950 Pennsylvania Avenue, N W
Educational Opportunities Section, PHB
Washington, D C 20530
PHONE 202-514-4092
Incidents involving alleged misconduct by the Title IX Coordinator are made directly to the Vice President for Student and Community Services.

**Overview of Policy Expectations with Respect to Physical Sexual Misconduct**

Consent is sexual permission. The expectations of our community regarding consent can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing (or affirmative, conscious) and voluntary consent prior to and during sexual activity. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you do not. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Previous consent does not imply consent to sexual activity in the future. Silence or passivity -- without actions demonstrating permission -- cannot be assumed to show consent. Consent, once given, can be withdrawn at any time. There must be a clear indication that consent is being withdrawn. Under this policy, “No” always means “No,” and “Yes” may not always mean “Yes.” Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a “No.”

- Consent is clear, knowing, voluntary, affirmative and conscious words or actions that give permission for specific sexual activity
- Consent is active, not passive
- Silence, in and of itself, cannot be interpreted as consent
- Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity
- Previous relationships or prior consent cannot imply consent to future sexual acts
- Consent can be withdrawn once given, as long as that withdrawal is clearly communicated
- In order to give consent, one must be of legal age
- Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy
- Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout
- The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party
• Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).

This policy is applicable regardless of the sexual orientation and/or gender identity of individuals engaging in sexual activity. Offenses may also be assessed under college policies related to violence.

This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy. More information on these drugs can be found at https://www.womenshealth.gov/a-z-topics/date-rape-drugs.

Additionally, there is a difference between seduction and coercion. An unwelcome advance that results in a welcome encounter is seduction. An unwelcome advance that results in an unwelcome encounter is coercive. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

• Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes intentional threats, intimidation (implied threats) and coercion that overcomes an individual’s free will or resistance or that produces consent but does not result in valid consent.

• Coercion is an unreasonable amount of pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

° NOTE: There is no requirement for a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, 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. Individuals who consent to sex must be able to understand what they are doing.

• Use of alcohol or other drugs will never function to excuse any behavior that violates this policy.
Overview of Policy Expectations with Respect to Consensual Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions of power or authority (such as teacher and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. Each of the parties, particularly in retrospect, also may view the relationship in different ways. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of College policy.

Sexual Misconduct Offenses Include, but are not Limited to:

Sexual Harassment—Unwelcome sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct. May take the form of quid pro quo harassment, retaliatory harassment and/or create a hostile environment. A hostile environment is created when sexual harassment is sufficiently severe, persistent, or pervasive and objectively offensive that it unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the College’s educational and/or employment, or social program.

Quid Pro Quo Harassment—
- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- By a person having power or authority over another constitutes sexual harassment.
- When submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual’s educational [or employment] progress, development, or performance.
  ° This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational [or employment] program.

Non-Consensual Sexual Contact —
Any intentional sexual touching, however slight, with any object by a person upon another person that is without consent and/or by force, or attempts to commit same.

Examples include, but are not limited to:
- Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner.
**Non-Consensual Sexual Intercourse**—
Any sexual intercourse, however slight, with any object by a person upon another person that is without consent and/or by force, or attempts to commit same.

Examples include, but are not limited to:
- Vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

**Sexual Exploitation**—
Occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.

Examples include, but are limited to:
- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual digital, video or audio recording of nudity or sexual activity;
- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
- Engaging in voyeurism;
- Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person;
- Intentionally or recklessly exposing one’s genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

**Other Misconduct Offenses (will fall under Title IX when sex or gender-based)**
1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex or gender;
3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
4. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
5. Bullying, defined as repeated and/or severe aggressive behavior which is likely to intimidate or intentionally hurt, control or diminish another person, physically or...
mentally, that is not speech or conduct otherwise protected by the 1st Amendment.

6 Intimate Partner Violence, defined as violence or abuse between those in an intimate relationship to each other.

7 Stalking, defined as a course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class, that is unwelcome and would cause a reasonable person to feel fear. Stalking also refers to repetitive and menacing pursuit/following which is harassing and/or interfering with the peace and/or safety of another.

