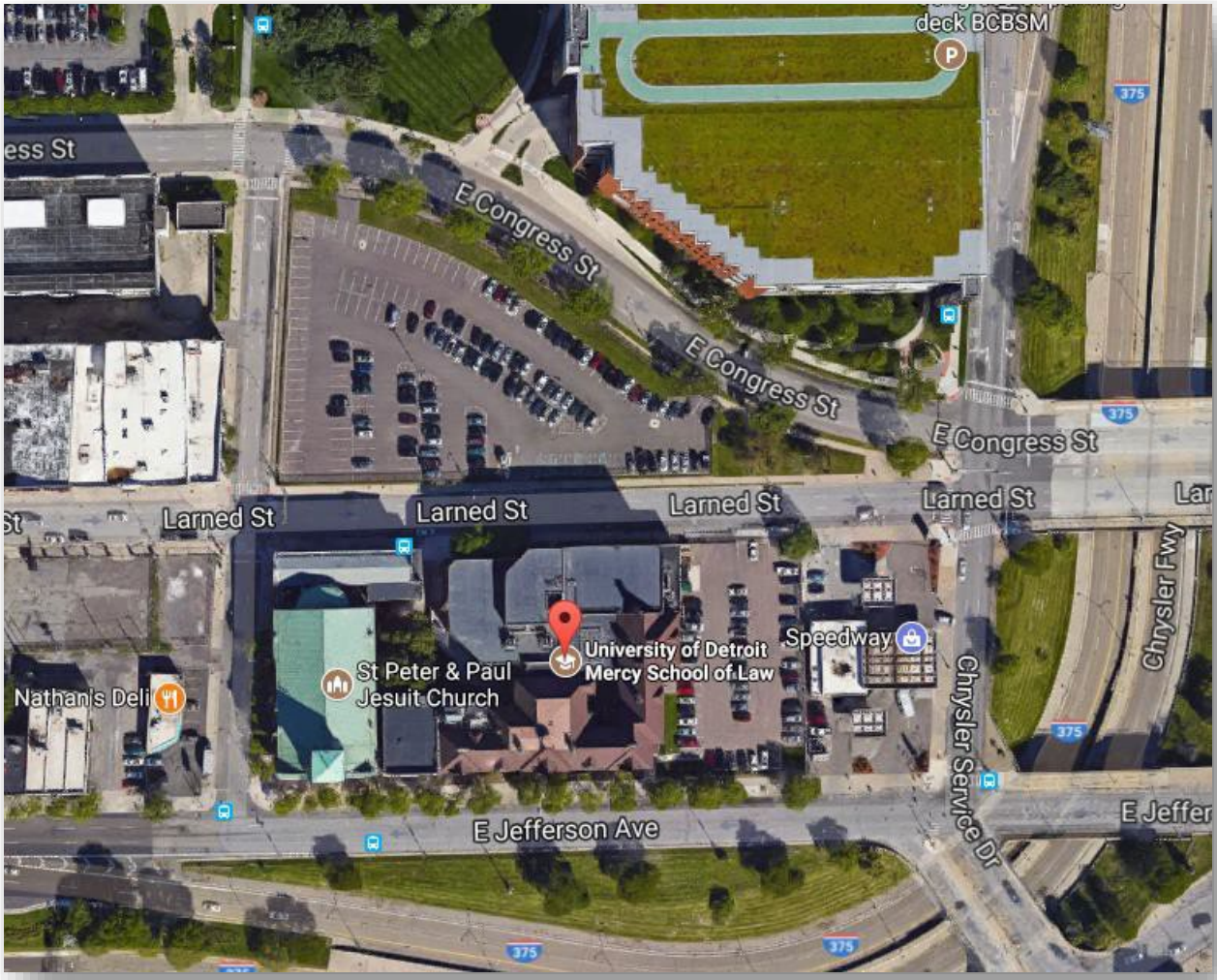
Annual Security & Fire Safety Report 2022

Riverfront Campus

University of Detroit Mercy School of Law
651 W. Jefferson Avenue Detroit MI 48226
www.lawschool.udmercy.edu || 313-596-0264||

CLERY GEOGRAPHY – RIVERFRONT CAMPUS



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ANNUAL SECURITY REPORT COMPLIANCE

The University of Detroit Mercy Department of Public Safety 2022 Annual Security Report is provided to you in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act. This report provides security information covering 2019 2020, and 2021.

ANNUAL FIRE REPORT COMPLIANCE

2022 Annual Fire Safety Report is provided to you in compliance with the Higher Education Opportunity Act, Public Law 110-315 Act (HEOA)

The Annual Fire Safety Report regulations require minimum statistical disclosure for the previous year (for purposes of this report 2019, 2020, 2021) concerning emergency response procedures, fire safety regulations, statistics for campus fires, and other fire incidents that occurred on campus or property owned or controlled by University of Detroit Mercy

GETTING A COPY OF THE FULL REPORT

You can obtain a copy of the full report by following the print options, contacting the Department of Public Safety at (313) 993-1235 Monday – Friday 9:00 a.m. to 4:30 p.m., or via the website: www.udmercy.edu/publicsafety.

ANNUAL SECURITY REPORT SECTION

ABOUT THE ANNUAL SECURITY REPORT

The University of Detroit Mercy Department of Public Safety 2022 Annual Security Report is provided to you in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

The Annual Security Report regulations require minimum statistical disclosure for the previous three years (for purposes of this report 2019, 2020, 2021), concerning reported crimes that occurred on campus; in certain off-campus buildings, or on property owned or controlled by the University of Detroit Mercy; and on public property within, or immediately adjacent to and accessible from, the campuses. The report also includes institutional policies concerning campus security, such as policies concerning sexual assault, alcohol use, Timely Warning Notices, and other matters.

These crime statistics disclosed for the previous three years (2019, 2020, 2021) cover approximately a 1/8-mile radius of the reporting campus.

You can obtain a copy of the full report by following the print options, contacting the Department of Public Safety at (313) 993-1235 Monday – Friday 9:00 a.m. to 4:30 p.m., or via the website: www.udmercy.edu/publicsafety.

UNIVERSITY MISSION STATEMENT

The University of Detroit Mercy, a Catholic university in the Jesuit and Mercy traditions, exists to provide excellent student-centered undergraduate and graduate education in an urban context. A Detroit Mercy education seeks to integrate the intellectual, spiritual, ethical, and social development of our students.

CRIME PREVENTION TIPS

- Look around—be mindful of your surroundings when walking to and from parking areas.
- Work and study in well-populated areas.
- Have your keys in your hand before you walk to your car or building.
- Share a code word or code phrase with someone close to you. This way, you can secretly alert them that you are having a problem and discreetly call Public Safety immediately.
- If you are the victim of a crime, get to safety first.
- Use the campus escort service or walk-in groups.
- **Trust your instincts: if it doesn't feel right, it probably isn't.**

A MESSAGE FROM THE CHIEF

Executive Team

Joel A. Gallihugh
Chief

Edmund Black
Captain

Cliffawn Powell
Lieutenant

Supervision

Sean Bacon
Sergeant

Garreth Boettcher
Sergeant

Nick Neamonitis
Corporal

Melissa Webb
Corporal

Bureau Supervisors

Sergeant Soviak
Investigations

Visit us at
www.udmercy.edu/publicsafety

Contact us 24/7/365

Emergency: (313) 993-1234
Non-emergency: (313) 993-1234
publicsafety@udmercy.edu

Build a Boundless Future

Dear Students, Faculty, and Staff:

University of Detroit Mercy's Department of Public Safety works around the clock to ensure a safe campus environment. The 2022 Annual Security & Fire Safety Report is provided to inform you of safety information at Detroit Mercy. The Report covers our commitment to the University Community, disclosing statistical information for the previous three years (2019, 2020, 2021) and other safety information.

Detroit Mercy has an Emergency Response Plan that is sound, yet flexible to meet the demands of a crisis, providing a framework necessary to respond to an emergency incident. The University has provided protocols for you to identify the best steps to take, should you find yourself faced with a crisis. When you visit the Department of Public Safety website (www.udmercy.edu/publicsafety), take a few minutes to print out a copy of the full Emergency Response Plan as well as the Emergency Procedure Guide as a quick reference tool.

The University uses RAVE Emergency Alert System (EAS) to provide the community with notifications on campus security issues, class cancelations, or other campus-related emergencies. The EAS is designed to send registered participants a notice through text messages and prerecorded voice messages on their cellphones, hard-wired home phones, text pagers, or emails. I strongly recommend that all community members validate your contact information to receive timely campus safety information.

You are encouraged to visit the Department of Public Safety website at www.udmercy.edu/publicsafety to view the Detroit Mercy Emergency Response Plan and other important safety information.

Sincerely,

Joel A. Gallihugh
Director/Chief
Department of Public Safety
University of Detroit Mercy

Campus Resources

Department of Public Safety	
Emergency (24-hours)	(313) 993-1234
Non-Emergency (24-hours)	(313) 993-1234
Campus Escort	(313) 993-1234
Crime Prevention	(313) 993-1234
Parking Holds	(313) 993-1235
Environmental Safety	(313) 993-1240
Human Resources	(313) 993-1036
Parking & ID	(313) 993-1100
Personal Counseling	(313) 993-1459
	(313) 993-1170
	(313) 494-6938 (Corktown Campus)
Residence Life	(313) 993-1230
Student Affairs	(313) 993-1028
Student Wellness Center	(313) 993-1185

Off-Campus Resources

Detroit Police Department	
Victims Assistance	
Crisis Line 24-Hours	(313) 833-1660
Detroit Police Department	
Chief Neighborhood Liaison Dept.	(313) 596-2520
Interim House	
Y.W.C.A Metropolitan Detroit-Domestic Violence	
24-Hour Crisis Line	(313) 861-5300
First Step	
Western Wayne County Project on Domestic and Sexual Violence	
Toll free helpline 24-hours	1 (888) 453-5900

Campus Emergency

Assistance Line
(313) 993-1234

Off-Campus Emergency Assistance Line
911

Report Suspicious Activity

Important things to look for:

- Gender & Race
- Height & Weight
- Age
- Hair Color & Style
- Complexion
- Eye Color
- Clothing
- Unusual marks
- Vehicle color & license #
- Direction of escape

ANNUAL SECURITY REPORT

PURPOSE

The purpose of the Annual Security Report is to inform the University of Detroit Mercy Community of supportive services and resources available to protect your safety. A section of the Report will provide information on criminal activity that takes place on and around the University's campuses, which may pose a threat to your well-being. An Annual Security Report will be made available on October 1 of each calendar year to keep the University Community apprised of safety information.

SCOPE

This policy applies to employees, contractors, consultants, temporary help, and other workers at Detroit Mercy, including all personnel affiliated with third parties.

POLICY

A copy of the Detroit Mercy Department of Public Safety Security Report is available by following the Annual Security Report link from the Public Safety website: www.udmercy.edu/publicsafety. This report includes, at a minimum, statistics for the previous three years on reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by Detroit Mercy; and on public property within or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as policies concerning sexual assault, and other matters. You can obtain a copy of this report by contacting the Department of Public Safety at (313) 993- 1235 during normal business hours or by accessing the following website: www.udmercy.edu/publicsafety and following the Annual Security link.

ACCURATE & PROMPT CRIME REPORTING

PURPOSE

The Department of Public Safety encourages prompt reporting of all criminal activity occurring on or around the University of Detroit Mercy campuses which may pose a threat to safety.

SCOPE

This policy applies to employees, contractors, consultants, temporary help, and other workers at Detroit Mercy, including all personnel affiliated with third parties.

POLICY

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety-related incidents to the Detroit Mercy Department of Public Safety promptly. This publication focuses on the University's Department of Public Safety because we patrol the campuses as well as neighboring streets within the City of Detroit.
To report a campus crime or an emergency, immediately call the Detroit Mercy Department of Public Safety by calling the 24-hour communications center at (313) 993-1234 or in-person at:

McNichols Campus
Department of Public Safety
4001 W. McNichols Road, Detroit 48221
Student Union Building, southeast corner
24-hours/7-days

Corktown Campus (School of Dentistry)
Department of Public Safety
2700 Martin Luther King Jr. Blvd., Detroit 48208
Clinic Building, first floor
24-hours/7-days

Riverfront Campus (School of Law)
Department of Public Safety
651 E. Jefferson Ave., Detroit 48226
Monday – Thursday 7:00 a.m. – 10:50 p.m.
Friday 7:00 a.m. – 5:50 p.m.
Saturday & Sunday 10:00 a.m. – 5:50 p.m.
24-hours/7-days

Dispatchers are available 24 hours a day to answer your call. In response to your call, the Detroit Mercy Department of Public Safety or Hospital Security will take the required action: dispatching an officer, providing the victim with information, or properly file an incident report.

University incident reports of a serious nature are forwarded to the Dean of Students Office for review and potential action by the Dean of Students Office. The Department of Public Safety Investigators will look into a report when it is deemed appropriate. Department of Public Safety may work in conjunction with the bureaus of the Detroit Police Department when it deems necessary. Additional information obtained during the investigation may be forwarded to the Dean of Students Office as evidence during the judicial review process, but not to the extent to compromise an ongoing criminal investigation within the Department of Public Safety.

If assistance is required from the City, County, State Police, or Fire Department, the Detroit Mercy Department of Public Safety will contact the appropriate agency. If a sexual assault or rape should occur, staff on the scene, including the Department of Public Safety, will offer the victim a wide variety of services.

This publication contains information about on-campus and off-campus resources. The information is made available to provide the Detroit Mercy Community members with specific information about the

resources that are available in the event they become the victim of a crime. The information about "resources" is not provided to imply that those resources are "reporting entities" for Detroit Mercy.

Campus pastoral counselors and campus professional counselors, when acting as such, are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, they are encouraged; if and when they deem it appropriate to inform persons being counseled of the procedures to report crimes involuntarily or inclusion in the crime statistics. While this exemption is to protect the counselor-client relationship, there could be situations where counselors are legally obligated to report a crime.

TIMELY WARNING DISCLOSURE

PURPOSE

The purpose of this policy is to inform the University of Detroit Mercy Community that timely safety warnings will be used to keep the University Community alerted of criminal activity that takes place on and around the University's campuses which may pose a threat to safety.

SCOPE

This policy applies to employees, contractors, consultants, temporary help, and other workers at Detroit Mercy, including all personnel affiliated with third parties.

POLICY

If a situation arises, either on or off campus, that in the judgment of the Director of Detroit Mercy Public Safety Department constitutes an ongoing or continuing threat, a campus-wide "safety warning" will be issued. The warning will be issued to the student newspaper, The Varsity News. If time is appropriate, and through the University email to faculty, students and staff.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Department of Public Safety may also post a notice on the campus-wide electronic bulletin board located on the first floor Student Union, first floor of the Library, first floor of Shiple Hall, and second floor of the Student Fitness Center. Notices will also be posted on the Public Safety website: www.udmercy.edu/publicsafety.

In such instances of an ongoing threat of safety, a copy of the notice is posted in each residence hall, and at the front door of each academic and administrative building.

Anyone with information warranting a safety warning should immediately report the circumstances to the Detroit Mercy Department of Public Safety by calling the 24-hour communications center at (313) 993-1234 or in-person at:

McNichols Campus
Department of Public Safety
4001 W. McNichols Road, Detroit 48221
Student Union Building, southeast corner
24-hours/7-days
Corktown Campus (School of Dentistry)

Department of Public Safety
2700 Martin Luther King Jr. Blvd., Detroit 48208
Clinic Building, first floor
24-hours/7-days

Riverfront Campus (School of Law)
Department of Public Safety
651 E. Jefferson Ave., Detroit 48226
Monday – Thursday 7:00 a.m. – 10:50 p.m.
Friday 7:00 a.m. – 5:50 p.m.
Saturday & Sunday 10:00 a.m. – 5:50 p.m.
24-hours/7-days

REPORTING CRIMINAL OFFENSES ON CAMPUS

PURPOSE

For purposes of this policy, the University of Detroit Mercy Department of Public Safety discloses to the University Community how to report criminal offenses that take place on or around the University's campus which may pose a threat to safety.

SCOPE

This policy applies to employees, contractors, consultants, temporary help, and other workers at Detroit Mercy, including all personnel affiliated with third parties.

POLICY

To report a criminal offense on Detroit Mercy campuses, immediately contact the Detroit Mercy Department of Public Safety 24-hour communications center at (313) 993-1234 for emergencies, (313) 993-1234 for non-emergencies, or by using the exterior emergency telephones located throughout campus.

Any suspicious activity of person seen in the parking lots or loitering around vehicles, inside buildings or around Residence Halls should be immediately reported to the Department of Public Safety. In addition, if you are a victim involved in a crime of a sensitive nature, you may report a crime to the following areas:

1. Dr. Jon Ryder
   Associate Dean for Academic Administration
   (313) 494-6656 (Corktown Campus)
2. Dr. Juliette C. Daniels, Ed.D.
   Assistant Dean for Student Services & Enrollment Management
   (313) 494-6850 (Corktown Campus)
3. Monica Williams
   Dean of Students
   (313) 993-1028 (McNichols Campus)
4. Sandra Alef
   Associate Director, Residence Life

(313) 993-1230 (McNichols Campus)

Detroit Mercy Department of Public Safety and the Detroit Police Department have a mutual agreement. Each department augments the other within its jurisdictions during mutual investigations, arrests, and prosecutions. Detroit Mercy officers attend regular meetings with local law enforcement agencies to exchange ideas and problems which may be of concern to the University Community.

REPORTING CRIMINAL OFFENSES OFF CAMPUS

PURPOSE

The purpose of this policy is to inform the University of Detroit Mercy Community that Detroit Mercy officers provide routine patrol services on University property.

SCOPE

This policy applies to employees, contractors, consultants, temporary help, and other workers at Detroit Mercy, including all personnel affiliated with third parties.

POLICY

When a University of Detroit Mercy student is involved in an off-campus offense, the Detroit Police Department will be the responding police authority to assist you. To report criminal offenses occurring off campus, immediately contact the Detroit Police Department by dialing 911 for emergencies. The Detroit Mercy Department of Public Safety works with local, state, or federal law enforcement on investigations. The Detroit Police Department routinely works and communicates with campus officers on serious incidents occurring on campus or in the immediate neighborhood and business areas surrounding campus.

Detroit Mercy does not operate off-campus housing and business facilities. Accordingly, many graduate students and some undergraduate students live in the neighborhoods surrounding Detroit Mercy campuses. The Detroit police have jurisdiction in all areas of campus.

Campus pastoral counselors and campus professional counselors, when acting as such, are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the annual crime statistics. While this exemption is to protect the counselor-client relationship, there could be situations where counselors are legally obligated to report a crime.

MISSING PERSON POLICY

PURPOSE

The purpose of this policy is to establish procedures for the University's response to reports of missing persons, as required by the Higher Education Opportunity Act of 2008. This policy applies to employees, contractors, consultants, temporary help, and other workers at Detroit Mercy, including all personnel affiliated with third parties.

A Detroit Mercy residential student is **"determined to be missing"** when a missing person's report

investigation concludes that the student has been absent from the University for a period of 24 hours or longer without any known reason. The Director of Public Safety, or designee, in conjunction with the Dean of Students, or designee, will make the official determination of whether a residential student is deemed missing.

Non-residential students, employees, contractors, consultants, temporary help, and other workers who are reported as missing to the Department of Public Safety shall be treated as missing according to the Michigan statute. The statute requires that a person be missing at least 24 hours before a missing report shall be taken by municipal agencies for persons 17 years of age and older, except in unusual circumstances or other factors which may be taken into consideration.

SCOPE

This policy applies to students who are currently enrolled as a student and reside at the University of Detroit Mercy. This policy also applies to non-residential students, employees, contractors, consultants, temporary help, and other workers who have visited a Detroit Mercy campus.

Residential Students

Procedure for Designation of Confidential Emergency Contact Information

All residential students have the opportunity annually to identify an individual or individuals to be contacted by the Dean of Students or designee no later than 24 hours. Anyone concerned that a residential student may be a missing person must notify the Department of Public Safety, Dean of Students, or the Director of Residence Life as soon as possible so that an official determination can be made on the missing status of the student.

The Department of Public Safety and Residence Life staff will gather all essential information about the residential student from the reporting person and from the student's acquaintances. Appropriate campus staff will be notified to aid in the search for the student. Appropriate staff will include the Residence Life professional on-call, the Director of Residence Life, the Dean of Students, and the Department of Public Safety.

If the above actions are unsuccessful in locating the student within 24 hours, or it is immediately apparent that a student is a missing person (e.g., witnessed abduction) the student will be deemed a missing student 24 hours after the time that the student is determined to be missing in accordance with the procedures set forth below. A designation will remain in effect until changed, revoked by the student or when the student is no longer enrolled at Detroit Mercy. This information is maintained confidentially and will be available only to the Department of Public Safety, Dean of Students, and the Director of Residence Life. The administration of the University reserves the right to notify the parents or legal guardian of a student under the age of 21 if s/he has been determined to be missing.

For those students under the age of 17 and not an emancipated minor, the University shall notify the emergency contact as well as the custodial parent or guardian on file no more than 24 hours after the student is determined to be missing.

