

# Eastern Michigan University



## **2021 Annual Security Report and 2021 Annual Fire Safety Report**

**October 2021**

for the 2020-2021 academic year, containing crime  
statistics for: 2020, 2019 & 2018

This information is provided for  
Eastern Michigan University's Ypsilanti campus

# **2021 Annual Security Report & 2021 Fire Safety Report**

for the 2020-2021 academic year, containing crime statistics for:

2020, 2019 and 2018 calendar years

Prepared October 2021 by:  
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The 2021 Eastern Michigan University Annual Security Report is provided to you as part of the University's commitment to your safety on campus. The Annual Security Report is made available to EMU students, employees, prospective students and prospective employees as required by the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act.

While this handbook meets the requirements of the Clery Act, it should not be viewed as a contractual commitment by the University guaranteeing the safety of EMU students, staff and guests.



**EMU Bike Rodeo: community engagement and safety education**

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## **Eastern Michigan University Police Department**

### **Message from the Chief of Police**

The primary mission of the Eastern Michigan University Police Department is to provide for the safety and security of all members; students, faculty, staff, and guests, of our great University.

All of us at the Eastern Michigan University Police Department, joined by our partners in University Housing and Residence Life/Residential Services, the Office of Wellness and Community Responsibility, Women's Resource Center, Title IX Coordinator, Academic Affairs, Legal Affairs, Physical Plant Facilities, University Counseling and Psychological Services, Emergency Management, and Environmental Health & Safety are working hard to provide a safe and secure learning and working environment for everyone.

Your safety is our concern. It also must be your concern. At Eastern Michigan University we work hard to prevent crime, fire, accidents and illness, but nothing is as important as what you do and, in some cases, don't do.

This publication and information provided on the Public Safety website located at [EMU Public Safety](#) contains valuable information about how you can help us keep you safe, on and off campus. Please pay special attention to the safety tips. Following them will reduce the chances that you'll be the victim of crime, become injured or lose valuables. While we have sought to make this report a valuable resource of safety information, we invite you to contact any of the departments or programs listed for more information about resources or policies.

I hope that you take full advantage of the services we have in place for your safety, and always feel free to contact us for any assistance. If you have questions, concerns or suggestions about public safety at Eastern we would be very glad to hear from you.

I extend my best wishes to everyone for an enjoyable and safe experience at Eastern Michigan University.

Let's work together to have a safe year.

Robert Heighes  
Chief of Police  
Eastern Michigan University

## **Eastern Michigan University Police Department**

The EMU Police Department is a full-service community-oriented professional police department with full law enforcement capabilities. The Police Department is located at 1200 Oakwood Street and is open 24 hours a day, seven days a week, to serve the needs of the campus community. For 2021, the department is comprised of thirty-three (33) sworn police officers, eight (8) dispatchers, and two (2) administrative assistants.

All of our police officers are certified through the Michigan Commission on Law Enforcement Standards (MCOLES). Since March of 1992, officers have been sworn by the Eastern Michigan University Board of Regents pursuant to the Higher Education Police Powers & Authority, Act 120, Michigan Public Acts of 1990, which can be found in this Annual Security Report. Our officers are also sworn in by the City of Ypsilanti Police Department and Washtenaw County Sheriff's Department, thereby allowing them to enforce University Policies, city ordinances as well as state laws within Washtenaw County. As sworn officers, they are empowered to investigate crimes and make arrests or take other necessary action to address any criminal or other public infractions in the vicinity of the EMU campus.

EMU police officers work closely with all area police agencies, including the Ypsilanti Police Department, Pittsfield Township Police, Michigan State Police, and Washtenaw County Sheriff's Department. The EMU Police Department is a member of the Washtenaw County Police Mutual Aid Agreement that includes the investigation of criminal incidents.

Department personnel are available to provide training classes or speak on a wide variety of topics including crime prevention, sexual assault prevention, domestic violence, intoxicated driving, racial profiling issues, and other safety related issues.

The EMU Police Department is committed to providing you with courteous and professional service. If serious crimes occur on or near campus the Police Department sends out email notices and posts information on our website to inform the University community. Please read this information and take appropriate precautions when information is given. While no police agency can promise you total isolation from crime, we promise to do everything within our resources to make our campus a safe place for students, staff, and visitors. Please remember to take common sense precautions such as locking your doors and please call us to report suspicious activity to help us achieve campus safety.