Any other College policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party’s sex or gender.

**Retaliation**

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity [subject to limitations imposed by the 1st Amendment and/or Academic Freedom]. Retaliation against an individual for an allegation, for supporting a reporting party or for assisting in providing information relevant to an allegation is a serious violation of College policy.

**Sanctioning for Sexual Misconduct**

Sanctions and disciplinary action may be imposed upon any member of the community found to have violated the Sex/Gender Harassment, Discrimination and Misconduct Policy.

The following corrective actions, singly or in combination, may be imposed when a student or Registered Student Organization (RSO) is found responsible for violation of the Student Code of Conduct, any KCC policies and/or any KCC regulations. Violation of an imposed sanction is grounds for additional sanctions including suspension, dismissal, or expulsion from the College.

- **Administrative Course Withdrawal**—Administrative withdrawal from any course as a result of a violation of the Student Code of Conduct. The student remains responsible for the course(s) monetarily, and the action will result in a grade of “W” or “F” on the student’s academic record.

- **Warning**—A verbal or written warning that the Student Code of Conduct has been violated and that continued misconduct may be cause for more severe actions.

- **Probation**—Probation is for a designated period of time and further violation may result in suspension.

- **Interim Suspension**—The College may interim suspend a student or RSO pending the completion of an investigation and resolution, particularly when in the judgment of the College, the safety or well-being of any member(s) of the campus community may be jeopardized by the on-campus presence of the responding party(s) or the ongoing activity of a RSO. Interim suspension is immediate and will last until the complaint proceeding is resolved. At the discretion of the College, the responding party may be denied access to the College campus/facilities/events, and alternative coursework options may be pursued to ensure as minimal an impact as possible on the student.
• Suspension—Separation from KCC for up to one year during which time the student shall not participate in any College-sponsored activities and/or may be barred from College premises. At the conclusion of the suspension, the student is eligible to make written request for readmission to the College. Readmission is not automatic, may be granted with conditions, and will be considered along with incidents, which may have occurred during the suspension status.

• Dismissal—Permanent separation from the College which may include being barred from College premises and/or College-sponsored activities.

• Expulsion—Permanent expulsion from College including employment, using College services, participating in College-sponsored activities, appearing on campus or at College-owned facilities, or representing the College in any manner.

• Loss of Privileges—Denial of specific privileges for a designated period of time.

• Restitution—Requirement to make payment to KCC or to other persons, groups, or organizations for monetary damages incurred as a result of a violation of the Student Code of Conduct. When appropriate, restitution may take the form of appropriate community service or other compensation.

• No Contact Order—Prohibit contact between students when there exists a reasonable concern that physical or psychological harm may result from such contact.

• Other Sanctions—Other sanctions may include, but are not limited to, recommendations for counseling and/or psychiatric assessments, specific behavior related courses, educational or rehabilitative programs, or community service projects.

Sanctions for employee violation of this policy are found in the KCC Policy Manual.

**Formal Reporting Options**

All college employees have a duty to report, unless they fall under the “Confidential Reporting” section (see below). Employees must share all details of the reports they receive with the Title IX Coordinator and/or Deputy Coordinators. Generally, climate surveys, classroom writing assignments, human subjects’ research, or events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported. Employees are responsible to maintain confidentiality and not share the information with persons other than the Title IX team. If a victim does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the victim may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predatory behavior, threat, weapons and/or violence, the College will likely be unable to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and remedies to the victim and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have reports taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to staff working in Title IX,
student conduct, KCC Public Safety, and the Threat Assessment and Behavior Intervention team. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party’s rights and privacy.

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex or gender harassment or discrimination of which they become aware, is a violation of College policy and can be subject to disciplinary action for failure to comply with College policies. This policy also precludes employees from sharing information regarding an incident with others who do not have a need to know, and doing so can result in disciplinary action for the employee.

Confidentiality and Reporting

Students may talk with a KCC Counselor to seek assistance and support without triggering a College investigation that could reveal the victim’s identity or that the victim has disclosed the incident. Counselors are not required to report any information about an incident without a victim’s permission.