General Policy

People may be missing for a host of reasons. The Detroit Mercy Department of Public Safety will

assist in determining if the reported person is missing. At the time of the concern, the Detroit Mercy Department of Public Safety shall process a report taking all foreseeable steps to locate the missing person on campus. When there is a lapse of 24 hours and a situation absent of extenuating circumstances, a person 17 years of age and older shall be reported to the police department where the missing person resides and will be subject to the laws and ordinances of that agency.

Detroit residents shall be reported to the Detroit Police Department. The reporting party is responsible to contact the appropriate municipal police agency for further assistance. The Detroit Mercy Department of Public Safety will, to the extent possible, facilitate the process between the reporting party and the appropriate police agency.

Missing Minor

A report of a missing person who is under the age of 17 shall immediately be processed as a missing person report by the Department of Public Safety. If the missing minor cannot be located on Detroit Mercy property, Detroit Mercy Public Safety shall contact the Detroit Police Department immediately following a check of Detroit Mercy property. All related information gathered during the search shall be turned over to the Detroit Police Department (DPD) for further processing. The Detroit Mercy Department of Public Safety shall assist in the transfer of information to the DPD and take all foreseeable steps to ensure the reporting person has an established contact with DPD. The Detroit Mercy Department of Public Safety shall forward the campus report to the University's investigative unit. The assigned investigator shall follow up with DPD to determine the disposition.

JURISDICTION & AUTHORITY

PURPOSE

The purpose of this policy is to make the University of Detroit Mercy Community aware of the police authority of the Detroit Mercy Officers.

SCOPE

This policy applies to employees, contractors, consultants, temporary help, and other workers at Detroit Mercy, including all personnel affiliated with third parties.

POLICY

University of Detroit Mercy Campus officers has police authority to apprehend and arrest anyone involved in illegal acts on campus during campus patrol. If minor offenses involving University rules and regulations are committed by a University student, the campus officers may also refer the individual to the Dean of Students Office for administrative review and appropriate reprimand.

Major offenses such as rape, murder, aggravated assault, robbery, and auto theft are reported to the local police. Detroit Mercy Public Safety Department will move forward with a joint investigative effort with investigators from the Detroit Police Department to solve these serious felony crimes. The prosecution of all criminal offenses, both felony and misdemeanor, are typically conducted within in the City of Detroit or Wayne County jurisdiction. Campus officers work closely with local, state, federal police agencies.

By mutual agreement with state and federal agencies, the University Department of Public Safety has

access to information maintained within the NLETS Network (National Law Enforcement Telecommunications Network) though our joint effort with the Detroit Police Department. Through this system, police personnel can access the National Crime Information Computer system as well as the Law Enforcement Information Network (LEIN). These computer databases are used for accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state and federal law enforcement information.

McNichols Campus

These powers are limited to the property of the geographical area bounded on the north by McNichols from Livernois to Fairfield; on the east by Fairfield from McNichols to Puritan; on the south by Livernois; west on Livernois, north to McNichols.

Riverfront Campus (School of Law)

Authority shall also include the Riverfront Campus School of Law with hard boundary streets: starting at a point at the southbound Chrysler Freeway service drive and Congress proceeding south on the service drive to Jefferson Avenue, west of Jefferson Avenue to St. Antoine, north on St. Antoine to Congress, and east on Congress to the southbound Chrysler Freeway service drive.

Riverfront Law Clinic Borders

Starting point Northbound on East Congress Street to Westbound on Beaubien Street to Southbound on Larned Street to Eastbound on St. Antoine Street.

Corktown Campus (School of Dentistry)

Authority shall also include the Corktown Campus with hard boundary streets: starting point northbound on Magnolia Street to eastbound 17th Street. Blvd to southbound Martin Luther King Jr. Blvd to westbound Lawton Street.

Through coordination with local law enforcement agencies, any criminal activity by students at off campus locations of student organizations, is monitored and recorded. This information is provided to the Dean of Students for any action or follow-up that may be required.

SECURITY & CAMPUS ACCESS

PURPOSE

The purpose of this policy is to inform the University of Detroit Mercy Community of security and campus access enforcement policy.

SCOPE

This policy applies to employees, contractors, consultants, temporary help, and other workers at Detroit Mercy, including all personnel affiliated with third parties.

POLICY

During business hours, the university (excluding housing facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all university facilities is by key and/or card access and by admittance via the Department of Public Safety. In the case of periods

of extended closing that are not of an emergency nature, the Detroit Mercy Department of Public Safety will admit only those individuals with prior written approval to specific facilities or prearranged business on Detroit Mercy property.

Residence halls are secured by card access 24-hours a day. Over extended breaks, the doors of all halls remain secured around the clock, residential hall access cards will be reprogrammed, or a separate holiday card will be issued to assigned holiday building residents.

Some facilities may have individual hours, which may vary at different times of the year. Examples are Calihan Hall during sporting events, the library during final exam week, and Food Services to support athletic training programs. In these cases, the facilities will be secured according to schedule, with notice adjustments made by the Department of Public Safety to accommodate such instances. Emergencies may necessitate changes or alterations to any posted schedules.

Security issues related such as landscaping, locks, alarms, lighting, and communications are shared among administrators from the Facilities Management Department, (Public Safety, Facility Operations, Housekeeping, Dining Services), and other concerned areas as necessary to address safety concerns. Additionally, throughout the academic year, the Detroit Mercy Director of Public Safety meets regularly with the Dean of Students and as necessary with the Director of Residence Life to discuss vital safety information and other concerns.

Annual Disclosure of Crime Statistics

Purpose

In compliance with the U.S. Department of Education regulations, the University of Detroit Mercy maintains, enforces, and annually discloses to the University community crime statistics for incidents occurring on and around the University's campuses. The annual disclosure is meant to inform the University of Detroit Mercy Community of criminal activity regardless of the severity of the incident.

Scope

This policy applies to employees, contractors, consultants, temporary help, and other workers at Detroit Mercy, including all personnel affiliated with third parties. Crime statistics are compiled on the criminal activity occurring on and around university property to decrease the opportunity for victimization by heightening community awareness.

Policy

A Safety Disclosure Report will be made available annually to keep the university community apprised of safety information affecting Detroit Mercy.

The Detroit Mercy Department of Public Safety prepares this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located by following the link on our website at. You may also connect to our website via the Detroit Mercy Home page at www.udmercy.edu. This report is prepared in cooperation with the local law enforcement agencies surrounding campuses, Residence Life and Title IV Coordinators, and the Division of Student Affairs. Each entity provides updated information on their educational efforts and programs to comply with the Clery Act.

Campus crime, arrest and referral statistics include those reported to the Detroit Mercy Department of Public Safety, designated campus officials, and local law enforcement agencies. These statistics may also include crimes that have occurred in private residences or businesses and are not required by law. Michigan law requires prompt, mandatory reporting to the local law enforcement agency by health care practitioners (such as those at Student Health Services) when they provide medical services to a person they know, or reasonably suspect is suffering wounds inflicted by a firearm or is a result of a physical assault or abusive conduct. Personal Counseling Services staff informs their clients of the procedures to report the crime to the Department of Public Safety on a voluntary basis, should they feel it is in the best interest of the client.

Each year, an email notification will be made to all enrolled students, faculty, and staff informing them of the website to access this report. Copies of the report may also be obtained by calling the Department of Public Safety at (313) 993-1235 during normal business hours. All prospective employees and prospective students may obtain a copy from the Department of Public Safety website www.udmercy.edu/publicsafety.

POSSESSION OF ALCOHOLIC BEVERAGES

PURPOSE

University of Detroit Mercy maintains, enforces, and discloses policies on alcoholic beverage consumption on University campuses.

SCOPE

This policy applies to employees, contractors, consultants, temporary help, and other workers at Detroit Mercy, including all personnel affiliated with third parties.

POLICY

The possession, sale, or furnishing of alcohol on the University campuses is governed by Detroit Mercy Alcohol Policy, City of Detroit Ordinance and Michigan State law. Laws regarding the possession, sale, consumption or furnishing of alcohol is controlled by the Michigan Liquor Control Commission (MLCC). However, the enforcement of alcohol laws on campus is the primary responsibility of the Detroit Mercy Department of Public Safety.

Detroit Mercy campuses have been designated “Drug Free” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the Detroit Mercy Department of Public Safety officers.

Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of the Detroit Mercy Alcohol Policy for anyone to consume or possess alcohol in any public or private area of campus without prior University approval. Organizations or groups violating alcohol/substance policies or law may be subject to sanctions by the University.

The Department of Public Safety enforces university policy, City ordinances, and Michigan State laws that

govern alcohol use.

Information on alcoholic beverage consumption on University campuses is available on the Department of Public Safety website www.udmercy.edu/publicsafety, in the Detroit Mercy Student Handbook and Calendar as well as the University Policies & Procedures Handbook

DRUG-FREE CAMPUS

PURPOSE

University of Detroit Mercy discloses to the University community one measure to protect the privileges of all members by providing a stable and safe environment on and around University campuses by prohibiting the unlawful possession, use, manufacture or distribution of illicit drugs or alcohol on University premises.

SCOPE

This policy applies to employees, contractors, consultants, temporary help, and other workers at Detroit Mercy, including all personnel affiliated with third parties.

POLICY

For the purpose of this Policy, the term "drug" includes:

1. Controlled substances, as defined in 21 USC 802, which cannot be legally obtained
2. Legally obtainable controlled substances which were not legally obtained, including:
    - Prescribed drugs when a prescription is no longer valid (e.g., use of medication after a course of treatment is completed)
    - Prescribed drugs used contrary to the prescription
    - Prescribed drugs issued to another person.

All members of the University community also are governed by laws, regulations and ordinances established by the state and local municipalities, and will be held accountable by law enforcement representatives of those entities for any illegal activity. It is the responsibility of all campus members to be aware of these laws.

Michigan law prohibits the dispensing, selling or supplying of drugs. Employees, students, faculty and campus visitors may not unlawfully manufacture, consume, possess, sell, distribute, transfer or be under the influence of illicit drugs or controlled substances on University property, while driving a University vehicle or while otherwise engaged in University business. University property, as defined in this Policy, includes all buildings and land owned, leased, or used by the University, and motor vehicles operated by employees, including personal motor vehicles, when used in connection with work performed for or on behalf of the University.

Any person taking prescription drugs or over-the-counter medication is personally responsible for ensuring that while taking such drugs or medications, he or she is not a safety risk to themselves and others while on University property, while driving a University or privately owned vehicle, or while otherwise engaged in University business. It is illegal to misuse prescription medication, i.e., continue to use medication when the prescription is no longer valid, use prescribed drugs contrary to the prescription, and give or sell prescribed drugs to another person. Misusing prescription drugs can result in conviction with jail time.

University of Detroit Mercy uses evidenced-based strategic interventions, collaboration, innovation and the incorporation of the wellness dimensions to reduce harmful consequences of alcohol and other drug use.

- Providing education and awareness activities.
- Offering substance-free social and extracurricular options.
- Creating a health-promoting normative environment.
- Restricting the marketing and promotion of alcohol and other drugs.
- Limiting availability of alcohol and other drugs.
- Developing and enforcing campus policies and enforce laws to address high-risk and illegal alcohol and other drug use.
- Providing early intervention and referral for treatment.
- Parental Notification

The Family Education Rights and Privacy Act (FERPA) govern the release of and access to student education records. Section 952 of the 1998 Amendments to the Higher Education Act of 1965 clarified that institutions of higher education are allowed (but not required) to notify parents if a student under the age of 21 at the time of notification commits a disciplinary violation involving alcohol or a controlled substance.

Because of the health and safety risk inherent in alcohol and other drug misuse, Detroit Mercy will notify parents/family of students under the age of 21:

- If a student has committed an AOD violation accompanied by other serious behavior such as needing medical attention, significant property damage or driving under the influence.
- If a student has had an AOD incident that resulted in a transport to the hospital or jail.
- If a student has had one AOD-related violation of the Student Code of Conduct- Alcohol and Other Drug Policy

Detroit Mercy campuses have been designated “Drug Free” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under state and federal laws. Such laws are strictly enforced by the University of Detroit Mercy public safety officers. Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment.

Detroit Mercy Department of Public Safety works to maintain a drug-free workplace in compliance with University policies, City Ordinances, state and federal laws. The University has disclosed to the community detailed information to uphold the “Drug-Free Workplace Act of 1988”. This information is available through the Detroit Mercy Human Resources Department and located in the UDM Polices & Procedures Handbook effective June 2017. In addition, the Detroit Mercy Department of Student Affairs communicates information on the consumption of alcohol and illicit drug use through the Student Handbook and Calendar. The Department of Residence Life reinforces these policies for the residential community by providing policies on the prohibition of alcohol consumption and illicit drug use in the Guide to Residence Living

SUBSTANCE ABUSE EDUCATION

PURPOSE

University of Detroit Mercy informs the University Community how they will be advised of Substance Abuse Educational opportunities that take place on and around the University's campuses.

SCOPE

This policy applies to employees, contractors, consultants, temporary help, and other workers at Detroit Mercy, including all personnel affiliated with third parties.

POLICY

The University has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational material, educational programs, counseling services, referrals and college disciplinary actions. Students needing help dealing with substance abuse problems are encouraged to consult the Dean of Students for referral to the appropriate office and/or agency.

Wellness Center

The Detroit Mercy Wellness Center employs nationally certified Nurse Practitioners that work in conjunction with a Physician from Henry Ford Medical System. The Wellness Center is a service available to Detroit Mercy students that can assist with a number of health related concerns
The Detroit Mercy Wellness Center is located on the McNichols Campus in West Quad, Room 104. To schedule an appointment, call the Detroit Mercy Wellness Center during business hours at (313) 993-1185. Walk-ins will be worked into the schedule or placed on the schedule for a following day.

McNichols Campus
Detroit Mercy Wellness Center
For appointments (313) 993-1185
4001 W. McNichols Road, Detroit 48221 (www.udmercy.edu/about/location.php)
West Quad Room 104, entrance located on the south side
Fall & Winter Terms
Monday - Friday 10:00 a.m. to 4:00 p.m.
Summer Term
Monday - Friday 11:00 a.m. to 2:00 p.m.

Personal Counseling Services

University of Detroit Mercy offers time-limited individual, group and family counseling to Detroit Mercy students. Individual and family counseling involves 50 minutes sessions with a 15-session limit.

At the time of the initial session the student can talk confidentially about what's most on his/her mind and together the counselor and student will identify problems and set realistic goals for therapy. Some students may have special needs which would require a referral to a clinic or another therapist.

The counseling office serves as a resource for faculty and staff who may want to discuss a distressed student's behavior or explore ways to approach a student to make a referral. Faculty

and staff who are not eligible for counseling services may take advantage of referral sources to private practice clinicians.

To schedule an appointment for personal counseling call during business hours.

McNichols Campus
Detroit Mercy Personal Counseling Services
Monday - Friday 8:30 a.m. to 5:00 p.m.
4001 W. McNichols Road, Detroit 48221 (www.udmercy.edu/about/location.php)

Marjorie Lang, JD, MA, LPC
(313) 578- 0496
silveran@udmercy.edu

Kevin May, MA, LPC, CAADC
313-993-1562
maykm1@udmercy.edu

Emily Wisler, MA, LPC
313-993-1170
wislerem@udmercy.edu

Erika Budson, MA, LPC, NCC, ATR
(313) 993-1545
budisnel@udmercy.edu

Corktown Campus (School of Dentistry)
Detroit Mercy Personal Counseling Services
Corktown Campus Wellness Center Room 425

Bailey Anderson, Director Student Health, and Wellness
(313) 494-6938
anderstb@udmercy.edu

Local, State, and Federal Laws Governing Alcohol

The State of Michigan sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances regarding violations of alcohol laws, including driving while intoxicated, is available by contacting the Department of Public Safety at www.udmercy.edu/publicsafety or local city districts.

Additional Resources

The Detroit Mercy Department of Public Safety does not update or edit these sites but provides them as an additional resource. The following links to the Michigan State Police website and articles:

Michigan State Police Home Page
http://www.michigan.gov/msp

Alcohol Impaired Driving
http://www.michigan.gov/msp/0,1607,%207-123-1564-49577--,00.html

A violation of any law regarding alcohol or illicit drug use is also a violation of the University's Student Code of Conduct and will be treated as a separate matter by the University.

SECURITY AWARENESS PROGRAM

PURPOSE

The University of Detroit Mercy discloses to the University Community how they will be advised of security awareness programs that take place on University campuses. The Detroit Mercy Department of Public safety is committed to hosting security awareness programs throughout the academic year.

SCOPE

This policy applies to employees, contractors, consultants, temporary help, and other workers at Detroit Mercy, including all personnel affiliated with third parties.

POLICY

Throughout the school term, students are informed of services offered by the Department of Public Safety. Students are told about crime on campus and in surrounding neighborhoods. Similar information is presented to new employees and to the parents of newly enrolled students during parent orientation sessions held throughout the school term. Crime Prevention Programs and Sexual Assault Prevention Programs are offered on a continual basis.

Periodically during the academic year, the Detroit Mercy Department of Public Safety, in cooperation with other local law enforcement agencies, university organizations and departments, presents crime prevention awareness sessions:

- Sexual assault (rape and acquaintance rape)
- Physical abuse
- Theft
- Vandalism
- Personal Safety
- Residence Hall Security

Detroit Mercy Department of Public Safety has identified several agencies that offer educational programs to identify techniques to avoid sexual assault and date rape. Information on these agencies is located on the Department of Public Safety website www.udmercy.edu/publicsafety and in the Student Handbook and Calendar.

The University's Public Safety Department in cooperation with the University's Emergency Response Planning Committee hosted the first annual Safety Awareness Day in October. The purpose of Awareness Day was to provide the University community with safety prevention information across a broad spectrum to empower individuals with the ability to make the best safety choices. Participants in the awareness day were the Detroit Mercy Department of Public Safety, Department of Residence Life, Department of Athletics, Metz Culinary Management, University Health Center, Dean of Students Office, LUMA Clean and Safe community outreach committee, The Women's Commission, Facility Operations, ITS Department and the Student Senate.

A common theme of all awareness and crime prevention programs is to encourage students and

employees to be aware of their responsibility for their own security and the security of others.

In addition to seminars, information is disseminated to students and employees through crime prevention awareness packets, security alert notices, displays, electronic marquee, articles and advertisements in university student newspaper, the Varsity News.

When time is of the essence, information is released to the University Community through "safety warnings" posted prominently throughout campus, on the Department of Public Safety website, www.udmercy.edu/publicsafety, and through emails to the University list server.

CRIME PREVENTION

PURPOSE

The purpose of this policy is to educate the University of Detroit Mercy Community on proper crime prevention and safety precautions.

SCOPE

This policy applies to employees, contractors, consultants, temporary help, and other workers at Detroit Mercy, including all personnel affiliated with third parties.

POLICY

The University of Detroit Mercy maintains, enforces, and discloses to the University Community information on crime prevention programs to address the known types of criminal activity that take place on and around the University's campuses that may pose a threat to your safety. Crime Prevention Programs will be offered throughout the Fall and Winter semesters to recommend safe practices to the University Community.

Crime Prevention Programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. Detroit Mercy Department of Public Safety facilitates programs for students, parents, faculty, new employee orientations, student organizations, and community organizations. In addition, the Detroit Mercy Department of Public Safety participates in annual training programs for Resident Advisers and residents providing a variety of educational strategies and tips on how to protect themselves from sexual assault, theft and other crimes.

Tip: To enhance personal safety, program Public Safety into a one-touch button on your cell phone to quickly report campus emergencies.

INTERIM SEXUAL AND GENDER-BASED HARASSMENT POLICY AND RESOLUTION PROCESS

1. POLICY DEFINITIONS

- *Advisor:* a person chosen by a Party, or appointed by the University, to accompany the Party to meetings related to the grievance process, to advise the party on that process, and to conduct cross-examination for the Party at the hearing, if any.
- *Complainant:* A Person who is alleging sexual or gender-based harassment or discrimination based on a protected class; or alleging retaliation for engaging in a protected activity, or a person on whose behalf the University is alleging sexual or gender-based harassment or discrimination.