It is important that each of you take responsibility for your own safety. Please take time to read through this handbook and familiarize yourself with the programs and activities we offer. Educate yourself about what you can do personally to make your campus a safer place. For additional information please also visit our website at: [EMU Public Safety](#)

If you have any questions concerning your safety at EMU, please do not hesitate to call us at 734.487.0892. We are here to assist and protect you. Any email questions or comments intended for the Department of Public Safety may also be sent to: [dps.questions@emich.edu](mailto:dps.questions@emich.edu). We look forward to working with you during the upcoming school year.



## **Police Authority and Jurisdiction**

All of EMU's police officers are certified through the Michigan Commission on Law Enforcement Standards (MCOLES). Since March of 1992, officers have been sworn by the Eastern Michigan University Board of Regents pursuant to Public Act 120 and also by the City of Ypsilanti Police Department and Washtenaw County Sheriff's Department, thereby allowing them to enforce city ordinances as well as state laws within Washtenaw County. As sworn officers, they are empowered to investigate crimes and make arrests or take necessary action to address any criminal or other public infractions on and in the vicinity of the EMU campus. EMU's police have the responsibility of being the primary policing agency for the main campus, including the College of Business (Owen Building), and the Eagle Crest Golf Course.

The primary responsibility for policing the area surrounding EMU's main campus is that of the City of Ypsilanti. The Washtenaw County Sheriff's Department provides the primary police service for Ypsilanti Township which surrounds EMU's Eagle Crest Golf Course. The Washtenaw County Sheriff's Department also polices the Marriott Hotel. EMU's Biology Sciences area on Golfside Road is surrounded on 3 sides, north, south and east, by Ypsilanti Township and Pittsfield Township to the west.



**EMU Public Safety Building**

The following non-campus locations are policed by the local jurisdictions. Persons needing to make police reports for crimes committed at these locations should contact the respective agency listed:

Kresge Environmental Education Center . . . Lapeer County Sheriff Dept. . . . . 810.664.1801

Parsons Center . . . . . Benzie County Sheriff Dept. . . . . 231.882.4484

Anyone needing assistance in making a police report at any of these locations can contact the EMU Police Department and staff will assist in contacting the appropriate agency to file a report.

EMU's police department radio system is part of the Washtenaw County 800 MHz radio Consortium. This system allows EMU's police to monitor and communicate directly with area police and fire agencies. EMU's police are connected to the State of Michigan Law Enforcement Information Network (LEIN) and to the national police computer networks (NCIC and NLETS), linking them with police agencies across the state and country.



Nitro, EMU's first police dog

## Emergency Services - Reporting a Crime

In the event of an emergency or to report a crime on the main EMU campus, including the College of Business and Corporate Education Center, members of the campus community should call the EMU Police Department at **734.487.1222 or 911 from a campus telephone. From a mobile phone dial 734.487.1222.** EMU Police department encourages the accurate and prompt reporting of all crimes to the EMU PD or appropriate law enforcement agency, including when the victim elects to, or is unable to, make such a report. Prompt reporting allows EMU PD to take the appropriate action(s) in a timely manner. If a complainant files a report with EMU Police, the information may not be able to be kept confidential. EMU Police does not allow voluntary confidential reporting of crimes due to state open records laws.

### **EMU Police Emergency ..... Dial 911 or 734.487.1222 for fire, police or medical emergencies**

EMU Police Department (non-emergency) 734.487.1222

Anonymous EMU Police Tip Line .....7-4TIP..... 734.487.4847

[Crime Stoppers](#) (1-800-SPEAKUP) ..... 800.773.2587

EMU Police Investigations 734.487.1222

EMU Emergency Management 734.487.0892

Huron Valley Ambulance 734.971.4420

St. Joseph Mercy Hospital Emergency 734.712.3000

University of Michigan Hospital Emergency 734.936.6666

### **Other Resources:**

University Counseling and Psychological Services 734.487.1118

Domestic Violence Project/SAFE House 734.995.5444

## **Campus Emergency Telephones**

Emergency telephones, also called blue-light phones, are located throughout the main campus and the College of Business. While there are several styles of emergency phone, they all can be identified by their blue light.