KCC employees have the same confidential reporting option with the College’s Employee Assistance Program.

A victim who wants to maintain confidentiality must understand that the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action. Persons who at first request confidentiality may later decide to file a complaint with the College or report the incident to local law enforcement, and thus have the incident fully investigated. Requests for confidentiality may not be granted where state law or professional licensing mandates reporting in extreme cases of immediate threat or danger, imminent harm to self or others, or abuse of a minor.

Sex/Gender-Based Harassment, Discrimination and Sexual Misconduct (Title IX)
- Investigation and Resolution Process

The College does not permit discrimination or harassment in its programs and activities on the basis of national or ethnic origin, ethnicity, race, ancestry, color, sex (sex or gender, affiliation, expression or orientation), marital/family status, age, physical or mental ability or attributes, genetic information, political affiliation, veteran status, religion or any other characteristic protected by College policy or state, local, or federal law.

This investigation and resolution process applies to any member of the College community who engages in discrimination or harassment. The Title IX Coordinator (or designee) is designated to formally investigate reports or notice of discrimination and/or harassment, to address inquiries, and coordinate the College’s compliance efforts regarding reports. The process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, the College will initiate an investigation that is thorough, reliable, impartial, prompt and fair to determine whether the College nondiscrimination policy has been violated. If a violation is found, the College will promptly implement an effective remedy designed to end the discrimination, prevent its recurrence and address its effects.
Process Timeline
The College aims to bring all allegations to a resolution within a sixty (60) business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties.

Preliminary Inquiry - 1 to 3 business days.
Formal Investigation - 10 to 14 business days (or longer depending on the nature and complexity of the allegations)
Determination and Resolution - 10 to 14 business days.
Appeals - Filed by either party within 3 business days of determination/resolution. Review Panel decision 5 business days (after convened).

Preliminary Inquiry
The Title IX Coordinator (or designee) may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation. The College will keep interim remedies and actions as private as possible.

These remedies may include, but are not limited to:
• Referral to counseling, community, and health services.
• Referral to the Employee Assistance Program.
• Education to the community.
• Altering work arrangements for employees.
• Altering class arrangements for students.
• Providing campus escorts
• Implementing appropriate safety provisions.
• Implementing contact limitations between the parties.
• Interim Suspension for the student, student organization, or employee.

Investigation and Findings
The Title IX Coordinator appoints trained investigators (typically using a team of two investigators), to conduct the investigation. All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

Reporting Party—
In this process, the person who alleges that unwelcome or unwanted sexual action occurred is referred to as the reporting party.

Responding Party—
In this process, the person who is alleged to have violated campus policy is referred to as the responding party.

Third Party—
In this process, an individual who reports an alleged act or acts of sexual misconduct but who is not the recipient of such actions.

The investigator will take the following steps (not necessarily in order):
• In coordination with campus partners (e.g.: the campus Title IX Coordinator), initiate any necessary remedial actions;
• Determine the identity and contact information of the reporting party;
• Identify the exact policies allegedly violated;
• Immediately conduct an initial inquiry to determine if there is reasonable cause to bring a formal allegation against the responding party, and what policy violations should be alleged;
  ° If there is insufficient evidence to support reasonable cause, the report should be closed with no further action;
• Meet with the reporting party to finalize their statement, and
• Prepare the notice of formal allegation on the basis of the initial inquiry;
• Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
• Complete the investigation promptly and without unreasonable deviation from the intended timeline of 10-14 business days;
• Provide regular updates to both the reporting and responding parties, as appropriate, throughout the investigation;
• Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not).

**Determination and Resolution**

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

All parties will receive written notification of the outcome, to the extent permitted by or mandated by law, without undue delay between the notifications. The notification will include the finding, resulting responsive actions, rationale for the decision, and appeal options and processes.

Where the responding party is found not responsible for the alleged violation(s), the investigation will be closed.

Where a violation is found, the College will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the College community.