- *Complaint:* a document submitted or signed by the Complainant, or signed by the Title IX Coordinator, alleging sexual or gender-based harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the University conduct an investigation based on the alleged conduct.
- *Confidential Employee:* an employee of the University who is not a Mandatory Reporter. A confidential employee is licensed by a state medical licensing and regulatory board and hired by the University specifically to work in a job position which cannot be held without appropriate state medical or health licensure to perform their job duties.
- *Day:* a business day when the University is in normal operation.
- *Directly Related Evidence*: evidence connected to the complaint but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and will not be relied upon by the Investigator when writing an investigation report.
- *Education program or activity:* locations, events, or circumstances where the University exercises substantial control over both the Respondent and the context in which alleged sexual or gender-based harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University. Education programs and activities are not restricted to on campus only.
- *Final Determination:* A conclusion by preponderance of the evidence that the alleged conduct did or did not violate this University Policy.
- *Finding:* A conclusion by preponderance of the evidence that the conduct did or did not occur as in a finding of fact.
- *Formal Resolution Process:* the methods of formal resolution designated by the University to address sexual or gender-based harassment. This includes conduct described in the Title IX Regulations, 34 CFR 106.45, as consisting of any of the following five types of misconduct: sexual harassment that meets the standard of severe, pervasive, and objectively offensive; sexual assault; stalking; dating violence; and domestic violence. The University employs a separate process to address other types of sex or gender-based discrimination not listed above that include but are not limited to the following examples: sexual harassment that is either severe or pervasive; sexual exploitation; sex-based hazing, and retaliation as well as other forms of sexual violence or sexual misconduct that are not governed by 34 CFR Part 106.30. This separate process is conducted by the Dean of Students or designee at the McNichols campus; by the Associate Dean of Students or designee at the Riverfront campus; by the Associate Dean of
  Students or designee at the Corktown campus; and by the Associate Vice President of Human Resources or designee for allegations of sexual or gender-based harassment made against employee respondents.
- *Hearing officer and decision-maker:* individual with decision-making and sanctioning authority within the University's Grievance Resolution process.
- *Informal Resolution Process:* the method of informal resolution through mediation conducted by the University at the request of the Parties which may not be utilized to resolve any sexual or gender-based harassment discrimination complaints involving an employee of the University.
- *Investigator:* person or persons on the University Title IX Team, or hired by the University, to gather facts about an alleged violation of this Policy; assess relevance of evidence and credibility of witnesses in synthesizing the evidence; and compile this information into an investigation report and file of directly related evidence.
- *Mandatory Reporter:* an employee of the University who is obligated by this Policy to share knowledge, notice, and/or reports of sexual or gender-based harassment to the Title IX Coordinator or any Deputy Title IX Coordinator.
- *Notice:* Occurs when an employee, student, or third-party informs any member of the Title IX Team of the alleged occurrence of sexual or gender-based harassment and/or retaliation for a

protected activity.

- *Parties:* Complainant(s) and the Respondent(s) are referred to as the Parties.
- *Relevant Evidence:* evidence that tends to prove or disprove an issue.
- *Remedies:* post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence of sexual or gender-based harassment, and restore access to the University's educational program.
- *Respondent:* an individual who has been reported to have engaged in conduct that could constitute sexual or gender-based harassment or discrimination based on a protected class and/or retaliation for engaging in a protected activity.
- *Resolution:* the result or outcome of this University Resolution Process.
- *Sanction:* a consequence imposed by the University on a Respondent who is found to have violated this policy, or imposed on a Complainant found to have violated this policy based on a counterclaim made in good-faith response to Complainant's allegation.
- *Sexual Harassment:* unwelcome conduct that is severe, pervasive and objectively offensive and effectively denies a person access to the school's education programs or activities as well as the following terms: sexual assault; stalking; domestic violence; and dating violence.
- *Gender-based harassment:* verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the University's education or work programs or activities.
- *Title IX Coordinator:* The University Title IX Coordinator and/or any University Deputy Title IX Coordinator designated by the University to ensure compliance with Title IX and the University's Title IX program.
- *Title IX Team:* The University Title IX Coordinator and/or any University Deputy Title IX Coordinator.
- *University Community:* refers to Students; Employees; and Third Parties.

2. Rationale for Policy

The University is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation including sexual and gender-based harassment or discrimination based on a protected class. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, the University has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sexual or gender-based harassment or discrimination on the basis of protected class status, and for allegations of retaliation. The University values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

3. Non-Discrimination Statement

University of Detroit Mercy adheres to all federal, state, and local civil rights laws and regulations prohibiting discrimination in private institutions of higher education. The University does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of:

- Sex,
- Sexual orientation,
- Gender identity,
- Gender expression,
- Pregnancy,

- Family Responsibilities,
- or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, or other human/civil rights agencies.

This Policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the University community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any member of the University community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the University's non-discrimination statement.

When brought to the attention of the University, any such discrimination will be promptly and fairly addressed and remedied by the University according to the Resolution Process described below.

The University Title IX Coordinator may be contacted at titleix@udmercy.edu or 313.993.1802.

3. Applicable Scope

The core purpose of this policy is the prohibition of all forms of sexual and gender-based harassment which may involve exclusion from, or different treatment in, activities such as admission, athletics, or employment. This includes sexual harassment, sexual assault, stalking, dating violence and/or domestic violence, and retaliation.

3.a.) When an alleged violation of this Policy is reported, the Resolution Process is used to formally resolve any of the following types of alleged misconduct: sexual harassment that is severe, pervasive, and objectively offensive; sexual assault; stalking; domestic violence and/or dating violence, and retaliation.

3.b.) When an alleged violation of this Policy is reported that involves sexual harassment that is not severe, pervasive, and/or objectively offensive, but may be either severe or pervasive or involves other reported types of misconduct including but not limited to the following: sexual exploitation or sex-based hazing, the allegations are analyzed and resolved using the University Sexual Harassment Prevention Policy for employee-employee grievances; or the applicable Student Code of Conduct or Community Standards Conduct for undergraduate, graduate, law, and/or dental students, respectively.

When the Respondent is a member of the University community, a grievance or resolution process may be available regardless of the status of the Complainant who may or may not be a member of the University community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this Policy.

4. Title IX Coordinator

The Title IX Coordinator and Equity and Compliance Specialist serves as the Title IX Coordinator for the University and has the primary responsibility for coordinating the University's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sexual or gender-based harassment or discrimination based on protected class or retaliation.

5. Independence and Avoidance of Bias or Conflict-of-Interest

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

5.a.) To raise any concern involving bias or conflict of interest by the Title IX Coordinator, the University Legal Counsel should be contacted. Any other concerns of bias or potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

5.b.) Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to

the University Legal Counsel. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.

6.Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures may be made to:

Office of Title IX:

Student Union, 2nd floor Executive Suite, Rm. 285
4001 W. McNichols Rd. Detroit, MI, 48221
Phone: 313.993.1802
Email: titleix@udmercy.edu
https://www.udmercy.edu/academics/academic-affairs/titleix/

McNichols campus

Nathan Blume, Deputy Title IX Coordinator, Instructional Design, Office of Digital Education
McNichols Library, Rm. 327
Phone: 313-993-1126
Email: blumena@udmercy.edu

Adam Hollman, Deputy Title IX Coordinator, Assistant Director of Student Life
Student Union, Lower Level
Phone: 313-993-1154
Email: hollmaap@udmercy.edu

Megan Novell, Title IX Coordinator
Student Union, 2nd floor, Rm. 285
Phone: 313-993-1802
Email: novellme@udmercy.ed

Teri Kromrei, Deputy Title IX Coordinator, Associate Athletic Director & Senior Woman Administrator
Calihan Hall, Main Office
Phone: 313-575-2199
Email: kromeretl@udmercy.edu

Corktown campus

Juliette Daniels, Deputy Title IX Coordinator, Associate Dean of Student Services and Enrollment
Classroom Building, Rm. 470
Phone: 313-494-6850
Email: danieljc@udmercy.edu

Adrianna Moreno, Deputy Title IX Coordinator, Associate Director of Student Services
Classroom Building, Rm. 457
Phone: 313-464-6966
Email: katsiman@udmercy.edu

Riverfront campus
Ieisha Humphrey, Deputy Title IX Coordinator, Associate Dean, Student Affairs
Dowling Hall, Rm. 125
Phone: 313-596-0206
Email: humphrie@udmercy.edu

EXTERNAL INQUIRIES - NATIONALLY
Inquiries may be made nationally to:

U.S. Department of Education Office for Civil Rights (OCR)
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline: 800-421-3481
Facsimile: 202-453-6012
TDD: 877-521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

U.S. Department of Health & Human Services Office for Civil Rights
200 Independence Avenue, S.W.
Washington, D.C. 20201
Toll-Free Call Center: 1-877-696-6775
TDD: 1-800-537-7697
Email: OCRMail@hhs.gov

U.S. Department of Justice Civil Rights Division
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001
Phone: 202-353-1555
Toll-Free Phone: 202-514-2000
TDD /TTY:800-877-8339

EXTERNAL INQUIRIES - REGIONAL
U.S. Department of Education Office for Civil Rights
1350 Euclid Avenue
Suite 325
Cleveland, OH 44115
Telephone: (216) 522-4970
Facsimile: (216) 522-2573
Email: OCR.Cleveland@ed.gov
U.S. Equal Employment Opportunity Commission
Patrick V. McNamara Building
477 Michigan Avenue
Room 865
Detroit, MI 48226 United States
Telephone: 1-800-669-4000
TTY: 1-800-669-6820

Email: info@eeoc.gov

7. Notice/Complaints of Sexual or Gender-based Harassment or Discrimination based on Protected Class

Notice or complaints of sexual or gender-based harassment or discrimination based on protected class and/or retaliation may be made using either of the following options:

1) File a complaint with, or give verbal notice to, the University Title IX Coordinator, or any University Deputy Title IX Coordinator, using the contact information provided in 6. above.
2) Report online using the University Complaint form provided on the Office of Title IX webpage, https://www.udmercy.edu/academics/academic-affairs/titleix/

A Formal Complaint is a document filed and signed by the Complainant, or signed by the Title IX Coordinator, alleging a sexual or gender-based policy violation by a Respondent that requests that the University investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail by using the contact information provided in 6. above.

8. Supportive Measures

The University will offer and implement appropriate and reasonable supportive measures to the Parties upon notice of alleged sexual or gender-based harassment or discrimination based on protected class and/or retaliation. Supportive measures are typically offered first to a Complainant and then to a Respondent as the Complainant usually makes the first contact with the Title IX team for this purpose. Supportive measures are offered to a Respondent as quickly as possible upon notification of a Respondent's name and/or contact information.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Parties to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all parties or the University's educational environment, and/or deter sexual or gender-based harassment or discrimination based on protected class.

The Title IX Coordinator promptly offers available supportive measures to the Parties upon receiving notice of a concern or receipt of a complaint. The University will make every effort to maintain the confidentiality of the supportive measures provided that confidentiality does not impair the University's ability to provide the supportive measures. The University will also seek to ensure as minimal an academic impact on the Parties as possible. The University will endeavor to implement measures in a way that does not unreasonably burden either Party.

Supportive measures may include but are not limited to any of the following:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program for employees
- Referral to community-based service providers including crisis lines or shelters
- Student financial aid counseling
- Changes to campus housing assignment(s)
- Changes to work arrangements for employees or student-employees
- Safety planning
- Implementing contact limitations or no contact orders between the Parties
- Academic support, extensions of deadlines, or other program modifications
- Changes to class schedules; facilitation of withdrawals or leaves of absence
- Trespass or Persona Non Grata (PNG) orders
- Timely warnings
- Any other actions deemed appropriate and feasible by the Title IX Coordinator

Violations of no contact orders are referred to the appropriate department including but not limited to

Student Affairs, Human Resources, or Public Safety.

9. Emergency Removal

The University may act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis after completion of an individualized safety and risk analysis resulting in a determination that the Respondent poses an immediate threat to a Complainant or other members of the University community. The Student Concern and Care Team chair will communicate the result and basis of the behavioral and threat assessment to the Title IX Coordinator, or the referring Deputy Title IX Coordinator as soon as reasonably possible after receiving a request for completion of behavioral and threat assessment. The University will implement the least restrictive emergency actions possible which may include alternative coursework options.

A Respondent may request a meeting with the Title IX Coordinator to show cause why emergency removal should not take place. In all cases in which emergency removal is imposed, the student will receive notice of the action and information providing the option to show cause to the Title IX Coordinator as soon as reasonably possible why the action/removal should not be implemented or should be modified. Violation of emergency removal under this Policy will constitute grounds for discipline up to and including non-academic dismissal for a student. There is no appeal process of an emergency removal decision.

10. Promptness

All allegations are acted upon promptly by the University once it has received notice or a formal complaint. Complaints may take 90-120 business days to resolve. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, and the University will avoid all undue delays within its control.

If the general time frame for resolution is delayed, the University Title IX Coordinator, or Deputy Title IX Coordinator will provide written notice to the Parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

11. Privacy and Confidentiality

Alleged misconduct should be reported to the Title IX Coordinator or a Deputy Title IX Coordinator. Either the University Title IX Coordinator or a Deputy Title IX Coordinator will then assist a Complainant in understanding reporting options and will advise a Complainant of appropriate supportive measures.

Every effort is made by the University to preserve the privacy of mandatory reports and complaints. Information concerning Complainant, any named Respondent, or any witness, may not be communicated except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures. The University reserves the right to determine which University officials have a legitimate educational interest in being informed about incidents that fall within this policy pursuant to the Family Educational Rights and Privacy Act (FERPA).

12. Jurisdiction of the University

This policy applies to the education program and activities of the University as well as conduct that takes place on the campus; or on property owned or controlled by the University; at University-sponsored events; or in buildings owned or controlled by the University's registered student organizations. The Respondent must be a member of the University community in order for this Policy to apply.

Regardless of whether the Respondent is a member of the University's community, Complainant may obtain supportive measures from the University determined and arranged by the Title IX Coordinator or a Deputy Title IX Coordinator. The University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from University property and/or events.
All vendors serving the University through third-party contracts are subject to the policies and procedures of their employers.
When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator or a Deputy Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution as it may be possible to allege violations through that institution's policies.
Similarly, the Title IX Coordinator or a Deputy Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination while enrolled in or working for the University in an externship, study abroad program, or other environment external to the University where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

13. Time Limits on Reporting

There is no time limitation for disclosure or report of a potential violation of this Policy to the University Title IX Coordinator or any deputy Title IX Coordinator. If the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed since the alleged conduct, the ability of the University to investigate, respond, and provide remedies may be limited or impossible. Any such limitation will not impede the ability of the University to offer supportive measures and/or remedies to a Complainant. When disclosure or notice is affected by significant time delay, the University will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice or disclosure.

14. Online Harassment and Misconduct Relating to Sexual and Gender-based Harassment

The policies of the University are written and interpreted broadly to include online manifestations of any of the behaviors prohibited and described below when those behaviors occur in, or have an effect on, the University's education program and activities, or use the University's networks, technology, or equipment. Prohibited online harassment and misconduct may include but is not limited to the following: sharing of inappropriate content via social media, sexual or sex-based messaging including unwelcome sexting, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the University community. This may also include threats of stalking, domestic violence, or domestic violence. Although alleged online harassment and misconduct relating to sexual or gender-based harassment is reported as having been made on social media, blogs, or other digital forms of media that cannot be controlled by the University, the University will engage in a variety of means to address and mitigate the effect of such communications. This includes application of the University ITS Acceptable Use & Security Policy linked here: https://www.udmercy.edu/about/its/policies/files/its-0028.pdf

15. Policy on Discriminatory Sexual and Gender-based Harassment

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. All policies accompany actual or attempted offenses.

a. Discriminatory Harassment

Discriminatory harassment constitutes a form of discrimination that is prohibited by this Policy. The

University does not tolerate discriminatory harassment of any employee, student, visitor, or guest and will act to remedy all forms of harassment when reported whether or not the harassment rises to the level of creating a "hostile environment."
A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive ***and*** objectively offensive. When discriminatory harassment rises to the level of creating a hostile environment, the University may also impose sanctions on the Respondent through application of the University Sexual Harassment Prevention Policy for allegations concerning employees.

b. Sexual Harassment

Sexual Harassment includes sexual harassment, sexual assault, stalking, domestic violence and dating defined below:
Conduct or attempted conduct on the basis of sex/gender or that is sexual that satisfies one or more of the following:

1. Quid Pro Quo: this type of sexual harassment may only be engaged in by
   a. an employee of the University, and,
   b. explicitly or implicitly conditions the provision of an aid, benefit, or service
   c. on an individual's participation in unwelcome sexual conduct; and/or,

2.Sexual harassment which is defined as:
   a. unwelcome conduct,
   b. determined by a reasonable person,
   c. to be so severe, and
   d. pervasive, and
   e. objectively offensive,
   f. that it effectively denies a person equal access to the University's education program or activity.

3. Sexual assault is defined as:

a. Any attempted or actual sexual act directed against another person without their consent including instances where the party is incapable of giving consent. Sexual assault can occur between individuals of the same or different sexes.
b. Forcible Sex Offenses are defined as:
   i. Any sexual act directed against another person, ii. without the consent of the Complainant, iii. including instances in which the Complainant is incapable of giving consent.
   iv. Rape: the carnal knowledge of a person obtained without their consent including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental of physical incapacity;
   v. Sodomy: Oral or anal sexual intercourse with another person, without the consent of the person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
   vi. Sexual assault with an object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent or physical incapacity;
   vii. Fondling: the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. viii. Incest:
      i. Non-forcible sexual intercourse,

ii. between persons who are related to each other,
iii. within the degrees wherein marriage is prohibited by Michigan law.

ix. Statutory Rape:

iv. Non-forcible sexual intercourse,
v. with a person who is under the statutory age of consent of 16 in Michigan.

4. Dating Violence is defined as:

a. violence,
b. on the basis of sex,
c. committed by a person,
d. who is in or has been in a social relationship of a romantic or intimate nature with the person subjected to this type of violence,
   i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
   ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
   iii. Dating violence does not include acts covered under the definition of domestic violence.

5. Domestic Violence is defined as:

a. violence,
b. on the basis of sex,
c. committed by a current or former spouse or intimate partner of the person subjected to this type of violence, or
d. by a person with whom a child is shared in common, or
e. by a person who is cohabitating with, or has cohabitated with, as a spouse or intimate partner, or
f. by a person similarly situated to a spouse under the domestic or family violence laws of Michigan, or
g. by any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of Michigan.
h. An intimate partner is defined as an individual with whom one has or had a short- or long-term relationship that provides romantic and/or physical intimacy or emotional dependence. Intimate relationships can occur between individuals of the same gender or different genders and may include, but are not limited to, marriages, civil unions, dating relationships, "hook-up" relationships, relationships in which partners are characterized as "girlfriends" or "boyfriends", and relationships between individuals with a child in common.

6. Stalking is defined as:

a. engaging in a course of conduct,
b. on the basis of sex,
c. directed at a specific person, that
   i. would cause a reasonable person to fear for the person's safety, or ii. the safety of others; or iii. suffer substantial emotional distress.

For the purposes of this definition—

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

v. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
vi. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

c. Consensual Relationships

The *University Sexual Harassment Prevention Policy* includes the following Consensual Relationship language incorporated within this Policy:

A. In General. There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions of power. In the University context, such positions include but are not limited to teacher and student, supervisor and employee, senior faculty and junior faculty, mentor and trainee, teaching assistant and student, coach and athlete, preceptor and student, staff and student, and the individuals who supervise the day-to-day student living environment and student residents. These relationships may, moreover, be less consensual than the individual whose position confers power beliefs. The relationship is likely to be perceived in different ways by each of the parties to it, especially in retrospect. The asymmetry of the relationship can lead to a potentially exploitative relationship. Where such a relationship exists, the University will in general be unsympathetic to a defense based upon consent when the facts establish that a professional staff-student, supervisor-employee, senior faculty- junior faculty, mentor-trainee, teaching assistant-student, preceptor-student, or supervisor-student resident power differential existed within the relationship.
B. With Students. Romantic and/or sexual relationships between faculty and student, even mutually consenting ones, are a basic violation of professional ethics and responsibility when the faculty member has any responsibility for the student's academic performance or professional development. For the foregoing reasons, all romantic and/or sexual relationships between faculty and students in the instructional context are prohibited. No faculty member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who is enrolled in a course being taught by the faculty member or whose academic work is being supervised, directly or indirectly, by the faculty member. Romantic and/or sexual relationships between faculty and students that occur outside of the instructional or supervisory context may also lead to difficulties. The asymmetry of the faculty-student relationship can lead to a potentially exploitative relationship. Where such a relationship exists, the University will in general be unsympathetic to a defense based upon consent when the facts establish that a professional faculty-student, staff, student, or coach-student power differential existed within the relationship.

The University reserves the right to impose any level of sanction ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

d. Force, Coercion, Consent, and Incapacitation

- Force: the use or threat of physical violence to overcome an individual's freedom of will to choose whether to participate in sexual activity.
- Coercion: unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. Coercion can include a wide range of behaviors including manipulation, pressuring, and cajoling. Words or conduct may constitute coercion if they impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. When someone makes clear that they do not want to engage in certain sexual activity, 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 constitute coercion.
- Consent: communication that is clear, knowing, and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent may be given by words or actions, as long as those words or actions create mutually understandable

clear permission regarding willingness to engage in, and the conditions of, sexual activity. Consent to some sexual contact such as kissing, or fondling cannot be presumed to be consent for other sexual activity such as intercourse. The existence of a current or previous intimate relationship is not sufficient to constitute consent.