The telephones are simple to operate and may be used as either a direct line to the Police Department or to call on-campus numbers.

To operate in an emergency, simply press the red “emergency” button at the lower right corner of the panel. Simultaneously, a strobe light on top of the emergency phone unit will be activated. There is no need to dial a number. The call will ring directly to a dispatcher at the Police Department and will be taken as an emergency service request.



## **Response to Reports**

Dispatchers are available 24 hours a day to answer your calls. EMU Police procedures require an immediate response to emergency calls. EMU Police works closely with the full range of city and county emergency resources to assure a complete and timely response to all emergency calls. Priority response is given to crimes against persons and personal injuries. In response to a non-emergency call, EMU Police will take the required action, either dispatching an officer or asking the victim to report to EMU Police to file an incident report.

Special services include experienced investigators as well as the availability of local, state, and federal law enforcement agencies in providing support and assistance. EMU Police incident reports are forwarded to the Washtenaw County Prosecutor’s Office, Office of the Ypsilanti Prosecuting Attorney, and the Office of Wellness and Community Responsibility for potential action, as appropriate.

## **Other Law Enforcement Department Contact Numbers**

City of Ypsilanti . . . . .	Ypsilanti Police Dept. . . . .	734.483.9510
Ypsilanti Township . . . . .	Washtenaw Co. Sheriff’s Dept. . . .	734.484.6740
Pittsfield Township . . . . .	Pittsfield Twp. Police . . . . .	734.822.4911

## **Emergencies: dial 911**



## Emergency Assistance Stations

Emergency Assistance Stations (EAS) are devices that allow verbal communication directly with EMU's 911 Dispatch Center. The system also allows the dispatcher to see the caller by way of a video camera that is in the area of the EAS devices.

EAS devices are located in Alexander, Best, Boone, Briggs, Bowen, Buell, Ceramics/Central Stores, College of Business, Coatings & Research, Convocation Center, Corporate Ed-Marriott, Downing, Fletcher, Ford, Halle, Hill, Honors College, Hover, Hoyt, King, Lake House, Mark Jefferson/Science Complex, Marshall, McKenny, Pease, Physical Plant, Pierce, Pittman, Porter, Practice Facility, Pray-Harrold, Psychology Clinic, Putnam, Quirk, Rackham, Rec IM, Roosevelt, Sculpture Studio, Sellers, Sherzer, Sill, Snow, Starkweather, Strong, Student Athletic Performance Center, Student Center, Terrestrial & Aquatic Research, University House, Village Commons, Warner, Welch, Welcome Center and Wise.



When these stations are activated they provide immediate visual and verbal contact with DPS. These stations allow DPS to visually assess the surrounding areas if and when there is an emergency or suspicious activity reported. Additional information is available on the Public Safety website at: [Emergency Phones](#).

## Timely Warning Policy

A Campus Timely Warning or "Crime Alert" is provided to heighten safety awareness and to provide students, faculty and staff timely notification of crimes that are considered to represent a serious or continuing threat to the campus community. The warning will provide pertinent information related to the crime and suspect and will also seek information that may lead to arrest and conviction of the offender.

EMU Police issue Timely Warnings about crimes that potentially represent a serious or continuing threat to students, faculty, staff and guests. Timely Warnings involve an incident occurring within the Clery geographic boundaries (On Campus, Public Property and Non-campus property). Such warnings are sent in accordance with the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, known as the "Clery Act."

The guiding principle in issuing the alerts described above is keeping you properly informed, along with preserving the safety and security of the EMU community.

The Eastern Michigan University Police Department (DPS) is responsible for preparing and issuing Timely Warnings on the main campus and the College of Business. The EMU Police Chief, or on duty shift supervisor will make the decision of whether to issue a Timely Warning on a case-by-case basis considering the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

EMU's Clery Act geographic boundaries includes all of campus, and non-campus buildings or property controlled by an officially recognized student organization, along with all public property that is immediately adjacent to and accessible from campus.



Timely Warnings are usually distributed for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: major incidents of arson, criminal homicide, robbery, motor vehicle thefts and burglaries. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by EMU DPS.