Where the responding party accepts the finding of the investigation, the Dean of Student Services will impose appropriate sanctions for the violation, after consultation with the Title IX Coordinator, when applicable. The College will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the College community.
The College’s resolution will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. However, the College may undertake a short delay (several days to weeks) in its investigation or resolution process, to comply with a law enforcement request for cooperation (e.g.: to allow for criminal evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The College will promptly resume its investigation and processes once notified by law enforcement that the initial evidence collection process is complete.

**Requesting an Appeal**

The responding and reporting party(s) will have five (5) business days to request an appeal of the decision of the Dean of Student Services or Title IX Coordinator’s determination and/or resolution. Third party reporters do not have appeal rights. The original finding and sanction will stand if the appeal request is not timely or substantively eligible, and that decision is final.

During an appeal, the sanctions imposed will remain in effect.

The party requesting an appeal must show clear error as to the original finding and/or a compelling justification to modify a sanction, as both the finding and sanction(s) are presumed to have been decided reasonably and appropriately.

All appeal requests must be made in writing and based on one of the following elements:

- A procedural or substantive error occurred that significantly impacted the outcome of the investigation (e.g.: substantiated bias, material deviation from established procedures, etc.);
- To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; or
- The sanctions imposed are substantially disproportionate to the severity of the violation.

The appeal request will be considered by an unbiased reviewer to determine if the appeal documentation meets the criteria for an appeal consideration. If the appeal is determined to meet the criteria for consideration, the non-appealing party shall be provided a copy of the appeal and have two business days to file a rebuttal of the appeal (the non-appealing party may waive that right). The appeal documentation along with any rebuttal is then forwarded for consideration to the Student Code of Conduct Review Panel.

**Student Code of Conduct Review Panel**

- The Student Code of Conduct Review Panel (Review Panel) is convened by the Vice President (or designee). All efforts will be made to convene the Review Panel within five (5) business days of receipt of the appeal and accompanying documentation.
- Review Panel members will include three (3) KCC employees and may include up to two (2) currently enrolled students with the exception of Title IX violations. No person who is personally involved in a particular case will be a member of the Review Panel to consider that case.
• The Review Panel shall be provided with the relevant and material portions of the investigation file for review including the Investigator’s report and the documentation for the appeal, as well as a rebuttal statement, if filed.

• The Review Panel’s deliberations are closed to the public to maintain confidentiality. The Review Panel may request to speak with the reporting party(s), responding party(s), witnesses, or any other person to clarify information.

The decision of the Review Panel may include:

• Refer the case back to the Dean of Student Services or Title IX Coordinator based on: 1) New evidence submitted in the appeal which could substantially impact the original finding or sanction; or, 2) Procedural or substantial error requiring further action to correct the error.

• Uphold the decision that the responding party(s) violated the Student Code of Conduct and uphold the sanction(s) imposed.

• Uphold the decision that the responding party(s) violated the Student Code of Conduct, but reduce the sanction(s) imposed because the sanction(s) are too severe.

All decisions of the Review Panel will be accompanied by the rationale for their decision provided in sufficient detail for the party(s) to have a clear understanding for the basis for the decision.

• The party(s) shall be notified of the Review Panel’s decision in writing within five (5) business days.

• The decision of the Student Code of Conduct Review Panel is final and binding upon all involved.

**Participation of Advisors in the Resolution Process**

All parties are entitled to an advisor of their choosing to guide and accompany them throughout the campus resolution process. People who are involved in the matter or may be called as witnesses may not serve as advisors. The parties must advise the investigators of the identity of their advisor at least two (2) business days before the date of their first meeting with investigators. The parties must provide subsequent timely notice to the investigators if they change advisors at any time. No audio or video recording of any kind other than as required by institutional procedure is permitted during meetings with campus officials.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, and appeals. Advisors may not present on behalf of their advisee, should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The College cannot guarantee equal advisory rights, meaning that if one party selects an advisor [or advocate] who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide one.