- Incapacitation: Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because that individual lacks conscious knowledge of the nature of the act sufficient to understand the who, what, where, when why or how of the sexual interaction, and/or is physically helpless. An individual is also considered incapacitated, and therefore unable to give consent, when asleep, unconscious, or otherwise unaware or uncertain that sexual activity is occurring. Incapacitation may also result from the use of alcohol and/or other drugs. Being intoxicated or impaired by drugs or alcohol is never an excuse and does not diminish the responsibility to obtain consent.

e. Other Types of Sexual or Gender-based Harassment or Misconduct Governed by Other University of Detroit Mercy Policies; Codes of Conduct; or Codes of Community Standards

In addition to the forms of sexual harassment described under **b., Sexual Harassment,** above, which are covered by Title IX, the University also prohibits the following offenses as forms of sex and gender-based harassment that may be within or outside of Title IX and may include actions based upon an individual's actual or perceived membership in a protected class. They include but are not limited to the following:

1. Sexual exploitation is defined as taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:

1a. Sexual voyeurism is defined by conduct including observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts without the consent of the person being observed;

1b. Invasion of sexual privacy;

1c. Taking photos, video, or audio recording of another in a sexual act, or in any other sexually- related activity when there is a reasonable expectation of privacy during the activity, and/or without the consent of all involved in the activity, or exceeding the boundaries of consent such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent, including the making or posting of revenge pornography;

1d. Prostituting another person;

1e. Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the infection;

1f. Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity;

1g. Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections;

1h. Emotionally blackmailing or forcing a person to take an action against that person's will by

threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity;

1i. Knowingly soliciting a minor for sexual activity;

1j. Engaging in sex trafficking;

1k. Knowingly possessing, or disseminating child pornography;

1l. Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;

1m. Discriminatory harassment that is sex or gender-based and is not categorized or listed above, but may consist of actions that deprive, limit, or deny educational or employment access, benefits, or opportunities to students or employees or potential students or employees.

1n. Bullying that is repeated and/or severe and involves aggressive behavior that is likely to intimidate or intentionally hurt, control, or diminish another person physically and/or mentally;

1o. Intimidation that consists of explicit or implicit threats or acts that cause an unreasonable fear of harm in another.

2. Hazing includes sex-based acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to admission, initiation, pledging, joining, or any other group-affiliation activity.

3. Violation of any other University policies may also constitute sex or gender-based discrimination when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed prohibited conduct may range from reprimand to expulsion/termination.

f. Retaliation

No individual may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this Policy or because an individual has made a report or formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Retaliation can be committed by or against any individual or group of individuals and not just a Respondent or Complainant.

The University retains the right to charge an individual for making a materially false statement in bad faith during the course of an investigation, proceeding, or hearing under this policy, but will not conclude that any individual has made a materially false statement in bad faith solely based on the determination regarding responsibility.

Suspected retaliation should be reported immediately to a member of the Title IX Team. The University will take all and appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

16. Mandatory Reporters

With the exception of licensed psychotherapists and nurse practitioners acting in the capacity for which they were hired by the University, all University employees (faculty, staff, administrators) are expected to report actual or suspected sexual or gender-based harassment or discrimination based on protected class to the

Title IX Coordinator or a Deputy Title IX Coordinator. Mandatory Reporters include University Resident Advisors and the University Multicultural Peer Advisor.
Mandatory Reporters must promptly contact the Title IX Coordinator or a Deputy Title IX Coordinator to share all known details of a disclosure shared with them in the course of their employment.
Generally, disclosures made in classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" do not provide notice that must be reported to the Title IX Coordinator by employees unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the University.
The failure of a Mandatory Reporter to report an incident of sexual or gender-based harassment or discrimination based on a protected class of which they become aware constitutes a violation of University policy and can result in disciplinary action for failure to comply.

17. Confidential Resources: On Campus and Off Campus

A complainant may contact a Confidential Resource on, or off campus as listed below:

On-campus resources
On-campus confidential resources consist of licensed psychotherapists and nurse practitioners working at the Wellness Center or Dental School's Office of Health and Wellness.

Wellness Center:

Marjorie Lang, JD, MA, LPC
313-578-0496
langma@udmercy.edu

Kevin May, MA, LPC, CAADC
313-993-1562
maykm1@udmercy.edu

Emily Wisler, MA, LPC
313-993-1170
wislerem@udmercy.edu

Dental School, Office of Health and Wellness:
Bailey Andersen,
313.494.6938,
anderstb@udmercy.edu

Off-campus resources
Off-campus confidential resources include licensed health care and medical professionals and include but are not limited to the following southeastern Michigan resources:

Common Ground
800-231-1127
www.commonground.org

HAVEN
801 Vanguard Drive, Pontiac, MI 48343

877-922-1274
https://www.haven-oakland.org/

Victim Assistance Services
Oakland County Prosecutor's Office
248-858-0707

End Violent Encounters (EVE) 24-hour Hotline
517-372-5572 EVE is a confidential community-based program providing supportive services to survivors of domestic abuse and sexual violence.

Wayne County SAFE
2727 Second Avenue, Detroit, MI 48201
313.964.9701

Health care professionals are required to maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

18. When a Complainant Does Not Wish to Proceed with the Resolution Process

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator or a Deputy Title IX Coordinator who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with federal and state laws.
The Title IX Coordinator or a Deputy Title IX Coordinator will determine whether the University will proceed if the Complainant does not wish to do so. In such instance, the Title IX Coordinator may not sign a Formal Complaint to initiate the Formal Resolution Process until receipt of the conclusion of a violence and threat risk assessment completed by the Student Concern and Care Team.
If the Title IX Coordinator prepares and signs a Formal Complaint, the Title IX Coordinator does not become the Complainant as the Title IX Coordinator is not the individual who is alleged to have experienced the conduct that could constitute a violation of this Policy. The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the University's ability to pursue a Formal Resolution Process fairly and effectively.
The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the University to pursue formal action to protect the community. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence.

19. Federal Timely Warning Obligation

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, the University must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.
The University will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

20. False Allegations and Evidence

Deliberately false and/or malicious accusations of allegations made under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.
Parties or witnesses knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation is subject to discipline under University policy.

21. Amnesty for Good Faith Reporting by Complainants and Witnesses

The University will not pursue disciplinary action against student Complainants or witnesses for disclosure of personal consumption of alcohol or other drugs whether underage or illegal if the disclosure is made in connection with a disclosure of a potential violation of this Policy. The University strongly encourages the reporting of prohibited conduct under this Policy. It is in the best interest of this community that Complainants report to university officials and that participants in the grievance process are forthright in sharing information.
To guard against discouraging reporting or participation, a student who reports or participates in the grievance process, either as a Complainant, Respondent, or a witness, will not be subject to disciplinary action by the University for personal consumption of alcohol or drugs or violations of other University policies in effect at the time of the incident provided that any such violations did not and do not place the health or safety of any other person at risk and do not involve plagiarism, cheating, or academic dishonesty. The University may, however, initiate an educational discussion or pursue other educational remedies with the student regarding alcohol or other drugs. Being intoxicated by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's responsibility to obtain consent.
Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution.

22. Federal Statistical Reporting Obligations

University of Detroit Mercy and all higher education institutions that receive federal funding are obligated to publicly issue an Annual Security Report ("ASR") which identifies the number of particular reported crimes on campus or campus property, or adjacent to campus. The ASR does not include identifying information about the Complainant or Respondent.
Crime Log All higher education institutions that have campus police forces or security departments must maintain a daily crime log that includes entries for all crimes that occur within both the Clery geography and the campus police force's regular patrol route. The crime log does not include identifying information about the Complainant or Respondent.

23. Preservation of Evidence

The preservation of evidence related to sexual assault is necessary for potential criminal prosecution and to obtaining restraining orders and is time sensitive. The University will inform the Complainant of the importance of preserving evidence by taking the following actions:

1. Seek forensic medical assistance at a local hospital or contact Wayne County SAFE at 313.413.8000, their crisis pager line, or call the general line at Wayne County SAFE at 313.964.9701 within 120 hours of assault, or less time if possible.
2. Avoid showering, bathing, washing hands or face, or douching if possible but evidence may still be collected even if this occurs.
3. Try not to urinate.
4. If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.

5. If clothes are changed, place soiled clothes in a paper bag and not a plastic bag which destroys evidence or secure evidence container.
6. Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

INTERIM RESOLUTION PROCESS: FORMAL AND INFORMAL RESOLUTION (PROCESS A AND PROCESS B, RESPECTIVELY)

1. Overview

1. The University provides a formal resolution process known as Process A which is described below in 1a. Based on U.S. CFR 106.30, certain types of alleged sexual or gender-based harassment or discrimination of a member of a protected class are not included in this Formal Resolution Process and are instead regulated by separate formal resolution processes at the University that apply on the McNichols campus for undergraduate and graduate students; on the Riverfront campus for law students; and on the Corktown campus for dental students. Links to separate formal resolution processes are described below in 1b. Additionally, based on U.S. CFR 106.30, certain types of alleged sex and gender-based harassment involving employees are not regulated by Process A. Links to employee formal resolution processes are described below in 1b.

a. The University will act on any formal or informal notice or complaint made under this Policy alleging sexual harassment; sexual assault; stalking; domestic violence or dating violence that is governed by U.S. Code of Federal Regulation, CFR 106.30 by application of this formal resolution process known as Process A.

b. For allegations of sex or gender-based harassment that are not governed by U.S. Code of Federal Regulation, CFR 106.30, the University will utilize separate University processes that apply to the types of sexual harassment and/or other conduct not governed by U.S. Code of Federal Regulation, CFR 106.30 and CFR 106.45. The University processes are listed below:

1. For complaints involving employee respondents, the University Sexual Harassment Prevention Policy applies: https://www.udmercy.edu/faculty-staff/hr/files/Sexual_Harassment_Policy.pdf

2. For complaints involving undergraduate or graduate student respondents, the Student Code of Conduct found in the Student Handbook applies: https://www.udmercy.edu/life/policies/files/Student_Handbook.pdf

3. For complaints involving law school student respondents, the Detroit Mercy School of Law Community Standards Code applies: https://lawschool.udmercy.edu/_files/pdf/students/Community%20Standards%20Code.pdf
4. For complaints involving dental student respondents, the Dental Mercy School of Dentistry Academic Policy Handbook applies: https://dental.udmercy.edu/_files/pdf/Academic_Policies_Handbook.pdf

c. Each of the applicable University Codes listed above also may be used to resolve allegations of collateral misconduct such as vandalism or physical abuse of another as two non-exhaustive examples of conduct or a pattern of behavior that may occur in conjunction with resolution of alleged sexual or gender-based harassment or discrimination of a member of a protected class.

d. Complainants and Respondents who desire the assistance of the University in facilitating informal resolution of an allegation of sexual or gender-based harassment or discrimination of a member of a

protected class may elect to proceed under Process B, Informal Resolution, with one exception. Process B may not be utilized to resolve sexual or gender-based harassment or discrimination of a member of a protected class alleged against an employee respondent by a student complainant.

2. <u>Notice/Complaint</u>

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the University will conduct a prompt initial assessment to determine the next steps that the University will need to take. The University will initiate at least one of three responses:

a. Offering supportive measures because the Complainant does not want to file a Formal Complaint;
b. Implementation of Formal Resolution Process including an investigation and a hearing (Process A) upon submission of a Formal Complaint;
c. Implementation of Informal Resolution Process Through Mediation (Process B) upon submission of a Formal Complaint.

The University uses the Formal Resolution Process (Process A) to determine whether or not the policy has been violated. If so, the University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual or gender-based harassment or discrimination of a member of a protected class, their potential recurrence, or their effects.

3. <u>Initial Assessment</u>

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator, or a Deputy Title IX Coordinator, will engage in an initial assessment within seven business days of receipt of notice or complaint typically within one to five business days. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator, or a Deputy Title IX Coordinator, seeks to determine if the person impacted wishes to make a formal complaint and will assist them to do so if desired.
    - If they do not wish to do so, the Title IX Coordinator, or a Deputy Title IX Coordinator, determines whether to initiate a complaint in such cases where a violence and threat risk assessment indicates a compelling threat to the health and/or safety of the Complainant or University community.
- If a formal complaint is received, the Title IX Coordinator, or a Deputy Title IX Coordinator, works with the Complainant to make sure that the complaint is completed and then assesses its sufficiency as required by CFR 106.30.
- The Title IX Coordinator, or a Deputy Title IX Coordinator, reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator, or a Deputy Title IX Coordinator, works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator, or a Deputy Title IX Coordinator, works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
    - If a supportive and remedial response is preferred, the Title IX Coordinator, or a Deputy Title IX Coordinator, works with the Complainant to identify their wishes, then assesses the request and facilitates implementation of requested measures.
    - If the Complainant prefers informal resolution as an option for resolving an allegation of potential sexual or gender-based harassment or discrimination of a member of a protected class, the Title IX Coordinator, or a Deputy Title IX Coordinator, assesses whether the complaint may be resolved informally and contacts the Respondent to discuss Process B, Informal Resolution, and determine if the Respondent is interested in engaging in informal resolution facilitated by the University.

- If a Formal Resolution Process is preferred by the Complainant, the Title IX Coordinator, or a Deputy Title IX Coordinator, determines if the alleged misconduct falls within the scope of Title IX:
  - If it does, the Title IX Coordinator, or a Deputy Title IX Coordinator, will initiate the formal investigation and grievance process, directing the investigation to address:

- an incident, and/or
- a pattern of alleged misconduct, and/or
- a culture/climate issue, based on the nature of the complaint.
  - If it does not, the Title IX Coordinator, or a Deputy Title IX Coordinator, determines that the 2020 Title IX regulations do not apply (and will "dismiss" that aspect of the complaint, if any), assesses which policies may apply and will refer the Complainant for resolution under other applicable University processes available to undergraduate and graduate students; law students; dental students; and employees.
  - Dismissal of a complaint under the 2020 Title IX regulations does not limit the University's authority to address a complaint of sexual or gender-based harassment or discrimination of a member of a protected class as described above in 1b. Dismissal of a complaint under the 2020 Title IX regulations is solely a procedural requirement under Title IX and does not limit the University's authority to address a complaint with an appropriate process and remedies.

4. <u>Mandatory Dismissal</u>

Based upon 34 CFR Part 106, the University <u>must</u> dismiss a formal complaint, or any allegations contained within the complaint after intake meeting with the Complainant, it is determined that the conduct alleged in the formal complaint would not constitute sexual harassment as defined in the

Policy even if proved; and/or

a. The conduct did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations), and/or the University does not have control of the Respondent; and/or
b. The conduct did not occur against a person in the United States; and/or
c. At the time of filing a formal complaint, the complainant is not participating in or attempting to participate in the education program or activity of the University.

5. <u>Discretionary Dismissal</u>

The University <u>may</u> dismiss a formal complaint, or any allegations contained within the complaint if at any time after intake meeting with the Complainant, any of the following occurs:

a. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint including any or all of the allegations included in the complaint; or

b. The Respondent is no longer enrolled in or employed by the University;

c. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination of the allegations contained in the Formal Complaint.

Upon dismissal for mandatory or permissive grounds, the University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the Parties at their University email addresses. Either a mandatory or discretionary dismissal decision is appealable by any Party under the procedures for appeal below. If a Complainant decides to withdraw a complaint, they may later request to reinstate or refile it.

6. Counterclaims

The University is obligated to ensure that the resolution process is not used for retaliatory purposes. The University permits filing of counterclaims after completing an initial assessment to determine whether the allegations in the counterclaim appear to be made in good faith. Counterclaims by a Respondent may be made in good faith but also may instead be made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined by the Title IX Coordinator, or a Deputy Title IX Coordinator, to have been reported in good faith may be processed with the underlying allegation, or after resolution of the underlying initial allegation.

7. Right to an Advisor During Formal Resolution Process and Necessity for an Advisor at Hearing

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.
Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of- interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing officer and may result in the need for a different Advisor to conduct cross-examination at the hearing.
The University may permit parties to have more than one Advisor upon special request made to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator, or Deputy Title IX Coordinator, and will be granted equitably to all parties.

a. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the University community.

The Title IX Coordinator, or Deputy Title IX Coordinator, will also offer to assign a trained Advisor if a Party has not selected and obtained an Advisor on their own by the time of the hearing or scheduling of the hearing.

b. Advisor's Role in Meetings and Interviews

The Parties may be accompanied by their Advisor to all meetings and interviews at which the Party is entitled or asked to be present including intake and interviews. Advisors should help Parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

If one Party selects an Advisor who is an attorney, but the other Party opts not to do so or cannot afford an attorney, the University will appoint a trained internal Advisor, an employee of the University, and typically a member of the Title IX Team. The General Counsel of the University cannot serve as an Advisor for any party.

c. Advisors in Hearings/University-Appointed Advisor

Cross-examination is permitted during the hearing and must be conducted by a Party's Advisor. The parties are not permitted to conduct cross-examination of each other or any witnesses. If a Party does not have an Advisor for a hearing, the University will appoint a trained Advisor, typically a member of the Title IX Team, strictly for the purpose of conducting cross-examination at the hearing. A brief adjournment may take place to allow time for an Advisor to be contacted by the Party, or alternatively, by the Title IX Coordinator, or a Deputy Title IX Coordinator, if the Party refrains from contacting an advisor. An adjournment for this purpose should not exceed more than two business days to allow time to obtain an Advisor for either Party.

A Party may reject this appointment and choose their own Advisor but may not proceed at the hearing without an Advisor. If the Party's Advisor will not conduct cross-examination, the University will appoint an Advisor who will conduct cross-examination of the other Party and the other Party's witnesses.

d. Advisor Professionalism

An Advisor who oversteps their role as defined by this Policy will receive a warning and instruction from the hearing officer to refrain from engaging in any objectionable or unprofessional behavior. If an Advisor disrupts or continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting or hearing will be ended and rescheduled until such time as the Advisor agrees to meet required standards of professionalism.

e. Sharing Information with the Advisor

The University expects that the parties may wish to have the University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor, or other individuals if they wish, as doing so may help the parties to readily participate in the resolution process.

The University will provide a consent form that authorizes the University to share information directly with a Party's Advisor. The parties must complete and submit this form to the Title IX Coordinator

f. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. Shared records may not be shared with third parties, disclosed publicly, or used for purposes not consistent with this resolution process.

g. Expectations of an Advisor

The University expects an Advisor to attend meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend if doing so does not cause an unreasonable delay.

h. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the grievance process. The parties are expected to provide timely notice to the Title IX Coordinator, or Deputy Title IX Coordinator, if they change Advisors at any time. If a Party changes Advisors, consent to share information with the previous Advisor is terminated, and a release and confidentiality agreement for the new Advisor must be signed by the new Advisor. Parties are expected to inform the Title IX Coordinator of the identity of a new Advisor at least two calendar days before their scheduled hearing date.

8. <u>Resolution Processes: Formal Resolution (Process A) and Informal Resolution (Process B)</u>

An expectation of confidentiality is core to resolution processes under this Policy. Resolution proceedings are not open to members of the University community or individuals outside the University who are not serving as an Advisor or providing testimony as a witness. Parties have discretion to share their own knowledge and evidence with others if they so choose with the exception of information the Parties agree not to disclose related to Informal Resolution or Process B which is first described below.

a. <u>Procedure for Informal Resolution through Mediation</u>

A Complainant must first submit a Formal Complaint to the Office of Title IX to express interest in resolving an allegation of sexual or gender-based harassment or discrimination of a member of a protected class using mediation facilitated by the Title IX Coordinator or designee. A Respondent may also contact the Title IX Coordinator, or respond to the Title IX Coordinator's contact, to express interest in Informal Resolution and may do so by emailing the Title IX Coordinator.

Informal Resolution may include Complainant's preference and request for Supportive Measures only to

remedy the situation.

1. Prior to commencing Informal Resolution through Mediation, the University will provide the Parties with written notice of the reported misconduct alleged by either Complainant or Respondent.
2. Informal Resolution through Mediation may not be commenced without voluntary, signed written confirmation provided by the Parties to the Title IX Coordinator, or Deputy Title IX Coordinator, indicating that they wish to resolve the matter through Informal Resolution.
3. Informal Resolution through Mediation will not be scheduled for a minimum of three business days after the Title IX Coordinator, or Deputy Title IX Coordinator, receives and reviews signed Consent to Informal Resolution through Mediation.
4. Informal Resolution through Mediation may not be used for resolution of a student complainant allegation made against an employee respondent.
5. In some instances, a Respondent may wish to accept responsibility for alleged violation(s) of this Policy and may propose sanctions and/or remedies. In these instances, the Title IX Coordinator, or Deputy Title IX Coordinator, will review the Respondent's proposed sanctions and/or remedies to determine the suitability of Informal Resolution through Mediation and will send Respondent's proposed sanctions and/or remedies to Complainant to review to consider before scheduling Mediation.
6. Mediation will typically consist of 1-3 meetings facilitated by the Title IX Coordinator or designee and held with the Parties to discuss the alleged violations and to explore potential sanctions and/or remedies.
7. If Mediation results in agreement by the Parties as to responsibility and/or proposed sanctions and/or remedies, the Title IX Coordinator, or Deputy Title IX Coordinator, will prepare Informal Resolution Mutual Agreement (IRMA) for review and signature by Parties.
8. The Informal Resolution Mutual Agreement may be reviewed and signed by the Parties during a Mediation meeting or within five business days after the final Mediation meeting.
9. If all Parties do not sign the Informal Resolution Mutual Agreement and return it by email to the Title IX Coordinator within five business days after the final Mediation meeting, the Formal Resolution Process will either commence or resume at the stage of process where it was paused
10. Sanctions stemming from a signed Informal Resolution Mutual Agreement (IRMA) are promptly implemented by the Title IX Coordinator, or Deputy Title IX Coordinator, to stop the alleged discrimination, prevents its recurrence, and remedy the effects of the discriminatory conduct on the complainant and University community.
11. Informal Resolution through Mediation is not subject to appeal by either Party.

b. <u>Formal Resolution Process: Notice of Investigation and Allegations (NOIA)</u>

The Title IX Coordinator or designee will provide written notice of the investigation and allegations (the "NOIA") to the Respondent to commence the Formal Resolution Process (Process A). This facilitates the Respondent's ability to identify and choose an Advisor; prepare for intake meeting with the Title IX Coordinator and prepare for subsequent investigation interview(s). The Title IX Coordinator will email Notice of Investigation and Allegations (NOIA) to the Respondent and will copy the Complainant on the NOIAA email. The NOIA sent to Respondent will include:

- A meaningful summary of all allegations;
- The identity of the involved parties (if known);
- The precise misconduct being alleged;
- The date and location of the alleged incident(s) (if known);
- The specific policies implicated;
- A description of the applicable procedures;

- A statement of the potential sanctions/responsive actions that could result;
- A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination;
- List of available support measures described in 8. of Interim Policy;
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period;
- A statement about the University policy on retaliation;
- Information about the privacy of the process;
- Information on the need for each party to select an Advisor of their choosing and suggestions for ways to identify an Advisor;
- A statement informing the parties that the University's Policy prohibits knowingly making false statements and knowingly submitting false information during the resolution process;
- Detail on how either Party may request disability accommodations during the interview process;
- The name(s) of the assigned Investigator(s);
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations.