The EMU Police Chief or designee reviews all reports to determine if there is an on-going threat to the community and if the distribution of a Timely Warning is warranted. Warnings may also be posted for other crime classifications, as deemed necessary. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other EMU community members and a Timely Warning would not be distributed.

In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a "timely" warning notice to the community. Sex offenses will be considered on a case by case basis depending on when and where the incident occurred, when it was reported, and the amount information known by the EMU Police Department.

Information for Warnings may also come from other law enforcement agencies. Timely Warnings will be issued to the campus community as soon as pertinent information about the crime is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

Timely Warning will be sent by e-mail and will appear on the EMU Police website at: [EMU Timely Warning Notices](#).

The Institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.



## **Publication of the Annual Security Report**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act commonly referred to as the “Clery Act,” requires institutions of higher education receiving federal financial aid to report specified crime statistics on college campuses and to provide other safety and crime information to members of the campus community. Campuses must publish an Annual Security Report detailing statistics regarding reported crimes committed on campus and at affiliated locations for the previous three calendar years, and describing specified policies, procedures and programs regarding safety and security. This requirement of the Clery Act is intended to provide students and their families, as higher education consumers, with accurate, complete and timely information about the safety of the campus so that they can make informed decisions.

The Clery Act requires the collection and reporting of annual crime statistics reflecting reports of specified crimes that occur on and adjacent to a University campus and properties owned or controlled by the University and used for educational purposes. The statistics are gathered from reports made to the EMU Police Department, Housing and Residence Life Office, the Office of Wellness and Community Responsibility, campus security authorities (CSAs) and local police agencies. The statistical compilation must be broken down by specified types of crimes and campus disciplinary referrals, and must indicate if a specified crime is a hate crime. Campuses must also provide a geographic breakdown of the crime statistics according to the following defined geographic areas: “on campus” (including further breakdown of the number of crimes that occurred in campus student residential facilities), “in or on a non-campus building or property” and “on public property.”

### **Policy for Reporting the Annual Disclosure of Crime Statistics**

The Eastern Michigan University Police Department prepares an Annual Security Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with the Housing and Residence Life Office and the Office of Wellness and Community Responsibility and other appropriate departments. Each entity provides updated information on their efforts and programs to comply with the Act.

Since August of 2011, EMU police officers enter all reports, and all crime incidents that are reported, directly into an automated case management software program called CLEMIS CLEAR. Prior to August 2011, reports were entered into a case management software program called CLEMIS NetRMS. Once an officer enters the report in the program, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. The department periodically examines the data to ensure that all crimes that have been reported are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting (UCR) Handbook and the FBI National Incident Based Reporting System (NIBRS) Handbook.

The combined Annual Security Report and Annual Fire Safety Report is updated each year and is available at [EMU Public Safety](#) and clicking on Annual Security Report. The Annual Security Report and Annual Fire Safety Report may also be obtained at the EMU Police Department, located at 1200 Oakwood, or by calling 734.487.0892.

## **Daily Crime Log**

A daily crime log is available for review 24 hours a day on the EMU DPS web site at: [Daily Crime Log](#) or at the Eastern Michigan University Police Department at 1200 Oakwood St. The purpose of the daily crime log is to record all criminal incidents that are reported to or identified by the EMU Police Department.

## **Criminal Activity at Non-campus Locations of Recognized Student Organizations**

EMU has officially recognized student organizations that own or control housing facilities outside of the core campus. If local law enforcement is called by a citizen to respond to one of those locations, local law enforcement will typically notify EMUPD to respond with them or they will notify EMUPD after they have responded to inform EMU of the situation. However, local law enforcement does this out of courtesy and is not “required” to notify or involve EMUPD when they respond to a call involving private property.

## **Disclosure of Campus Safety Policies**

The Annual Security Report must describe specified campus policies concerning:

- Reporting criminal activity or other emergencies on campus;
- Security of, maintenance of and access to campus facilities;
- Authority of campus law enforcement units;
- Monitoring and recording through local police agencies of off-campus criminal activities by students; and
- Alcohol and drugs.