Advisors are subject to campus rules and are expected to refrain from interference with the College investigation and resolution. Any advisor who steps out of their role in any meeting under the campus resolution process will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from
a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator (or designee) will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process. Parties are not restricted from discussing and sharing information relating to allegations with their advisor. Advisors are expected to maintain the privacy of the records; records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the College’s privacy expectations.

**Weapons Policy**

All weapons are banned from KCC premises.

KCC recognizes that there may be activities related to the educational mission (e.g., physical fitness activities or theatrical productions) that may appear to violate the letter but not the intent of this policy. In such cases, the department organization coordinating the activity is responsible to obtain written approval from the KCC Chief of Public Safety (or designee) in advance of the activity.

**Drug and Alcohol Policy**

The College complies with federal, state, and local laws including those that regulate the possession, use, and sale of alcoholic beverages and controlled substances. The Department of Public Safety staff will actively pursue enforcement of laws concerning drugs and alcohol which includes:

* Distribution, use, or possession of any illegal drug or controlled substance
* Possession and/or consumption of alcoholic beverages by individuals under 21 years of age.
* Illegal possession or consumption of an alcoholic beverage in a public place.
* Driving under the influence of an alcoholic beverage or controlled substance.

In addition to criminal prosecution, the Student Code of Conduct details drug and alcohol offenses and discipline for students - ranging from reprimand to expulsion from the College. Education and assistance with substance abuse is available for KCC Students by contacting the Healthy Lifestyle Choice Advisor at (269) 965-4150.

**Chemical Dependency**

KCC recognizes that chemical dependency is an illness which needs to be treated. Chemical dependency may decrease the effectiveness of individuals on our campus A
resource book of local agencies is available to students from the Support Services Department, Academic Advising Department, and any KCC Counselor.

Drug and Alcohol Prevention Program (DAPP)

The Drug Free Schools and Campuses Regulations (34 CFR Part 86) of the Drug-Free Schools and Communities Act (DFSCA) requires an institution of higher education (IHE) such as Kellogg Community College, to certify that it has implemented programs to prevent the abuse of alcohol and use and/or distribution of illicit drugs by KCC students on its premises and as a part of any of sanctioned college activities. KCC annually distributes the following to all students in its Annual Security Report (ASR).

- Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by student;
- A description of the legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- A description of the health risks associated with the use of illicit drugs and alcohol abuse;
- A description of any drug or alcohol counseling, treatment, or rehabilitation or reentry programs that are available to employees or students; and
- A clear statement that the institution will impose sanctions on students and employees and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.

Standards of Conduct
Currently enrolled students are required to abide by KCC’s Student Code of Conduct. The current Code of Conduct is available in the Student Code of conduct section. The following acts are considered violations under the Student Code of conduct:

- Use, possession, manufacturing, distribution, or being under the influence of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by federal law. Possession of drug paraphernalia is also prohibited on campus.

- Use, possession, manufacturing, distribution, or being under the influence of alcoholic beverages or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age.

- Failure to abide by the Student Code of Conduct may result in sanctions listed in the Student Code of Conduct section.
Sanctions

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

  o 21 USC §801, et seq.
  o MCL 333.7403, et seq.
  o MCL 436.1703, et seq.

• State: Under current Michigan state law, a person shall not knowingly or intentionally possess a controlled substance. If an individual is found guilty of a violation of the state law, they may be subject to large fines and/or imprisonment. A minor may not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content. Violation of the law may subject a minor to fines, participation in a substance abuse program or treatment center, imprisonment, community service hours, and/or out of pocket expenses related to required substance abuse screenings.

  Note: Effective December 6, 2018 The State of Michigan legalized the possession and use of a small amount of Marijuana for adults 21 years and older. See the following link for further information:
  https://www.legislature.mi.gov/(S(jv44zdw0fjp2ncuom0svgsbk))/mileg.aspx?page=getObject&objectName=mcl-333-27955

  Keep in mind Kellogg Community College still prohibits marijuana possession and use on KCC premises, and sponsored events. See Student Handbook and Student Code of Conduct.