9. Resolution Timeline

The University will make a good faith effort to complete the Formal Resolution Process within 90-120 calendar days including appeal which can be extended as necessary for appropriate cause by the Title IX Coordinator, or Deputy Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time is needed to complete the process.

10. Appointment of Investigators

Once the decision to commence a Formal Resolution Process is made, the Title IX Coordinator, or Deputy Title IX Coordinator, will select an appropriate Investigator from the Title IX Team, or external to the University, and will notify the Parties of the Investigator at the time the NOIA is emailed to them. The Title IX Coordinator, or Deputy Title IX Coordinator, may serve as default investigator if no other investigator is readily available to commence prompt formal grievance resolution.

11. Conflict of Interest or Bias

Any individual materially involved in the administration of this Formal Resolution Process including the Title IX Coordinator, Investigator(s), and Decision-maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator, or Deputy Title IX Coordinator, will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the Formal Resolution Process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator, or Deputy Title IX Coordinator, will determine whether the concern is reasonable and supportable.

Any concerns of conflict of interest or bias by the Title IX Coordinator should be raised with the University Legal Counsel.

The Formal Resolution Process involves an objective evaluation of all relevant evidence. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The University presumes that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

12. Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, or potential police involvement or concurrent police investigations. The University will make a good faith effort to complete investigations as promptly as circumstances permit and the Title IX Coordinator, or other members of the Title IX Team, if the Title IX Coordinator serves as the Investigator, will communicate regularly with the Parties to update them on the progress and timing of the investigation.

13. Unavoidable delays in the Investigation Process

The University may undertake a short delay in its investigation from several days to a few weeks if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of available parties and/or witnesses, and/or accommodations for disabilities or health conditions. The University will implement, or continue to implement, supportive measures as deemed appropriate during any delay of the Investigation Process included within the Formal Resolution Process. The University will email the Parties regarding any anticipated duration and provide them reason for such duration.

14. Formal Resolution Procedure – Investigation Stage

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.
All parties have a full and fair opportunity through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.
As part of an investigation, the Investigator completes the following:

- Allow each Party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses'
- Document in the investigation report which questions were asked with a rationale for any changes or omissions;
- Endeavor to complete the investigation within 30 business days and provide regular status updates to the Parties every two weeks during the investigation;
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence including appendices referring to or including relevant physical or documentary evidence;
- Prior to the conclusion of the investigation, first provide the Parties the evidence relied upon during the investigation and next provide the Parties a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The Parties may elect to waive the full ten days permitted to review the evidence and may also elect to waive the

full ten days to review and comment on the investigation report. Each copy of shared materials will be watermarked on
each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).

- The Investigator(s) may elect to respond in writing in the investigation report to the Parties' submitted responses and/or to share the responses between the parties for additional responses;
- The Investigator(s) will incorporate relevant elements of the Parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period;
- The Investigator(s) may share the investigation report with the Title IX Coordinator and/or with University legal counsel for their review and feedback if the investigation is completed by the Title IX Coordinator;
- The Investigator will incorporate any relevant feedback, and the final report is then shared with the Parties through secure electronic transmission or hard copy at least ten (10) business days prior to the scheduled hearing. The Parties are also provided with a file or appendix of any directly related evidence that was not included in the report.
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15. Role and Participation of Witnesses in the Investigation

Witnesses who are employees of the University are expected to cooperate with and participate in the University Formal Resolution Process. Failure of such witnesses to cooperate with and/or participate in the Formal Resolution Process constitutes a violation of policy and may warrant discipline.
Investigation interviews may be conducted virtually or in-person and notice of either interview format will be communicated to Complainant and Respondent when Notice of Investigation and Allegations (NOIA) is sent. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews. Occasionally, a Witness may ask the investigator if they can provide a written statement in lieu of an investigation interview and, if this occurs, the Witness may choose to respond to written questions if deemed appropriate by the Investigator(s). This is not preferred as CFR 106.45 does not allow a written statement prepared by a witness to be used as evidence at a hearing as it eliminates the opportunity and requirement for cross-examination unless the witness appears at the hearing and cooperates with cross-examination.

16. Recording of investigation Interviews

No unauthorized audio or video recording of any kind by a Party, Witness, or Advisor is permitted during investigation meetings. The investigator(s) must first instruct Parties of intent to record an in-person investigation interview before starting the interview. Investigation interviews conducted in person will not be automatically recorded and are only likely to be recorded if a second investigator/note-taker is not available. The investigator will record all virtually conducted interviews.

17. Evidentiary Considerations in the Investigation

As required by CFR 106.45, an investigator may not consider: 1) incidents not directly related to the possible violation unless they evidence a pattern; or 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or, if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

18. <u>Notice of Hearing (NOH)</u>

a. Title IX Coordinator Notification to Hearing Officer and Parties

After the investigation is completed and investigation report prepared, the Title IX Coordinator, or Deputy Title IX Coordinator, will send Notice of Hearing to the Parties.

Barring request for expedited timeline communicated in writing by all Parties, a hearing cannot be scheduled and cannot take place fewer than 10 calendar days from the date the final investigation report is transmitted to the parties and their Advisors.

The Title IX Coordinator, or a Deputy Title IX Coordinator, will select an appropriate Hearing Officer and Decision-maker from the Title IX Team, or external to the University, and will notify the Parties of the Hearing Officer at the time the Notice of Hearing is emailed to them.

Any objection to the assigned or selected Hearing Officer must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator within five business days of sending of the Notice of Hearing by the Title IX Coordinator. The Hearing Officer will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest may preclude an impartial hearing of the allegation(s) for either or both Parties.

The Title IX Coordinator will provide the Hearing Officer a list of the names of all Parties, Witnesses, and Advisors at least five business days in advance of the hearing so that the Hearing Officer will have the option to decline to serve as Hearing Officer if they believe that it may not be possible to make an objective determination of responsibility.

Allegations involving student-employees for conduct alleged to have occurred in the context of their employment will be directed to the appropriate Hearing Officer depending on the context and nature of the alleged misconduct.

b. Content of Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator will send notice of the hearing to the Parties. Once emailed, notice is presumed delivered.

The notice will contain:

- Alleged conduct violations: a description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result;
- Date and location: the time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities;
- Technology: any technology that will be used to facilitate the hearing, and ability of the Parties to access the recording after the hearing;
- Separate rooms option: information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Hearing Officer and parties to see and hear a Party or Witness answering questions. Such a request must be emailed to the Title IX Coordinator at least five (5) calendar days prior to the hearing;
- Witness List: A list of all those who will attend the hearing, along with an invitation to object to the Hearing Officer on the basis of demonstrated bias. Such an objection must be emailed to the Title IX Coordinator at least two (2) calendar days prior to the hearing;
- Lack of availability: A statement that if any Party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the Party's or Witness's testimony and any statements given prior to the hearing will not be considered by the Hearing Officer who may reschedule the hearing for compelling reasons.
- Advisor: Parties are notified that they must have an Advisor at the hearing and that if they do not have an Advisor or no longer have an Advisor, the University will obtain an advisor for them from the Title IX Team.

- Accommodations: Contact the Title IX Coordinator at least seven (7) business days prior to the hearing to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing.

19. Role of Title IX Coordinator at Hearing

The Title IX Coordinator, or a Deputy Title IX Coordinator not serving as investigator, may serve as an administrative facilitator of the hearing if the Parties agree that it does not pose a conflict of interest.

20. Evidentiary Considerations in the Hearing

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. At both investigation and hearing stage, the Formal Resolution Process does not allow consideration of the following: 1) incidents not directly related to the possible violation unless they evidence a pattern; or 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

The Parties may each submit a written impact statement to the Hearing Officer at the time of the hearing. Previous University disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. Information regarding previous University disciplinary action of a student or employee is only considered at the sanction process and should not be shared before that time.

After the hearing, the Decision-maker prepares a written decision stating whether the Respondent violated the Policy as alleged by the Complainant and does so using the preponderance of evidence standard that requires that it is more likely than not that the Respondent violated one or more terms of this Policy.

21. Preparation for Hearing

At least seven business days prior to the Hearing, the Hearing Officer, after any necessary consultation with the Parties, Investigator(s), and/or Title IX Coordinator, will provide the names of persons who will participate in the hearing as well as a list of all relevant documentary evidence and the final investigation report to the Parties.

Any Witness scheduled to participate in the hearing must first be interviewed by the Investigator(s). If the Parties and Hearing Officer do not agree to the admission of evidence newly offered at the hearing, the Hearing Officer will delay the hearing and require that reopening of the investigation.

After receiving the notice of hearing, the Parties have the opportunity for continued review and comment on the final investigation report and available evidence.

22. Pre-Hearing Meeting Requested by Hearing Officer

a. Reasons to request: The Hearing Officer may ask the Title IX Coordinator, or a Deputy Title IX Coordinator, to schedule a pre-hearing meeting with the Parties to invite them to submit questions or topics that the Parties or their Advisors may wish to ask, or have asked by the Hearing Officer, at the hearing. Additionally, the Title IX Coordinator, or a Deputy Title IX Coordinator, may schedule an in-person or virtual pre-hearing if the Title IX Coordinator anticipates that questions of evidentiary relevance may be resolved in advance of the Hearing.
b. Determining relevance: If a pre-hearing meeting is scheduled by the Title IX Coordinator, the Hearing Officer will consider arguments that evidence identified in the final investigation

report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant.
The Hearing Officer may rule on these arguments pre-hearing and will exchange those rulings between the parties Prior to the hearing to assist in preparation for the hearing.

c. Who attends: In addition to the Parties and their Advisors, the Hearing Officer may request participation of either or both the Title IX Coordinator and University General Counsel.
d. Recording: Pre-hearing meetings are recorded using audio and/or video.

23. Joint or Individual Hearings

In hearings involving more than one Respondent, or more than one Complainant who has alleged that the Respondent(s) engaged in the same or substantially similar conduct, the Title IX Coordinator, or Deputy Title IX Coordinator, will determine whether allegations should be heard in one joint hearing or separate hearings. The Title IX Coordinator, or Deputy Title IX Coordinator, may permit the Hearing pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. The Hearing Officer will make separate determinations of responsibility for each Respondent for each alleged policy violation.

24. Procedure for the Hearing itself: order of witnesses and evidentiary rulings

The Hearing Officer explains the procedures and introduces the participants including the Investigator who will present and summarize the investigation report at the beginning of the hearing. The Investigator will present a summary of the final investigation reporting including contested and uncontested evidence and will be subjected to questioning by the Hearing Officer and the Parties through their Advisors regarding the investigation and investigation report. The investigator will remain present during the entire Hearing.
Neither the parties nor the Hearing Officer should ask the
Investigator for their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments.
The Hearing Officer will allow a Witness who has relevant information to appear at a portion of the hearing to respond to specific questions from the Hearing Officer before being excused.
At the hearing, the Hearing Officer has the authority to hear and make determinations on all allegations contained in the NOIA and NOH. The Hearing Officer may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the alleged Policy violations even though those collateral allegations may not specifically fall within the Policy.
Once the Investigator(s) present their report and are questioned, the Parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The Parties and Witnesses will be questioned by the Decision-maker(s) and then by the Parties through their Advisors.
All questions are subject to a relevance determination by the Hearing Officer. The Advisor, who will remain seated during questioning, will pose the proposed question and the proceeding will pause to allow the Hearing Officer to consider it and determine whether the question will be permitted, disallowed, or rephrased.
The Hearing Officer may discuss relevance with the Advisors if the Hearing Officer would like to do so in determining whether a question is relevant. The Hearing Officer will explain any decision to exclude a question as not relevant, or to reframe it for relevance.
The Hearing Officer will limit or disallow questions on the basis that they are irrelevant, unduly repetitious and irrelevant as a result, or abusive. The Hearing Officer has the final say on all questions and determinations of relevance subject to any appeal. The Hearing Officer may consult with University legal counsel on any questions of admissibility. The Hearing Officer may also ask Advisors to frame why a question is or is not relevant from their perspective but will not engage in discussion from the Advisors on relevance

once the Chair has ruled on a question.
If any Party raises an issue of bias or conflict of interest on the part of the Investigator or Hearing Officer, the Chair may elect to address those issues by consulting with legal counsel or referring them to the Title IX Coordinator or preserve them for appeal. If bias is not raised as an issue at the hearing, the Hearing Officer should not permit irrelevant questions that probe for bias.

25. Refusal to Submit to Cross-Examination and Inferences

The Decision-maker(s) may not draw any inference solely from a Party's or Witness's absence from the hearing or refusal to answer cross-examination or other questions at the hearing.
If alleged policy violations other than sexual harassment are considered at the same hearing, the Hearing Officer may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any Party or Witness not to participate or respond to questions.
If a Party's Advisor of choice refuses to comply with the University's established rules of decorum for the hearing, the University may require the Party to use a different Advisor. If a University provided Advisor refuses to comply with the rules of decorum, the University may provide that Party with a different Advisor to conduct cross-examination on behalf of that Party.

26. Recording Hearings

Hearings are recorded by the University for purposes of review in the event of an appeal. The Parties may not record the proceedings and no other unauthorized recordings are permitted.
The Hearing Officer, the Parties, their Advisors, and appropriate administrators of the University will be permitted to listen to the recording but not record it as determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

27. Finding, Final Determination and Standard of Proof

The Hearing Officer and Decision-maker will determine whether the Respondent is responsible, or not responsible, for the policy violation(s) in question using preponderance of evidence as the standard of proof.
When there is a Finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider any previously submitted impact statements by either Party in determining appropriate sanction(s).
The Hearing Officer and Decision-maker will ensure that each of the Parties has an opportunity to review any impact statement submitted by the other Party. The Decision-maker(s) may consider impact statements, but they are not binding.
The Decision-maker(s) will review the statements and any pertinent conduct history provided by the appropriate University administrator and will determine the appropriate sanctions after consultation with other appropriate University administrators including the Dean of Students; Provost and Vice- President for Academic Affairs; and/or Human Resources Associate Vice President.
The Hearing Officer will then prepare a written deliberation statement typically not exceeding three (3) to five (5) pages in length and email it to the Title IX Coordinator within three (3) to five (5) business days of conclusion of the hearing detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and sanctions if a finding of responsibility has been made.

28. Notice of Outcome

The Title IX Coordinator, or Deputy Title IX Coordinator, will work with the Hearing Officer to prepare a

Notice of Outcome based on the Deliberation Statement which the Title IX Coordinator will email simultaneously to the Parties within three (3) to five (5) business days of receiving the Hearing Officer's Deliberation Statement. The Notice of Outcome will include the final determination, rationale, and any applicable sanction(s). It will also provide statement of grounds for appeal and time within which an appeal may be sought by either Party.

29. Sanctions

Factors considered when determining a sanction may include but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s);
- The Respondent's disciplinary history, if any;
- Previous allegations or allegations involving similar conduct;
- The need for sanctions/responsive actions to bring an end to the conduct;
- The need for sanctions/responsive actions to prevent future recurrence;
- The need to remedy the effects of the discrimination;
- The impact on the Parties;
- Any other information deemed relevant by the Decision-maker(s)

Sanctions are implemented as soon as feasible and upon expiration of time within which appeal may be sought or upon the outcome of an appeal granted and decided by the Appeals Officer.
The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by external authorities.

Student Sanctions

Sanctions that may be imposed upon students or organizations singly or in combination may include but

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

- *Other Actions:* In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.
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30. Withdrawal or Resignation During Formal Resolution Process

If a Respondent withdraws from the University before the Formal Resolution Process has been concluded, a notice will be sent to the student stating that he or she is alleged to have violated University policy, that the resolution process will continue. A letter will also be sent to the University Registrar, and also to the registrar or academic dean of the school/college in which the student was enrolled indicating that such proceedings are pending. If the student attempts to re-enroll before the matter is resolved, the Registrar will notify the Title IX Coordinator or a Deputy Title IX Coordinator. The matter must be fully resolved before the student may re-enroll at the University.

31. Appeals

Any Party may file a request for appeal in writing and email it to the Title IX Coordinator within seven (7) business days of delivery of the Notice of Outcome. The Title IX Coordinator, or Deputy Title IX Coordinator, will forward Request for Appeal to the Appeal Chair for the University campus where the student or employee is enrolled, or principally work, if the request meets the grounds for appeal.

a. Grounds for Appeal

Appeals are limited to the following grounds:

A. Procedural irregularity that affected the outcome of the matter;
B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter; and
C. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

The Appeals Officer will deny any other grounds for appeal and will notify the Parties and their Advisors in writing of the denial and the rationale.

If any of the grounds contained in the Request for Appeal meet the criteria listed in A., B., and/or C. above, the Appeal Chair will notify Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Hearing Officer of *Appeals Officer Decision Granting Request and Grounds for Appeal.* Similarly, if none of the grounds contained in the Request for Appeal meet the criteria listed in A., B., and/or C. above, the Appeal Chair will notify Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Hearing Officer of *Appeals Officer Decision Denying Request and Ground for Appeal.*

When grounds for an appeal are granted, The Appeals Officer will send the other Party and their Advisor, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision- maker(s) determination of any approved ground(s) for appeal. If the appeal involves the Title IX Coordinator, Investigator, or Hearing Officer, as necessary, any or each will submit their written responses to the Appeals Officer within seven (7) business days concerning the portion of the appeal that was approved and involves them.

The non-appealing Party (if any) may also choose to raise a new ground for appeal at this time which will be reviewed to determine if it meets one of the grounds in this Policy. If approved, the appeal will be forwarded to the Party who initially requested an appeal, the Investigator(s) and/or original Hearing Officer, as necessary, and any or each will submit their written responses to the Appeals Officer within seven (7) business days who will then circulate them for review and comment by all Parties.

Neither Party may submit any new requests for appeal after this time period. The Appeals Officer will collect

any additional information needed and all documentation regarding the approved grounds and the subsequent responses and will render a decision in no more than seven (7) business days barring exigent circumstances. The decision of the Appeals Officer is based on preponderance of the evidence.
A Notice of Appeal Outcome will be emailed simultaneously to all Parties and will provide reason for each approved ground for appeal and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

b. Sanctions Status During the Appeal
Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

c. Appeal Considerations
- Decisions on appeal are to be deferential to the original decision-making changes to the finding only when there is clear error and to the sanction(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for the Appeal Officer to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Officer may consult with the Title IX Coordinator, or Deputy Title IX Coordinator, on questions of procedure or rationale for clarification if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final and further appeals are not permitted
- In rare cases where a procedural error cannot be cured by the original Decision-maker(s), the Appeals Officer may order a new hearing with a new Decision-maker(s).
- The results of a new hearing can be appealed once on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

32. <u>Long-Term Remedies/Other Actions</u>

Following the conclusion of the Formal Resolution Process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the sexual or gender- based harassment or discrimination of a member of a protected class, remedy the effects, and prevent reoccurrence.
These remedies/actions may include but are not limited to:
- Referral to counseling and health services for students;
- Referral to the Employee Assistance Program for employees;
- Education to the individual and/or the community;
- Permanent alteration of housing assignments;
- Permanent alteration of work arrangements for employees;
- Provision of campus safety escorts;
- Climate surveys;

- Policy modification and/or training;
- Provision of transportation accommodations;
- Implementation of long-term contact limitations between the parties;
- Implementation of adjustments to academic deadlines and course schedules.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.
When no policy violation is found, the Title IX Coordinator, or Deputy Title IX Coordinator, will address any remedies owed by the University to the Respondent to ensure no effective denial of educational access.
The University will maintain the confidentiality of any long-term remedies/actions/measures, provided privacy does not impair the University's ability to provide these services.

33. Failure to Comply with Sanctions and/or Long-term Remedies

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) including the Appeal Officer.
Failure to abide by the sanction(s) or action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the University and may be noted on a student's official transcript.
A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

34. Disabilities Accommodations in the Resolution Process

The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University's Resolution Process.
Anyone needing such accommodations or support should contact the Assistant Director of Student Disability & Accessibility Support Services, who will then review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the Resolution Process.

35. Recordkeeping

The University will maintain for a period of at least seven (7) years records of:

a. Each investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
b. Any disciplinary sanctions imposed on the Respondent;
c. Any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
d. Any appeal and the result;
e. Any Informal Resolution and the result of the Informal Resolution
f. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. The University will make these training materials publicly available on the University's website.
g. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual or gender-based harassment or discrimination against a member of a protected class including:
    i. The basis for all conclusions that the response was not deliberately indifferent;
    j. Any measures designed to restore or preserve equal access to the University's education program or activity; and
    k. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The University will also maintain any and all records in accordance with state and federal laws.

36. Training

The University will provide appropriate training to University officials with responsibilities under this policy, including the Title IX Coordinator and Deputy Title IX Coordinators, Investigators, Hearing Officers, and Appeals Officers and any individual who facilitates the informal resolution process. Such training will cover the definition of Title IX Sexual Harassment, the scope of the University's education program or activity, how to conduct an investigation and resolution process including hearings, appeals, and informal resolution processes under this policy, as applicable, and how to serve impartially, including by avoiding conflicts of interest and bias. The University will ensure that Hearing Officers receive training on any technology to be used at a hearing and on issues of relevance of questions and evidence, including questions and evidence about the irrelevancy of complainant's sexual predisposition or prior sexual behavior. The University will ensure that Investigators receive training on issues of relevance in order to create an investigative report that fairly summarizes relevant evidence. Training materials will be available on the Office of Title IX webpage and will be made available for in-person review upon request.

37. Revision of this Policy and Procedures

This policy and resolution procedures supersede any previous policies under Title IX. This Policy will be reviewed and updated annually by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.
During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice on the University website and with the appropriate effective date identified upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.
If government laws or regulations change, or court decisions alter, the requirements in a way that impacts this document, this policy and its procedures will be construed to comply with the most recent government regulations or holdings.
This document does not create legally enforceable protections beyond the protection of Federal and State of Michigan laws which frame such policies and codes generally.
This policy and its procedures are effective August 14, 2020.
Updated October 13, 2020.

SEXUAL ASSAULT REGISTRATION

PURPOSE

The University of Detroit Mercy Department of Public Safety releases to the University community web links maintained by an outside source that will enable the University community to locate information on Michigan registered sex offenders.

SCOPE

This policy applies to students, employees, contractors, consultants, temporary help and other workers at the University of Detroit Mercy, including all personnel affiliated with third parties.

SEXUAL ASSAULT DEFINED

Sexual assault is a physical assault forced upon an individual who does not or cannot consent and

involves a sexual act or an attempted sexual act with that individual. Sexual assault includes, but is not limited to sexual intercourse. Sexual assaults are acts of violence used to humiliate, dominate and overpower another person.

POLICY

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, and the Family Educational Rights and Privacy Act of 1974, the Detroit Mercy Department of Public Safety is providing a link to the Michigan Department of State Police (MSP) Sex Offender Registry This Act requires sex offenders registered in a state to provide notice of each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student. In the State of Michigan, convicted sex offenders must register with the Sex Offender and Crimes against Minors Registry maintained by the MSP. Detroit Mercy Department of Public Safety provides for the campus community resources to obtain information concerning registered sex offenders.

MSP Public Sex Offender Registry (SOR) is available via the Internet pursuant to Offenders Registration Act, MCL 28.721et seq. Registry information provided under this section shall be used for the purpose of the administration of criminal justice, screening of current employees, volunteers or otherwise for the protection of the public in general and children in particular.

Unlawful use of the information for the purpose of intimidating or harassing another is prohibited and willful violation shall be punishable through the legal system. These sites are maintained by the Michigan State Police.

Sex Offenders Links: Michigan Department of State Police Homepage: www.mipsor.state.mi.us
(The Michigan State Police is responsible for maintaining this registry)

Sex Offenders Registration Act 295 of 1994
http://www.legislature.mi.gov/mileg.asp?page=getObject&objName=mcl-Act-295-of-1994&queryid=6439389&highlight

Michigan State Police Sex Offender Registry
http://www.michigan.gov/msp/0,1607,7-123-1589_1878_24961---,00.html

WEAPON-FREE CAMPUS

WEAPON-FREE CAMPUS

In the interest of protecting its students, employees, and visitors from violence and maintaining campus safety, the University of Detroit Mercy strictly forbids the possession or use of dangerous weapons on any of its campuses. This prohibition includes individuals licensed to carry concealed weapons. The only exceptions to this policy are those members of Detroit Mercy Public Safety who are licensed to carry a weapon and are authorized by Detroit Mercy to carry a weapon, and those law enforcement officers entering any Detroit Mercy campus in the line of duty. In compliance with applicable Michigan law, Detroit Mercy strictly forbids the carrying of concealed weapons in Detroit Mercy classrooms and Residence Halls, regardless of whether the individual is licensed to carry a concealed weapon and/or authorized by Detroit Mercy to carry a concealed weapon.

This policy applies to students, employees, temporary employees, independent contractors, and visitors to Detroit Mercy. Students violating this policy will be subject to immediate discipline, up to and including expulsion. Anyone (employee, temporary employee, or independent contractor) who is performing work for Detroit Mercy and violates this policy, will be subject to immediate termination. Visitors and any others who violate this policy will be immediately escorted off campus and/or turned over to local law enforcement authorities as appropriate.

"Weapons" include handguns, pistols, firearms, explosives, knives, and other weapons as defined by Michigan law or local ordinance. Questions about whether an item is covered by this policy should be addressed to the Director of Detroit Mercy Public Safety or to Human Resources as appropriate. Employees and students have the responsibility to determine whether possession or use of any questionable item not listed above violates this policy.

The sites covered by this policy include all campus property, including buildings, open parking lots, walkways, driveways, areas between buildings, open areas, and those off-campus locations under the control of Detroit Mercy. This policy also applies to all vehicles owned or leased by Detroit Mercy and all vehicles that enter any Detroit Mercy campus.
Detroit Mercy reserves the right at any time and at its discretion to search all Detroit Mercy-owned or leased vehicles, and all vehicles entering any Detroit Mercy campus. Detroit Mercy also reserves the right at any time and at its discretion to search all packages, backpacks, duffels, handbags, boxes, bags, containers, dormitory rooms, lockers, desks, work areas, and persons entering the campus, to determine whether a person or persons have brought weapons onto any Detroit Mercy campus in violation of this policy. Any student or employee who refuses to permit a search will be subject to discipline up to and including expulsion or discharge, as appropriate. Independent contractors will be subject to termination and immediate removal from the campus. (Reprint from Employee Handbook)

WORKPLACE VIOLENCE

It is the policy of the University of Detroit Mercy to establish and maintain a safe and healthy climate conducive to a respectful workplace for its employees; therefore, no acts of verbal, physical, or emotional intimidation, harassment, or assault will be tolerated in any context or degree by University students, staff, faculty, and administrators. This policy extends to independent contractors, vendors, or others who conduct business with the University on the campuses.

No weapons of any kind will be allowed on any location owned, leased, or operated by the University of Detroit Mercy, except by law enforcement agencies including University police officers in compliance with the University of Detroit Mercy Weapon Free Campus Policy.

Employees and supervisors should understand how important it is to recognize early warning signs of potential violent conduct. Examples of such warning signs include:

- A history of emotional or mental disturbance
- A history of threatening or violent behavior
- Paranoid or easily panicked behavior
- Serious and unpredictable mood swings
- Fascination or preoccupation with weapons
- Extreme stress from personal problems or a life crisis
- Extreme stress as a response to a workplace condition
- Being a loner with little or no involvement with other employees

- Engaging in frequent disputes with supervisors or fellow employees
- Routine violation of University policy
- No interests outside of work

Supervisors who become aware of behavior patterns similar to those listed above should contact Human Resources.

Threats of violence are serious and should be treated as such. Threatening behavior can include:

- Throwing objects
- Making verbal threats to harm another individual or destroy property
- Making menacing gestures
- Sending threatening faxes, e-mails or notes to other employees
- Expressing significant grudges against other employees
- Displaying an intense or obsessive personal interest with others that exceeds normal bounds
- Attempting to intimidate or harass other individuals
- Behavior indicating that the individual is significantly out of touch with reality to the extent that the person poses a danger or threat to himself or herself or others

All members of the University community are responsible for notifying their supervisor of any threats, actual or perceived, which have been witnessed, received, or if they have been told that another person has witnessed or received, whether or not those involved are members of the Detroit Mercy Community. The supervisor shall notify Human Resources (313) 993-1036 who will contact Public Safety. In cases where Human Resources is unavailable by telephone between the hours of 8:30 a.m. and 5:00 p.m. or where there is an immediate threat or perceived danger, the employee, or supervisor should immediately notify Public Safety utilizing the campus emergency assistance number (313) 993-1234.

Employees also are encouraged to notify their supervisor or Human Resources whenever they experience domestic conflict, abuse or misdirected affection outside their work environment. The supervisor/Human Resources then can be more alert to the intrusion into the workplace by a third party and possibly take preventive measures. Any employee who applies for and obtains a personal protective or restraining order that lists the University of Detroit Mercy as a protected area must provide his or her supervisor, Human Resources and Public Safety a copy of the petition and declarations used to seek the order, plus a copy of any temporary protective or restraining order that is granted. The University understands the sensitivity of the information requested and will treat it confidentially with respect to the privacy of the reporting employee.

Human Resources, in cooperation with Public Safety, will investigate reports of violence. All those covered by this policy must cooperate fully when questioned regarding violations of this policy. Employees who report incidents of workplace violence and/or respond to investigations may request to do so confidentially. Such requests will be honored to the extent legally allowable.

Employees who are found to have violated this policy by threatening another individual with violence or engaging in violent behavior will be disciplined up to and including possible immediate discharge depending on the severity of the circumstances. (Reprint from Employee Handbook)

SAFETY AWARENESS PROGRAMMING 2021

JANUARY

- Basic Life Skills (CPR)

FEBRUARY

- Basic Life Skills (CPR)

MARCH

- Basic Life Skills (CPR)

MAY

- Consent Training for RAs and OLs

JUNE

- Summer First Year Orientation
- Consent Training

JULY

- Summer First Year Orientation Consent Training

AUGUST

- Title IX Training for RAs and OLs
- QPR Training for new First Year Students

SEPTEMBER

- Basic Life Skills (CPR)
- QPR Training (Suicide Awareness Program)
- Mental Health Town Hall

OCTOBER

- Basic Life Skills (CPR)
- Town Hall: Barriers to Seeking Mental Health Resources
- QPR Training
-

UNIVERSITY OF DETROIT MERCY EMERGENCY RESPONSE AND EVACUATION EMERGENCY ALERT SYSTEM

The Emergency Response Plan defines for the University of Detroit Mercy community the framework necessary to respond to emergencies. One measure of an organization's strength is its ability to respond well in an emergency. Since every scenario cannot be predicted, an emergency plan must be able to adapt quickly to events as they unfold. The University response needs to be quick, professional, supportive, person-centered, and meet the emerging demands of any emergency or crisis situation. This plan is designed to be flexible because an emergency may be sudden and without warning.

The President or designee (most senior Executive Officer when President is unavailable) shall declare a state of emergency when, upon recommendation of the Chief/Director of Public Safety, it is deemed necessary to activate emergency procedures and/or close all or part of the University.

The President or designee can convene the President's Council as the situation dictates.

The President or designee shall declare an end to the state of emergency when hazards no longer exist.

Following is the list of University designees who have decision-making responsibilities in case of an emergency or crisis at the University of Detroit Mercy.

- President
- Provost, VPAA
- Vice President of Business and Finance
- Associate Vice President of Facilities Management & Campus Services
- Chief/Director of Public Safety

University of Detroit Mercy Emergency Alert is a mass, urgent notification system, comprised of a variety of methods by which the University, without undue delay, will notify students, faculty, and staff of an active, major campus emergency or dangerous situation involving an immediate threat to the health or safety of student or employees occurring on campus:

- Text message (SMS) to cell phones
- Voice message to telephones
- Emails
- University Website posting
- University Twitter feed
- University Facebook
- Some campus digital signs

When the University of Detroit Mercy DPS Chief or Command Officers confirm there is a significant active emergency or dangerous situation impacting the public safety of the campus, an urgent notification will be sent without undue delay through the University of Detroit Mercy Mass Notification System. Initial confirmation by DPS may occur by observation of a police or security officer, multiple witness telephone calls, alarms activating in the DPS Communications Center or a confirmed report from another emergency responding agency (such as the National Weather Service, the fire department, ambulance, hazardous materials response team, FBI, County Public Health, etc.) Unless the notification, in the professional judgment of responsible authorities compromises efforts to assist victims or to contain,

respond to, or otherwise mitigate the emergency.

Examples of activations may include:

- When a person actively shooting a weapon is threatening campus
- When a tornado warning is issued for the county
- When a major hazardous material spill is impacting a large portion of campus
- When the University of Detroit Mercy administration declares an Emergency Reduction in operations
- Closure or Selective Campus Closure
- Delay start of classes

Localized incidents within a building (such as a small fire, hazardous material spill in a lab, or water leak,) probably will not require a mass notification. The emergency message content will contain pre-scripted brief message content developed in consultation with the DPS Chief and University Rave Notification Team. The message will be sent by the University Marketing and Public Affairs Department. The University Rave Notification team consists of:

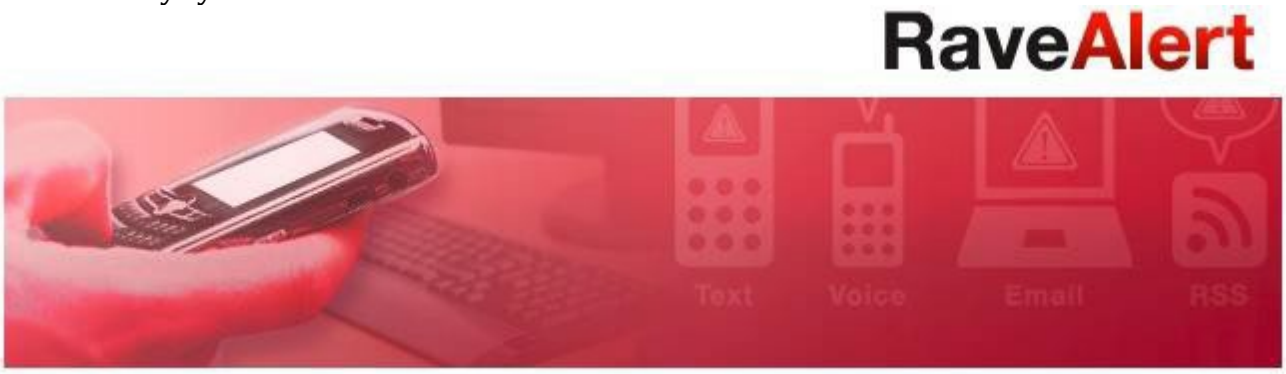
- Chief/Director Department of Public Safety
- Associate Vice President Facilities Management & Campus Services Division
- Associate Vice President University IT
- Associate Vice President Marketing and Public Affairs
- Director- Media Relations

This information will be shared to help the public take action for their safety, unless, in the professional judgment of DPS command, issuing a notification will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Follow-up information, including an "all-clear" message, will be disseminated as appropriate. University of Detroit Mercy Mass Notification systems are issued campus-wide, not to smaller segments of the community. In order to receive urgent notification alert messages, faculty, staff and students may register through Rave Mobile Safety System. University Mass Notification System is tested and documented yearly by the Associate Vice President of University IT.

REGISTER FOR UNIVERSITY OF DETROIT MERCY MASS NOTIFICATION ALERT SYSTEM

Register for University of Detroit Mercy emergency communications and be among the first to receive alerts on class cancellations or other emergency notices via text message and email through the Rave Mobile Safety system.



All faculty, staff and students are enrolled in the free program but must register to confirm contact information and choose notification preferences (cell phones, landline phones, text pagers or emails).

To log in, scan to adjacent QR code or go to www.getrave.com/login/udmercy. Use your Titan Connect username and password and then click the Log In button. Follow the screen prompts to modify contact information and select notification devices.

University of Detroit Mercy provides emergency response and guidance for the McNichols Campus, Corktown Campus and Riverfront Campus. Emergency response and evacuation procedures are identified in the Detroit Mercy Emergency Response Procedure (ERP) and in individual Building Emergency Plans. The ERP outlines how the University of Detroit Mercy community (students, faculty, staff and visitors) conducts emergency response actions for specific emergency situations. The ERP is available online at: www.udmercy.edu/publicsafety/EmergencyPreparedness

Emergency Procedure Guides with basic instructions are available from DPS. Students, faculty and staff with questions about emergency procedures in their building should check with their Facility Manager or college office, Building Coordinator or contact DPS at 313-993-1234. Emergency preparedness plans are exercised at minimum of once a year in each academies building.

Detroit Mercy students and employees that teach or take classes at a satellite campus, such as Aquinas College or Macomb Community College must sign up for the respective Emergency Alert Systems at those campuses. University of Detroit Mercy does not control the Emergency Alert Systems at those campuses.

Aquinas College – Students will need to sign up using their Aquinas College email
https://www.aquinas.edu/resources/departments/campus-safety/emergency-notification

Macomb Community College - University Center –

https://asp.schoolmessenger.com/macomb/subscriber

Shelter in Place

Shelter in place means to seek immediate shelter and remain there during an emergency rather than evacuate the area. Taking shelter inside may be in response to an external hazard such as a chemical release from an industrial or transportation accident, hazardous weather, police, fire or public health emergencies, or acts of violence. Since each situation is unique, shelter in place techniques may vary based on the incident. All decision to shelter in place will be made by DPS and notification will be through University Mass Notification System and by DPS Personnel or other responding emergency personnel. You must immediately seek shelter in the nearest facility or building (preferably in a room with no windows). Example of shelter in place:

- Tornado Warning
- Hazardous Materials (HAZMAT)
- Active Shooter
- Building Intruder
- Civil Disturbance

Academic Building Emergency Preparedness/Fire drills are conducted once yearly. Resident Halls Emergency Preparedness/Fire drills are conduct each semester for all occupied facility. The fall semester exercise/drill is conducted within the first 21 days of start of semester. The University of Detroit Mercy follows PA 481 of 2014, amends PA 2017 of 1941, MCL 29.19a, Section 19a (1-5). These Emergency Preparedness/Fire drills could be announced or unannounced. The University also conducts tabletop exercises, functional or full-scale exercises.

REPORTED CRIME STATISTICS- RIVERFRONT CAMPUS

Crimes	2019	2020	2021
Aggravated Assault	0	0	0
Arson	0	0	0
Burglary	0	0	0
Dating Violence	0	0	0
Domestic Violence	0	0	0
Motor Vehicle Theft	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Robbery	0	0	0
Sex Offenses- Non Forcible[2]	0	0	0
Sex Offenses- Forcible[2]	0	0	0
Stalking	0	0	0

Crimes	2019	2020	2021
Aggravated Assault	0	0	0
Arson	0	0	0
Burglary	0	0	0
Dating Violence	0	0	0
Domestic Violence	0	0	0
Motor Vehicle Theft	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Robbery	0	0	0
Sex Offenses-Non Forcible[2]	0	0	0
Sex Offenses-Forcible[2]	0	0	0
Stalking	0	0	0

Crimes	2019	2020	2021
Aggravated Assault	*	*	*
Arson	*	*	*
Burglary	*	*	*
Dating Violence	*	*	*
Domestic Violence	*	*	*
Motor Vehicle Theft	*	*	*
Murder/Non-Negligent Manslaughter	*	*	*
Negligent Manslaughter	*	*	*
Robbery	*	*	*
Sex Offenses-Non Forcible[2]	*	*	*
Sex Offenses-Forcible[2]	*	*	*
Stalking	*	*	*

[2] Updated reporting definitions for sex offense for 2014 based on VAWA reauthorization
*Denotes data not received at press time

UNFOUNDED CRIMES

There were zero unfounded Clery geography crimes in 2021.