• Local: The City of Battle Creek ordinances prohibits the “sale, consumption or possession of an alcoholic beverage in an open container. Violations of the city ordinance may subject an individual to fines and costs, requirement to participate in alcohol and/or substance abuse treatment and may possibly result in a driver’s license suspension.

• College: Violations of the Student Code of Conduct are taken very seriously. In cases of noncompliance with the Student General Rules or a violation of the Student Code of Conduct, the College will impose discipline that is consistent with the impact of the offense on the College community. Progressive discipline principles will be followed in that the student’s prior discipline history at the College will be taken into account. Disciplinary action taken against a student may include, but is not limited to, one or more of the sanctions listed in the Student Code of Conduct section.
Health Risks
According to the National Institute of Drug Abuse (NIDA), the following are risks associated with drugs and alcohol abuse.

- Drug Abuse: The following sub categories are the most frequently used drugs, listed with their associated risks associated category(ies), per NIDA.6

1. Cannabinoids (marihuana & hashish) Known risks are “cough, frequent respiratory infections, possible mental health decline, and addiction.

2. Opioids (heroin & opium) Known risks are “constipation; endocarditis; hepatitis; HIV; addiction; fatal overdose.”

3. Stimulants (cocaine, amphetamine & methamphetamine) Known risks are “weight loss, insomnia, cardiac or cardiovascular complications, stroke, seizures, and addiction. Specific risks associated with cocaine use is “nasal damage from snorting;” and specific risks associated with methamphetamine use is “severe dental problems.

4. Club Drugs (MDMA-methylene-dioxy-methamphetamine[also known as: Ecstasy, Adam, clarity, Eve, lover's speed, peace, uppers]; Flunitrazepam [also known as: Rohypnol: forget-me pill, Mexican Valium, R2, roach, Roche, roofies, roofinol, rope, rophies]; GHB [also known as: Gamma-hydroxybutyrate: G, Georgia home boy, grievous bodily harm, liquid ecstasy, soap, scoop, goop, liquid X]) Known risks are “sleep disturbances, depression, impaired memory, hyperthermia, addiction.” Risks specific to GHB are “unconsciousness, seizures, and coma.

5. Dissociative Drugs (Ketamine [also known as: Ketalar SV: cat Valium, K, Special K, vitamin K]; PCP and analogs [also known as: Phencyclidine: angel dust, boat, hog, love boat, peace pill]; Salvia divinorum [also known as: Salvia, Shepherdess's Herb, Maria Pastora, magic mint, Sally-D]; Dextromethorphan (DXM) [also known as: cough and cold medications: Robotripping, Robo, Triple C]). Known risks are “anxiety, tremors, numbness, memory loss, nausea.

6. Hallucinogens (LSD [also known as: Lysergic acid diethylamide: acid, blotter, cubes, microdot yellow sunshine, blue heaven]; Mescaline [also known as: Buttons, cactus, mesc, peyote]; Psilocybin [also known as: Magic mushrooms, purple passion, shrooms, little smoke]) Known risks are “flashbacks and Hallucinogen Persisting Perception Disorder.

7. Other Compounds (Anabolic steroids [also known as: Anadrol, Oxandrin, Durabolin, Depo-Testosterone, Equipoise: roids, juice, gym candy, pumpers]; Inhalants [also known as: Solvents (paint thinners, gasoline, glues); gases (butane, propane, aerosol propellants, nitrous oxide); nitrites (isoamyl, isobutyl, cyclohexyl): laughing gas, poppers, snappers, whippets]) Known risks for anabolic steroids are “hypertension,
blood clotting and cholesterol changes, liver cysts, hostility and aggression, acne, (in adolescents) premature stoppage of growth, (in males) prostate cancer, reduced sperm production, shrunken testicles, breast enlargement, (in females) menstrual irregularities, and development of beard and other masculine characteristics.” For inhalants, the known risks are “cramps, muscle weakness, depression, memory impairment, damage to cardiovascular and nervous systems, unconsciousness, and sudden death.