HATE CRIMES

All categories include all crimes of prejudice—actual or perceived—race, gender, sexual orientation, ethnicity, or disability

Crimes	2019	2020	2021
Aggravated Assault	0	0	0
Arson	0	0	0
Burglary	0	0	0
Intimidation	0	0	0
Larceny - Theft	0	0	0
Motor Vehicle Theft	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Other Crimes with Bodily Injury	0	0	0
Property Destruction, Damage, or Vandalism	0	0	0
Robbery	0	0	0
Sex Offenses- Non Forcible	0	0	0
Sex Offenses-Forcible	0	0	0

Crimes	2019	2020	2021
Aggravated Assault	0	0	0
Arson	0	0	0
Burglary	0	0	0
Intimidation	0	0	0
Larceny - Theft	0	0	0
Motor Vehicle Theft	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Other Crimes with Bodily Injury	0	0	0
Property Destruction, Damage, or Vandalism	0	0	0
Robbery	0	0	0
Sex Offenses- Non Forcible	0	0	0
Sex Offenses-Forcible	0	0	0

Crimes	2019	2020	2021
Aggravated Assault	*	*	*
Arson	*	*	*
Burglary	*	*	*
Dating Violence	*	*	*
Domestic Violence	*	*	*
Motor Vehicle Theft	*	*	*
/Non-Negligent Manslaughter	*	*	*
Negligent Manslaughter	*	*	*
Robbery	*	*	*
Sex Offenses-Non Forcible[2]	*	*	*
Sex Offenses-Forcible[2]	*	*	*
Stalking	*	*	*
Larceny-Theft	*	*	*
Simple Assault	*	*	*
Destruction/Damage/Vandalism	*	*	*

Arrests	2019	2020	2021
On Campus			
Weapons: Carrying Possessing, etc.	0	0	0
Drug Abuse Violation	0	0	0
Liquor Law Violation	0	0	0
Non-Campus			
Weapons: Carrying Possessing, etc.	0	0	0
Drug Abuse Violation	0	0	0
Liquor Law Violation	0	0	0
Public Property			
Weapons: Carrying Possessing, etc.	*	*	*
Drug Abuse Violation	*	*	*
Liquor Law Violation	*	*	*
*Denotes data not received at press time			

Disciplinary Referrals	2019	2020	2021
On Campus			
Weapons: Carrying Possessing, etc.	0	0	0
Drug Abuse Violation	0	0	0
Liquor Law Violation	0	0	0
Non-Campus			
Weapons: Carrying Possessing, etc.	0	0	0
Drug Abuse Violation	0	0	0
Liquor Law Violation	0	0	0
Public Property			
Weapons: Carrying Possessing, etc.	0	0	0
Drug Abuse Violation	0	0	0
Liquor Law Violation	0	0	0
*Denotes data not received at press time			

Michigan Criminal Law section 750.520a provides the following definitions for incidents of sexual assault.

a) **Actor** means a person accused of criminal sexual conduct.
b) **Developmental disability** means an impairment of general intellectual functioning or adaptive behavior that meets all of the following criteria:
   i) It originated before the person became 18 years of age.
   ii) It has continued since its origination or can be expected to continue indefinitely.
   iii) It constitutes a substantial burden to the impaired person's ability to perform in society.
   iv) It is attributable to 1 or more of the following:
      (1) Intellectual disability, cerebral palsy, epilepsy, or autism.
      (2) Any other condition of a person that produces a similar impairment or requires treatment and services similar to those required for a person described in this subdivision.
c) **Electronic monitoring** means that term as defined in section 85 of the corrections code of 1953, 1953 PA 232, MCL 791.285.
d) **Intellectual disability** means that term as defined in section 100b of the mental health code, 1974 PA 258, MCL 330.1100b.
e) **Intermediate school district** means a corporate body established under part 7 of the revised school code, 1976 PA 451, MCL 380.601 to 380.705.
f) **Intimate parts**" includes the primary genital area, groin, inner thigh, buttock, or breast of a human being.
g) **Mental health professional** means that term as defined in section 100b of the mental health code, 1974 PA 258, MCL 330.1100b.
h) **Mental illness** means a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.
i) **Mentally disabled** means that a person has a mental illness, is intellectually disabled, or has a developmental disability.
j) **Mentally incapable** means that a person suffers from a mental disease or defect that renders that person temporarily or permanently incapable of appraising the nature of his or her conduct.
k) **Mentally incapacitated** means that a person is rendered temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or other substance administered to that person without his or her consent, or due to any other act committed upon that person without his or her consent.
l) **Nonpublic school** means a private, denominational, or parochial elementary or secondary school.
m) **Physically helpless** means that a person is unconscious, asleep, or for any other reason is physically unable to communicate unwillingness to an act.
n) **Personal injury** means bodily injury, disfigurement, mental anguish, chronic pain, pregnancy, disease, or loss or impairment of a sexual or reproductive organ.
o) **Public school** means a public elementary or secondary educational entity or agency that is established under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.
p) **School district** means a general powers school district organized under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.
q) **Sexual contact** includes the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for:
   i) Revenge
   ii) To inflict humiliation
   iii) Out of anger

r) **Sexual penetration** means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emission of semen is not required.
s) **Victim** means the person alleging to have been subjected to criminal sexual conduct.

Michigan Criminal Law section 750.520b: Criminal sexual conduct in the first degree; circumstances; felony;

(1) A person is guilty of criminal sexual conduct in the first degree if he or she engages in sexual penetration with another person and if any of the following circumstances exists:
(a) That other person is under 13 years of age.
(b) That other person is at least 13 but less than 16 years of age and any of the following:
(i) The actor is a member of the same household as the victim.
(ii) The actor is related to the victim by blood or affinity to the fourth degree.
(iii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.
(iv) The actor is a teacher, substitute teacher, or administrator of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled.
(v) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
(vi) The actor is an employee, contractual service provider, or volunteer of a childcare organization, or a person licensed to operate a foster family home or a foster family group home in which that other person is a resident, and the sexual penetration occurs during the period of that other person's residency. As used in this subparagraph, "childcare organization", "foster family home", and "foster family group home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111.
(c) Sexual penetration occurs under circumstances involving the commission of any other felony.
(d) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists:
(i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
(ii) The actor uses force or coercion to accomplish the sexual penetration. Force or coercion includes, but is not limited to, any of the circumstances listed in subdivision (f).
(e) The actor is armed with a weapon, or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon.
(f) The actor causes personal injury to the victim and force, or coercion is used to accomplish sexual penetration. Force or coercion includes, but is not limited to, any of the following circumstances:
(i) When the actor overcomes the victim through the actual application of physical force or physical violence.
(ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute these threats.
(iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to

execute this threat. As used in this subdivision, "to retaliate" includes threats of physical punishment, kidnapping, or extortion.

(iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes that are medically recognized as unethical or unacceptable.

(v) When the actor, through concealment or by the element of surprise, is able to overcome the victim.

(g) The actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

(h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following:

(i) The actor is related to the victim by blood or affinity to the fourth degree.

(ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.

1) Criminal sexual conduct in the first degree is a felony punishable as follows:
   a) Except as provided in subdivisions (b) and (c), by imprisonment for life or for any term of years.
   b) For a violation that is committed by an individual 17 years of age or older against an individual less than 13 years of age by imprisonment for life or any term of years, but not less than 25 years.
   c) For a violation that is committed by an individual 18 years of age or older against an individual less than 13 years of age, by imprisonment for life without the possibility of parole if the person was previously convicted of a violation of this section or section 520c, 520d, 520e, or 520g committed against an individual less than 13 years of age or a violation of law of the United States, another state or political subdivision substantially corresponding to a violation of this section or section 520c, 520d, 520e, or 520g committed against an individual less than 13 years of age.
   d) In addition to any other penalty imposed under subdivision (a) or (b), the court shall sentence the defendant to lifetime electronic monitoring under section 520n.
2) The court may order a term of imprisonment imposed under this section to be served consecutively to any term of imprisonment imposed for any other criminal offense arising from the same transaction.

Michigan Criminal Law section 750.520c: Criminal sexual conduct in the second degree; felony.

1) A person is guilty of criminal sexual conduct in the second degree if the person engages in sexual contact with another person and if any of the following circumstances exists:
   a) That other person is under 13 years of age.
   b) That other person is at least 13 but less than 16 years of age and any of the following:
      i) The actor is a member of the same household as the victim.
      ii) The actor is related by blood or affinity to the fourth degree to the victim.
      iii) The actor is in a position of authority over the victim and the actor used this authority to coerce the victim to submit.
      iv) The actor is a teacher, substitute teacher, or administrator of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled.
      v) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
      vi) The actor is an employee, contractual service provider, or volunteer of a childcare

organization, or a person licensed to operate a foster family home or a foster family group home in which that other person is a resident, and the sexual contact occurs during the period of that other person's residency. As used in this subdivision, "childcare organization", "foster
family home", and "foster family group home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111.

c) Sexual contact occurs under circumstances involving the commission of any other felony.
d) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists:
   i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
   ii) The actor uses force or coercion to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in section 520b(1)(f).
e) The actor is armed with a weapon, or any article used or fashioned in a manner to lead a person to reasonably believe it to be a weapon.
f) The actor causes personal injury to the victim and force, or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in section 520b(1)(f).
g) The actor causes personal injury to the victim and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following:
   i) The actor is related to the victim by blood or affinity to the fourth degree.
   ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.
i) That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, the department of corrections who knows that the other person is under the jurisdiction of the department of corrections.
j) That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, a private vendor that operates a youth correctional facility under section 20g of the corrections code of 1953, 1953 PA 232, MCL 791.220g, who knows that the other person is under the jurisdiction of the department of corrections.
k) That other person is a prisoner or probationer under the jurisdiction of a county for purposes of imprisonment or a work program or other probationary program and the actor is an employee or a contractual employee of or a volunteer with the county or the department of corrections who knows that the other person is under the county's jurisdiction.
l) The actor knows or has reason to know that a court has detained the victim in a facility while the victim is awaiting a trial or hearing, or committed the victim to a facility as a result of the victim having been found responsible for committing an act that would be a crime if committed by an adult, and the actor is an employee or contractual employee of, or a volunteer with, the facility in which the victim is detained or to which the victim was committed.

2) Criminal sexual conduct in the second degree is a felony punishable as follows:
   a) By imprisonment for not more than 15 years.
   b) In addition to the penalty specified in subdivision (a), the court shall sentence the defendant to lifetime electronic monitoring under section 520n if the violation involved sexual contact committed by an individual 17 years of age or older against an individual less than 13 years of age

Michigan Criminal Law section 750.520d: Criminal sexual conduct in the third degree; felony.

1) A person is guilty of criminal sexual conduct in the third degree if the person engages in sexual penetration with another person and if any of the following circumstances exist:
   a) That other person is at least 13 years of age and under 16 years of age.
   b) Force or coercion is used to accomplish the sexual penetration. Force or coercion includes but is not limited to any of the circumstances listed in section 520b(1)(f)(i) to (v).
   c) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
   d) That other person is related to the actor by blood or affinity to the third degree and the sexual penetration occurs under circumstances not otherwise prohibited by this chapter. It is an affirmative defense to a prosecution under this subdivision that the other person was in a position of authority over the defendant and used this authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation.
   e) That other person is at least 16 years of age but less than 18 years of age and a student at a public school or nonpublic school, and either of the following applies:
      i) The actor is a teacher, substitute teacher, or administrator of that public school, nonpublic school, school district, or intermediate school district. This subparagraph does not apply if the other person is emancipated or if both persons are lawfully married to each other at the time of the alleged violation.
      ii) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
   f) That other person is at least 16 years old but less than 26 years of age and is receiving special education services, and either of the following applies:
      i) The actor is a teacher, substitute teacher, administrator, employee, or contractual service provider of the public school, nonpublic school, school district, or intermediate school district from which that other person receives the special education services. This subparagraph does not apply if both persons are lawfully married to each other at the time of the alleged violation.
      ii) The actor is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
   g) The actor is an employee, contractual service provider, or volunteer of a childcare organization, or a person licensed to operate a foster family home or a foster family group home, in which that other person is a resident, that other person is at least 16 years of age, and the sexual penetration occurs during that other person's residency. As used in this subdivision, "childcare organization", "foster family home", and "foster family group home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111.
2) Criminal sexual conduct in the third degree is a felony punishable by imprisonment for not more than

15 years.

Michigan Criminal Law section 750.520e: Criminal sexual conduct in the fourth degree; misdemeanor.

1) A person is guilty of criminal sexual conduct in the fourth degree if he or she engages in sexual contact with another person and if any of the following circumstances exist:
   a) That other person is at least 13 years of age but less than 16 years of age, and the actor is 5 or more years older than that other person.
   b) Force or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the following circumstances:
      i) When the actor overcomes the victim through the actual application of physical force or physical violence.
      ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute that threat.
      iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute that threat. As used in this subparagraph, "to retaliate" includes threats of physical punishment, kidnapping, or extortion.
      iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable.
      v) When the actor achieves the sexual contact through concealment or by the element of surprise.
   c) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
   d) That other person is related to the actor by blood or affinity to the third degree and the sexual contact occurs under circumstances not otherwise prohibited by this chapter. It is an affirmative defense to a prosecution under this subdivision that the other person was in a position of authority over the defendant and used this authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation.
   e) The actor is a mental health professional, and the sexual contact occurs during or within 2 years after the period in which the victim is his or her client or patient and not his or her spouse. The consent of the victim is not a defense to a prosecution under this subdivision. A prosecution under this subsection shall not be used as evidence that the victim is mentally incompetent.
   f) That other person is at least 16 years of age but less than 18 years of age and a student at a public school or nonpublic school, and either of the following applies:
      i) The actor is a teacher, substitute teacher, or administrator of that public school, nonpublic school, school district, or intermediate school district. This subparagraph does not apply if the other person is emancipated or if both persons are lawfully married to each other at the time of the alleged violation.
      ii) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
   g) That other person is at least 16 years old but less than 26 years of age and is receiving special education services, and either of the following applies:

i) The actor is a teacher, substitute teacher, administrator, employee, or contractual service provider of the public school, nonpublic school, school district, or intermediate school district from which that other person receives the special education services. This subparagraph does not apply if both persons are lawfully married to each other at the time of the alleged violation.
ii) The actor is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.

h) The actor is an employee, contractual service provider, or volunteer of a childcare organization, or a person licensed to operate a foster family home or a foster family group home, in which that other person is a resident, that other person is at least 16 years of age, and the sexual contact occurs during that other person's residency. As used in this subdivision, "childcare organization", "foster family home", and "foster family group home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111.

2) Criminal sexual conduct in the fourth degree is a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than $500.00, or both.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Michigan Criminal Law section 750.81: Assault or assault and battery.

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 assaulting and battering 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:
   a) This section or an ordinance of a political subdivision of this state substantially corresponds to this section.
   b) Section 81a, 82, 83, 84, or 86.
   c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81a, 82, 83, 84, or 86.
4) An individual who commits an assault or an assault and battery in violation of subsection (2), and who has 2 or more previous convictions for assaulting or assaulting and battering 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, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both:
   a) This section or an ordinance of a political subdivision of this state substantially corresponds to

this section.
b) Section 81a, 82, 83, 84, or 86.
c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81a, 82, 83, 84, or 86.

5) This section does not apply to an individual using necessary reasonable physical force in compliance with section 1312 of the revised school code, 1976 PA 451, MCL 380.1312.
6) As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a causal relationship or an ordinary fraternization between 2 individuals in a business or social context.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Michigan Criminal Law section 750.81: Assault or assault and battery.

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 assaulting and battering 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:
   a) This section or an ordinance of a political subdivision of this state substantially corresponds to this section.
   b) Section 81a, 82, 83, 84, or 86.
   c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81a, 82, 83, 84, or 86.
4) An individual who commits an assault or an assault and battery in violation of subsection (2), and who has 2 or more previous convictions for assaulting or assaulting and battering 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, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $5,000.00, or both:
   a) This section or an ordinance of a political subdivision of this state substantially corresponds to this section.
   b) Section 81a, 82, 83, 84, or 86.
   c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81a, 82, 83, 84, or 86.
5) This section does not apply to an individual using necessary reasonable physical force in compliance with section 1312 of the revised school code, 1976 PA 451, MCL 380.1312.
6) As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a causal relationship or ordinary fraternization between 2 individuals in a business or social context.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Michigan Criminal Law section 750.411h: Stalking.

1) As used in this section:
   a) "Course of conduct" means a pattern of conduct composed of a series of 2 or more separate non-continuous acts evidencing a continuity of purpose.
   b) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
   c) "Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.
   d) "Stalking" means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.
   e) "Unconsented contact" means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:
      i) Following or appearing within the sight of that individual.
      ii) Approaching or confronting that individual in a public place or on private property.
      iii) Appearing at that individual's workplace or residence.
      iv) Entering onto or remaining on property owned, leased, or occupied by that individual.
      v) Contacting that individual by telephone.
      vi) Sending mail or electronic communications to that individual.
      vii) Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.
   f) "Victim" means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.
2) An individual who engages in stalking is guilty of a crime as follows:
   a) Except as provided in subdivision (b), a misdemeanor is punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both.
   b) If the victim was less than 18 years of age at any time during the individual's course of conduct and the individual is 5 or more years older than the victim, a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00, or both.
3) The court may place an individual convicted of violating this section on probation for a term of not more than 5 years. If a term of probation is ordered, the court may, in addition to any other lawful condition of probation, order the defendant to do any of the following:
   a) Refrain from stalking any individual during the term of probation.
   b) Refrain from having any contact with the victim of the offense.
   c) Be evaluated to determine the need for psychiatric, psychological, or social counseling and if, determined appropriate by the court, to receive psychiatric, psychological, or social counseling at his or her own expense.
4) In a prosecution for a violation of this section, evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue the same or a different form of unconsented contact and to

refrain from any further unconsented contact with the victim, gives rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

5) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

LINKS TO THE HIGHER EDUCATION ACT OF 1965

Safety and Security-related laws and regulations

Federal Register, Nov. 1, 1999 (Vol. 64, No. 210), Student Assistance General Provision; Final Rule. 34 CFR 668.41, Reporting and Disclosure of Information 34 CFR 668.46, Institutional Security Policies and Crime Statistics
http://www.ed.gov/legislation/FedRegister/finrule/1999-4/110199d.html

Federal Register, Oct. 31, 2002 (Vol. 67, No. 211), Student Assistance General Provision; Final Rule. 34 CFR 668.46, Institutional Security Policies and Crime Statistics
http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=02-27599-filed

Federal Register, Oct. 29, 2009 (Vol. 74, No. 208), General and Non-Loan Programmatic Issues; Final Rule. 34 CRF 668.41, Reporting and Disclosure of Information 34 CRF 668.46, Institutional Security Policies and Crime Statistics 34 CFR 668.49, Institutional Fire Safety Policies and Fire Statistics http://edocket.access.gpo.gov/2009/E9-25373.htm

Higher Education Opportunity Act, Aug. 14, 2008. Program Participation Agreement Requirements
http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_public_laws&docid=f:publ315.110

Federal Register, Oct. 20, 2014 (Vol. 79, No. 202), Violence Against Women Act; Final Rule. 34 CFR 668.46, Institutional Security Policies and Crime Statistics
http://www.gpo.gov/fdsys/pkg/FR-2014-10-20/html/2014-24284.htm

Reprint from U.S. Department of Education Office of Postsecondary Education Handbook, Jun 2016 p. A-3.

JEANNE CLERY ACT DEFINITIONS

As defined by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act:

SEX OFFENSES-FORCIBLE

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

Forcible Rape: The carnal knowledge of a person, forcibly and/or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Sexual Assault with an Object: The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
Forcible Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

SEX OFFENSES-NON FORCIBLE

Unlawful, non-forcible sexual intercourse.

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

Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

OTHER CRIME DEFINITIONS

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death, or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

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

Bias Crime or Hate Crime: A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; also known as Hate Crime.

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Dating Violence: Violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

Domestic Violence: Asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

Drug Law Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and the making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana, synthetic narcotics (demerol,

methadones); and dangerous non-narcotic drugs (barbiturates, benzedrine).

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
Larceny: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Liquor Law Violations: The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition).

Manslaughter by Negligence: The killing of another person through gross negligence.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joy riding).

Murder and Non-Negligent Manslaughter: The willful (non-negligent) killing of one human by another.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force, violence, and/or by putting the victim in fear.

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

Stalking: A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his or others' safety, or to suffer substantial emotional distress.

Vandalism: To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

GEOGRAPHICAL DEFINITIONS

On-Campus

1. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and

2. Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

Non-Campus Building or Property

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
2. Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within campus or immediately adjacent to and accessible from the campus.

ANNUAL FIRE REPORT SECTION 2022

ABOUT THE ANNUAL FIRE SAFETY REPORT

The University of Detroit Mercy Department of Public Safety 2022 Annual Fire Safety Report is provided to you in compliance with the Higher Education Opportunity, Public Law 110 – 315 Act. (HEOA) The Annual Fire Safety Report is a HEOA regulation that requires minimum statistical disclosure for the three previous years for residential housing (for purposes of this report 2019, 2020, 2021), concerning reported fire related incidents on property owned or controlled by the University of Detroit Mercy. This report also includes institutional policies concerning campus fire evacuation, residential hall reporting and other fire safety matters. Detroit Mercy Corktown Campus – School of Dentistry does not maintain a student housing facility on this campus. Accordingly, the university does not have residential housing fire statistics to report for the 2019, 2020, and 2021 Annual Fire section of this report. The Detroit Mercy McNichols Campus maintains a student housing complex. Fire statistics for the McNichols Campus are disclosed in this Annual Security & Fire Safety Report 2022. You can obtain a copy of the campus reports by following the print options, contacting the Department of Public Safety at (313) 993-1234 M – F 9:00 a.m. to 4:00 pm., or by accessing the following website www.udmercy.edu/publicsafety

FIRE SAFETY TIPS

- **Plan Ahead!**
- Never tamper with fire alarm systems.
- Know two fire escape routes from your residence.
- Read fire safety evacuation measures provided.
- When an alarm sound leave the building immediately.
- Cook only where it is permitted.

- Learn student housing fire safety measures.

FIRE SAFETY FACTS

Plan Ahead! You may have only a few minutes to get out safely once the smoke alarm sounds.