• Alcohol Abuse: Alcohol affects every organ in the drinker’s body and can damage a developing fetus. Intoxication can impair brain function and motor skills; heavy use can increase risk of certain cancers, stroke, and liver disease. Alcoholism or alcohol dependence is a diagnosable disease characterized by a strong craving for alcohol, and/or continued use despite harm or personal injury. Alcohol abuse, which can lead to alcoholism, is a pattern of drinking that results in harm to one’s health, interpersonal relationships, or ability to work.

Information and Support Services
The following programs are available to currently enrolled students at KCC:
• Ongoing promotions regarding substance abuse counseling (via the KCC Support Services.
• Ongoing campus presentations about substance and alcohol abuse.
• Individual counseling by KCC Counselors for students who need assistance with substance and alcohol abuse issues
• Informational tables on substance and alcohol abuse at student events
• General substance/alcohol abuse information available on the KCC website

Annual Notification of the DAAPP
Notification of the information contained in the DAAPP will be distributed to all currently enrolled students on or before October 1st of each year in the College’s Annual Security Report.

Oversight The Vice President of Student and Community Services along with the Chief of Public Safety Dept. shall have oversight responsibility of the DAAPP including, but not limited to: updates, coordination of information required in the DAAPP, and coordination of the annual notification students.
Awareness training is available at http://www.kellogg.edu/safecampus/

Sex Offender Registry
In accordance with the Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Act, and the Campus Sex Crimes Prevention Act:
• Registered sex offenders must provide notice, as required under State law, where they are employed or enrolled.
• States must make this information available to a law enforcement agency where the institution of higher education is located.
• Institutions of higher education must advise the campus community where the information on registered sex offenders can be obtained.

A student who is a registered sex offender must comply with federal and state statutes to register with the local law enforcement agency having jurisdiction over the zip code in which the campus or center where the student is enrolled. Registered sex offenders enrolled at KCC must contact KCC Chief of Public Safety at 269 565 7895 prior to the start of each semester.
Information regarding registered sex offenders can be viewed at www.mipsor.state.mi.us

Annual Crime Statistics

Kellogg Community College provides an annual summary of crime statistics for the most recent three years committed on all campuses as required by U.S. Department of Education (see Appendix – A).
## Appendix A

### North Avenue Campus

**Kellogg Community College Criminal Offenses by Calendar Year**

<table>
<thead>
<tr>
<th></th>
<th>Criminal Offenses - On Campus</th>
<th>Criminal Offenses - Public Property</th>
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<tbody>
<tr>
<td></td>
<td>2016</td>
<td>2017</td>
</tr>
<tr>
<td>Murder/ Non – negligent</td>
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<td>0</td>
</tr>
<tr>
<td>Negligent manslaughter</td>
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<td>0</td>
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<tr>
<td>Sex offenses- Forcible</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Sex offenses- Non- forcible</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated assault</td>
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<td>0</td>
</tr>
<tr>
<td>Burglary</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Motor vehicle theft</td>
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<th>Hate Offenses - On Campus</th>
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<tr>
<td></td>
<td>2016</td>
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<tr>
<td>Murder/ Non – negligent</td>
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<th></th>
<th>Arrests - On Campus</th>
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<tr>
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<td>Illegal Weapons Possession</td>
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<tr>
<td>Drug Law Violations</td>
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<td>Liquor Law Violations</td>
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<td>2017</td>
</tr>
<tr>
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<tr>
<td>Dating Violence</td>
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<td>0</td>
</tr>
<tr>
<td>Stalking</td>
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</tr>
</tbody>
</table>

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Appendix – B

There have been no reported Criminal Offenses or Referrals for the calendar years 2016, 2017, and 2018 based on the requirements of the Campus Security Act of 1990 for the following Kellogg Community College Regional Centers:

Eastern Academic Center  
14055 26 Mile Road 
Albion, MI 49224  
(Calhoun County)

Fehsenfeld Center  
2950 M-179 Highway 
Hastings, MI 49058  
(Barry County)

Grahl Center  
125 Seeley Street 
Coldwater, MI 49036  
(Branch County)

Regional Manufacturing Technology Center  
405 Hill Brady Rd. 
Battle Creek, MI 49037  
(Calhoun County)