WHEN THE ALARM SOUNDS … GET OUT

Fire doubles in volume every 30-60 seconds. In just a couple of minutes, an entire room or multiple rooms can be engulfed in flames and smoke. When the fire alarm sounds, get out of the building - FAST and NEVER, no matter what, delay or go back inside the building to get your "things". Ask yourself; is a cell phone or computer more important than your life? No way. You can always buy a new cell phone; but you can't buy your life back.

Source: CampusFireSafety.org and The National Fire Protection Association (NFPA), 2015. Online: http://www.campusfiresafety.org/Portals/0/Documents/CFS%20For%20Students/student%20tips.pdf

FIRE SAFETY EVACUATION MEASURES

FOR EMPLOYEES AND STUDENTS

- The first person to discover a fire or evacuation situation is responsible for immediately activating the nearest fire pull station and calling the Department of Public Safety at (313) 993-1234 from a safe location.
- Be calm and carefully give all information requested.

Procedure

1. Exit the building using the nearest marked exit and posted evacuation route.
2. Pull fire alarm if available and/or if you can do so safely, notify occupants by yelling "fire" in the hallway.
3. Go to a safe area (outside Gathering Point) and call the Department of Public Safety.
4. Tell the Department of Public Safety the building, floor and room number where the fire is located.
5. State whether the building is occupied.
6. State if person(s) is trapped or injured and their location(s).
7. Give the cause of the fire, if known.
8. State your name, telephone number and location at time of call.
9. STAY ON THE TELEPHONE and offer further assistance.
10. The Director of the Department of Public Safety or designee will fully activate the Emergency Command Center, if it is appropriate to do so.
11. Small, isolated fires should be extinguished if possible and safe. Fire extinguishers are generally located in stairwells, near entrances, or at the end of corridors.
12. Building coordinators will account for their personnel at the evacuation assembly area and report this information to the Department of Public Safety officer.
13. Personnel should remain at the Gathering Point for further instructions.
14. Emergency response personnel will direct you if it will be necessary to proceed to another location.
15. Do not return to an evacuated building until the Department of Public Safety announces all clear.

ESPECIALLY FOR RESIDENTIAL STUDENTS

- All alarms must be treated as warning of an actual emergency. Do not take time to get personal possessions.
- If smoke is present, stay close to the floor as you exit.
- Designated Residence Life Staff shall ensure, to the extent practical, that the site-specific Evacuation Plan of their building is followed, and that the evacuation of the facility continues until emergency personnel arrive.

Fire Statistics for Residential Facilities— McNichols Campus (2021)

All Residential Housing is located at 4001 W. McNichols Rd., Detroit, MI 48221

Residential Facility	Total Fires in Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damaged Caused by Fire
Holden Hall	0	0	0	0	0	0
Shiple Hall	0	0	0	0	0	0
North Quad	0	0	0	0	0	0
South Quad	0	0	0	0	0	0
East Quad	0	0	0	0	0	0
West Quad	0	0	0	0	0	0

Residential Facility	Fire System Monitored by Public Safety	Building Equipped with Fire Alarms	Building Equipped with Smoke Detectors	Number of Evacuation Drills Conducted
Holden Hall	Yes	Yes	Yes	5
Shiple Hall	Yes	Yes	Yes	5
North Quad	Yes	Yes	Yes	5
South Quad	Yes	Yes	Yes	5
East Quad	Yes	Yes	Yes	5
West Quad	Yes	Yes	Yes	5
Quad Commons	Yes	Yes	Yes	5

Fire Statistics for Residential Facilities— McNichols Campus (2020)

All Residential Housing is located at 4001 W. McNichols Rd., Detroit, MI 48221

Residential Facility	Total Fires in Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damaged Caused by Fire
Holden Hall	0	0	0	0	0	0
Shiple Hall	0	0	0	0	0	0
North Quad	0	0	0	0	0	0
South Quad	0	0	0	0	0	0
East Quad	0	0	0	0	0	0
West Quad	0	0	0	0	0	0

Residential Facility	Fire System Monitored by Public Safety	Building Equipped with Fire Alarms	Building Equipped with Smoke Detectors	Number of Evacuation Drills Conducted
Holden Hall	Yes	Yes	Yes	5
Shiple Hall	Yes	Yes	Yes	5
North Quad	Yes	Yes	Yes	5
South Quad	Yes	Yes	Yes	5
East Quad	Yes	Yes	Yes	5
West Quad	Yes	Yes	Yes	5
Quad Commons	Yes	Yes	Yes	5

Fire Statistics for Residential Facilities— McNichols Campus (2019)

All Residential Housing is located at 4001 W. McNichols Rd., Detroit, MI 482

Residential Facility	Total Fires in Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damaged Caused by Fire
Holden Hall	0	0	0	0	0	0
Shiple Hall	0	0	0	0	0	0
North Quad	0	0	0	0	0	0
South Quad	0	0	0	0	0	0
East Quad	0	0	0	0	0	0
West Quad	0	0	0	0	0	0

Residential Facility	Fire System Monitored by Public Safety	Building Equipped with Fire Alarms	Building Equipped with Smoke Detectors	Number of Evacuation Drills Conducted
Holden Hall	Yes	Yes	Yes	5
Shiple Hall	Yes	Yes	Yes	5
North Quad	Yes	Yes	Yes	5
South Quad	Yes	Yes	Yes	5
East Quad	Yes	Yes	Yes	5
West Quad	Yes	Yes	Yes	5
Quad Commons	Yes	Yes	Yes	5

CAMPUS FIRE SAFETY POLICY

PURPOSE

University of Detroit Mercy releases fire safety information to the University community as a first step in educating the community on fire safety procedures. Detroit Mercy has provided educational information that provides techniques to reduce the risk of a fire safety incident. The University will offer prevention programs essential to keep the University community safe from fire safety incidents. Fire safety laws are meant to educate our community and to encourage those with fire incident information to report the offense to the Detroit Mercy Department of Public Safety.

SCOPE

To create and maintain a fire safe environment for students residing in campus housing, non-residential students, employees, contractors, consultants, temporary help and other workers at Detroit Mercy, including all personnel affiliated with third parties.

POLICY

Residential Halls

When it comes to fire safety, certain personal property can compromise the safety of all within the community. The prohibited items can be found in the **Guide to Residence Living**. The Office of Residence Life conducts regular health and safety inspections of each residence hall. All areas and spaces of the room/suite, and all objects and containers within the space may be searched. Illegal or unauthorized property will be confiscated, and residents will be provided a list of items taken. Items violating local, state, or federal laws may be turned over to the Department of Public Safety.

General Fire Policy

Detroit Mercy has life safety procedures to keep our community free of fire safety hazards. Annually fire systems are tested throughout University campuses. The Department of Public Safety (DPS) has leadership role to initiate, facilitate and account for fire safety test drills. As an ongoing process check other committees and departments have a responsibility to assist DPS during these tests and report their findings.

Fire safety tests are one measure that Detroit Mercy uses to account for the operations of mechanical equipment and emergency response of our community and emergency personnel. While other inspections occur to assess our emergency readiness, as a standing practice the Detroit Mercy community is encouraged to play a role in the prevention and evaluation process of campus fire safety systems and procedures.

Fire incidents on University property are the direct responsibility of the DPS who shall make the necessary notifications for additional outside resources when an incident requires. DPS officers are trained in emergency response to critical incident scene. The University community has been provided with specific fire safety protocol, evacuation and containment procedures to aid in making an educated choice if faced with a fire safety incident.

All DPS Officers have been trained on proper use of all types of Fire Extinguisher. DPS trains all Resident Advisor on proper us of Fire Extinguishers at RA Orientations. DPS has developed an online Fire Equipment Training presentation for all student, faculty and staff. This presentation is located on DPS website. Fire safety information is available on the University Emergency Procedure Guide and located in

the Detroit Mercy Emergency Response Plan. Follow this link to access fire safety information www.udmercy.edu/publicsafety/emergency_readiness or call the Department of Public Safety at (313) 993-1235 M-F between 9:00 a.m. – 5:00 p.m.

The University is committed to promoting and maintaining a healthy work and academic environment that is as close to tobacco free as practicably possible and in accordance with all federal, state and local laws. Students, employees and visitors are prohibited from using tobacco throughout all University buildings (exception University Apartments), University vehicles and outside of buildings within 25 feet of any entrance, air intake duct and/or window.

Daily Fire Log

A daily fire log is available for review 24 hours a day on the University of Detroit Mercy DPS website at: www.udmercy.edu/publicsafety/clery/incidents/index.htm. The information in the fire log includes the nature, date, time and the value of property damage caused by a fire. The Annual Security report is available 24 hours a day on the University of Detroit Mercy Department of Public Safety website at: www.udmercy.edu/publicsafety/clery/fire/index.htm

REPORTING A FIRE EMERGENCY

PURPOSE

For purposes of this policy the University of Detroit Mercy Department of Public Safety disclose to the University Community how to report fire safety matters that take place on and around the University's campuses which may pose a threat to safety.

SCOPE

This policy applies to students who reside in campus housing, non-residential students, employees, contractors, consultants, temporary help and other workers at Detroit Mercy, including all personnel affiliated with third parties.

POLICY

To report a fire safety matter occurring on or nearby a Detroit Mercy campus immediately contact the Detroit Mercy Department of Public Safety 24-hour communications center.

DETROIT MERCY DEPARTMENT OF PUBLIC SAFETY
24-HOUR EMERGENCY LINE (313) 993-1234

You can also reach Public Safety by dialing (313) 993-1234 for non-emergencies, or by using the exterior emergency telephones located throughout campus parking lots or near some buildings.

Any suspicious activity or person observed loitering in the parking lots, inside building or around the Residence Halls should be immediately reported to the Department of Public Safety. In addition, if you are a victim involved in a fire incident you may also report a crime to the following areas:

Monica Williams, Dean of Students	(313) 993-1028
Sandra Alef, Residence Life	(313) 993-1439

When the situation necessitates the Detroit Mercy Department of Public Safety will make notification to the Detroit Fire Department for response. Each department augments the other within their jurisdictions during mutual incidents and investigations. Detroit Mercy officers attend regular meetings with local law enforcement agencies to exchange ideas and problems, which may be of concern for the University community.

Residence Halls

Detroit Mercy only has residential housing on the McNichols Campus. Our residential complex has the capacity to house nearly 900 students each term. Residential students are educated to immediately report fire related incidents as follows:

- Verbally alert other occupants as you exit
- To the extent safely possible assist others who may need assistance
- Use the stairs to evacuate the building. Do not use the elevators.
- Go to the nearest Evacuation Area
- Wait for further instruction from on scene emergency personnel

ABOUT CAMPUS FIRE DRILLS

PURPOSE

To educate residential students on procedures related to building evacuation.

SCOPE

In conjunction with the Department of Public Safety, the Office of Residence Life schedules regular fire drills for each residence hall.

POLICY

Fire drills occur intermittently each term in each residence hall. On-campus residents must evacuate to designated evacuation areas and follow the procedures detailed below:

- Check your room door for heat. If hot, do not open it.
- If door is cool, open it slowly and check the hallway for smoke.
- If the hallway is passable, immediately and swiftly leave your room.
- Close and lock your room door.
- Help others who may need assistance.
- Evacuate the areas via stairs. Do not use the elevators.
- Go to the Evacuation Areas as directed.
- Do not return to the building for any reason until the Department of Public Safety determines it is safe to do so.
- The Department of Public Safety and Office of Residence Life staff will direct you when it is safe to return to the building.

Failure to evacuate a building after an alarm or attempts to reenter a building before permission is granted will result in disciplinary action and could include criminal charges from the Department of Public Safety.

CAMPUS EVACUATION POLICY

PURPOSE

For purposes of this policy the University of Detroit Mercy Department of Public Safety discloses fire safety evacuation procedures to the University community for incidents that take place in University structures that pose a threat to safety.

SCOPE

This policy applies to students who reside in campus housing, non-residential students, employees, contractors, consultants, temporary help and other workers at the Detroit Mercy, including all personnel affiliated with third parties.

POLICY

The first person to discover a fire or evacuation situation is responsible for immediately activating the nearest fire pull station and calling the Department of Public Safety from a safe location.

DETROIT MERCY DEPARTMENT OF PUBLIC SAFETY
24-HOUR EMERGENCY LINE (313) 993-1234

- Be calm and carefully give all information requested.
- EVACUATE IMMEDIATELY in case of a fire or upon notification.
- DO NOT USE ELEVATORS.
- When an emergency evacuation is ordered or when audio or visual alarms are activated, all persons are required to evacuate the premises immediately.
- All alarms must be treated as warning of an actual emergency. Do not take time to get personal possessions.
- If smoke is present, stay close to the floor as you exit.
- If possible and safe, turn off laboratory gases, exhaust fans and close doors/windows as you exit.
- All faculty and staff should help direct students and visitors to obey evacuation orders.
- Faculty should assure that students in their class who have mobility difficulty are assisted in the evacuation, making sure these students get at least to a stairwell landing.
- All University employees are responsible to know the location of exits and be able to identify their

building's evacuation route(s) in an emergency.

- Designated Building Coordinators shall ensure, to the extent practical, that the site-specific Evacuation Plan of their building is followed, and that the evacuation of the facility proceeds until emergency personnel arrive.
- Exit the building using the nearest marked exit and posted evacuation route.
- Proceed to designated outside Gathering Point shown on the evacuation map posted in the building.
- Obey the directions of emergency response personnel or the Building Coordinator(s).
- Be alert to the presence of persons requiring evacuation assistance and assist as much as possible to get them out or to a stairwell landing.
- Notify emergency personnel immediately upon arrival of the exact location of any person(s) who may be having difficulty evacuating.
- Emergency response personnel will direct you if it will be necessary to proceed to another location.
- Do not return to an evacuated building until the Department of Public Safety announces all clear

Residence Halls

When the fire alarm sounds, on-campus residents must evacuate to the nearest designated evacuation area and begin the fire evacuation procedures:

- Check your room door for heat. If hot, do not open it.
- If door is cool, open it slowly and check the hallway for smoke.
- If the hallway is passable, immediately and swiftly leave your room.
- Close and lock your room door.
- Help others who may need assistance.
- Evacuate the areas via stairs. Do not use the elevators.
- Go to the Evacuation Areas as directed.
- Do not return to the building for any reason until the Department of Public Safety determines it is safe to do so.
- The Department of Public Safety and Office of Residence Life staff will direct you when it is safe to return to the building.
- After any evacuation, report to your designated area assembly point. Stay there until an accurate head count has been taken.

FAILURE TO EVACUATE A BUILDING AFTER AN ALARM OR ATTEMPTS TO REENTER A BUILDING BEFORE PERMISSION IS GRANTED WILL RESULT IN DISCIPLINARY ACTION AND COULD INCLUDE CRIMINAL CHARGES FROM THE DEPARTMENT OF PUBLIC SAFETY.

STUDENT HOUSING FIRE SAFETY SYSTEMS AND IMPROVEMENTS

PURPOSE

University of Detroit Mercy releases to the University Community information on the residence hall emergency fire systems.

SCOPE

This policy applies to students, employees, contractors, consultants, temporary help and other workers at University of Detroit Mercy, including all personnel affiliated with third parties who may reside in a Detroit Mercy residence hall or provide services to the residential complex on an intermittent basis.

POLICY

In accordance with state and federal fire regulations the University provides residential living space for students and designated employees on a limited basis. All Detroit Mercy housing quarters are fire safe facilities that meet the required fire codes as set forth by the State of Michigan and City Ordinance. Our residential complex is monitored 24-Hours a day 7 days a week by the University's Department of Public Safety. The University provides routine equipment tests to ensure operability. The Detroit Fire Department provides, and annual inspection of hydrants located on Detroit Mercy campuses.

The residential halls are equipped with standard fire pull stations and fire alert horns that are activated when a pull station is engaged. Many of the halls also have floor fire strobe indicators. The University provides fire safe notification systems that meet ADA regulations to accommodate students with certain disabilities. The Department of Public Safety and the Office of Residence Life staff also provide on an as needed basis a fire watch patrol if systems go offline for any reason.

Fire System types and Improvements for all Residential Halls

Shiple Hall

- Limited Fire suppression; Trash rooms, Custodial and Mechanical
- Seimens Fire alarm system; entire building, pull stations, audible horns, smoke detectors in each dorm room. Reports to PS, installed 2001.
- (Hardwired), hallways and common areas.
- Upgrade; 2016 Fire alarm panel (National Time 902) with auto dialer to communicate directly with Public Safety.
- Upgrade; New smoke detectors (10yr Lithium battery) installed in September 2016 in all dorm rooms, hallways and common areas.
- Performed annual testing of fire alarm system.
- Fire suppression testing.
- Annual fire extinguisher inspections.
- Fire alarm system upgraded 2021

Holden Hall

- New National Time fire alarm, entire building. Certified in 2020, reports to PS
- No fire suppression

- Seimens Fire alarm system; entire building, pull stations, audible horns, smoke detectors outside mechanical room, smoke detectors (battery) in each dorm room.
- Upgrade; New smoke detectors (10yr Lithium battery) installed in September 2016 in all dorm rooms, hallways and common areas.
- Performed annual testing of fire alarm system.
- Fire suppression testing.
- Annual fire extinguisher inspections.

Quad Complex

- Limited Fire suppression; trash rooms, custodial and mechanical.
- Limited fire alarm pull stations report local and to Public Safety
- Stand alone, lithium battery operated smoke detectors
- National Time Fire alarm system; entire buildings, pull stations, audible horns, heat detectors in lobby of each dorm floor, smoke detectors (battery) in each dorm room.
- Upgrade; 2016 Fire alarm panel with auto dialer to communicate directly with Public Safety.
- Upgrade; New smoke detectors (10yr Lithium battery) installed in September 2016 in all dorm rooms, hallways and common areas.
- Upgrade 2018 Fire head replacement to Quads to bring them up to code.
- Upgrade 2018 Fire stopping of wall lower level wall penetrations in all Quad buildings.
- Performed annual testing of fire alarm system.
- Fire suppression testing.
- Annual fire extinguisher inspections.

West Quad

- Stand alone, lithium battery operated smoke detectors in each room.
- Limited fire alarm pull stations report local and to Public Safety.
- Limited fire suppression in trash rooms, custodial and mechanical.

South Quad

- Stand alone, lithium battery operated smoke detectors in each room.
- Limited fire alarm pull stations report local and to Public Safety.
- Limited fire suppression in trash room, custodial and mechanical.
- Fire alarm system upgraded 2021

East Quad

- New National Time fire alarm, entire building. Certified in 2020 reports to Public Safety.
- Limited fire suppression in trash rooms, custodial and mechanical.

North Quad

- New National Time fire alarm, entire building. Certified in 2018 reports to Public Safety.
- Limited fire suppression in trash rooms, custodial and mechanical.

PROHIBITED RESIDENTIAL HALL ITEMS

The Office of Residence Life strives to develop a safe living and learning environment where residents are engaged in a structured academic, personal, and social community. To ensure we meet these expectations and to minimize the potential for fires in the University of Detroit Mercy residential community, it is the policy of University of Detroit Mercy to prohibit the use of the following:

- Air Conditioners
- Broilers
- Candles (with or without wicks)
- Coffee Pots without a timer and auto shutoff
- Crock Pots
- Deep fryer
- Electric blankets
- Electric frying pans
- Electric space heaters
- Extension cords longer than 6 feet (no more than 2 per room)
- Explosives/Firecrackers/Fireworks
- Electric Pressure Cooker
- Iron w/o automatic shutoff
- Gas Grills
- Gas Heaters
- George Foreman grills
- Griddles
- Halogen Lights/Lamps and Heating Lamps and Lava Lamps
- Heating coils
- Hookahs, Bongs, or other items that can be considered drug paraphernalia
- Hot Water Makers/Tea Kettles w/o Digital Timer and Temperature Gauge
- Heat fans, ceramic heaters, etc.
- Hot plates
- Open faced Grills (i.e., waffle irons, quesadilla makers, etc.)
- Mattresses
- Incense/Wax/ Potpourri burner and warmer
- Pets, other than fish (10 gallon aquarium or less)
- Rice Cookers
- Refrigerators larger than 5 cubic feet (only 1 refrigerator permitted per room)
- Sandwich makers
- Sun lamps
- Signs considered to be University, Government, or another's property
- Toasters and/or Toaster ovens
- Microwave more than 700 Watts
- Amplifiers, Subwoofers, and/or Stereos over 100watts (or otherwise deemed a nuisance to the community) - Sound should not be heard beyond the walls of the room.
- Weapons

- Waterbeds
- Lofts other than those authorized by University of Detroit Mercy
- Four or more armed lamps
- All cooking items that use an open flame or heating element

NOTE: Extension Cords and Corded Surge Protectors cannot be plugged into each other (i.e., daisy chained). No more than 6 items can be plugged into outlet. -All electrical appliances must be UL-approved -Curling Irons, Hair Straighteners, and other electronic hair devices with a heating element must remain unplugged when not in use. -Items are not to be hung from any ceiling. Damage resulting from items attached to the ceiling may result in a damage charge being assessed. -All university furniture must remain in the room. Relocation of any university issued furniture is in direct violation of Residence Life Policy and could result in a fine or fee to replace the missing furniture. Residence Life will not remove furniture from any room by request. Some rooms containing a single occupant may have furniture for double occupancy.

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DETROIT MERCY DEPARTMENT OF PUBLIC SAFETY
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