In addition, the report must describe:

- The type and frequency of campus programs to inform students and employees about campus security procedures and precautions and the prevention of crimes;
- Available drug and alcohol abuse prevention education programs;
- Campus programs to prevent sexual assaults, including procedures to be followed when such an assault occurs; and
- Where law enforcement agency information concerning registered sex offenders may be obtained.

## Campus Security Authorities

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

Individuals should report crimes to the EMU Police Department and primary Campus Security Authorities (CSAs) for the purposes of having the incident assessed for a timely warning notice and for the purpose of annual statistical disclosure. In addition to the Police Department, primary CSAs include, but are not limited to, Dean of Students, Ellen Gold at: [emu\\_deanofstudents@emich.edu](mailto:emu_deanofstudents@emich.edu) & EMU Title IX Coordinators, Anika Awai-Williams at: [aawaiwil@emich.edu](mailto:aawaiwil@emich.edu), Jeanette Zalba at: [jzalba@emich.edu](mailto:jzalba@emich.edu) and Erin Kido at: [ekido@emich.edu](mailto:ekido@emich.edu)

## Counselors Confidential Reporting

Campus pastoral counselors and campus professional counselors, when acting as such, are not considered to be campus security authorities and are not required to report crimes for inclusion into the annual security report. EMU Counseling and Psychological Services does not have written procedures regarding the reporting of crimes discovered by its counselors. The counselors determine on a case-by-case basis when and how to encourage patients to report crimes voluntarily to law enforcement for investigation and when and how to confidentially report crimes solely for inclusion in EMU's annual security report. The Clery Act defines counselors as:

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

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

## **Emergency Notifications (Emergency Alerts)**

Eastern Michigan University (EMU) maintains a multi-modal approach to all hazards emergency notification and alerting. The purpose of the emergency notification system is to provide timely notification and warning to all students, faculty, staff, and visitors at Eastern Michigan University of a threat, occurring or imminent, that poses an immediate threat to their health, safety, or general welfare while on the main campus.

In the event of an emergency, University officials authorized to send alerts will without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of public safety and campus officials; it will compromise efforts to assist a victim, to contain the emergency, to respond to the emergency, or to otherwise mitigate the emergency.

Individuals can report emergencies occurring at Eastern Michigan University by calling 734.487.1222

Emergency notifications at EMU are called emergency alerts. When EMU receives notice of an emergency or other dangerous situation occurring on or imminently threatening the campus, public safety and campus officials respond and assess each incident. The EMU Department of Public Safety (DPS) provides coordination of the University's emergency notification and alert system. DPS initiates notification for an immediate or imminent threat to the main campus community stemming from a threat of a natural, human-caused or technological hazard and disseminates an emergency alert.

The EMU Public Safety Communications Center is the 24 hour warning point for the university. The Communications Center serves as a centralized receiving point for information that may require emergency notification of all or portions of the campus community.

In the event of an emergency, Eastern Michigan University will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the University community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees and visitors.

Emergency information is received from various agencies including local, state and federal law enforcement agencies, Washtenaw County Emergency Management, the National Weather Service, and the federal Department of Homeland Security. The EMU Department of Public Safety staff is responsible for confirming an emergency in conjunction with campus administrators, local and state first responders and/or the National Weather Service.

DPS and the EMU Division of Communications will collaborate to determine the content of the alert and will use some or all of the systems described below to initiate communication of the threat to the EMU community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. If it is a time sensitive situation and University Communications cannot be contacted, DPS staff will determine the content of the alert. The Eastern Michigan University emergency notification system consists of various technologies intended to offer a tiered and redundant capability. A combination of methods may be utilized

depending on the nature, duration and severity of the emergency. Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community.

Key components of the emergency notification system are:

**1. EMU Outdoor Speaker Arrays**

This seven (7) speaker array system operates as part of an emergency notification system, transmitting voice intelligible emergency messages and alert tones to the outdoor campus environment. It is not designed to penetrate buildings, but will be audible above normal street noise.

**2. Voice over Fire Alarm Speakers (VoFA)**

Upgrades in the EMU fire alarm platform allow for the use of voice audio communications in addition to the fire alarm indicators inside of buildings on campus over the existing fire alarm infrastructure backbone. Currently 15 buildings are on the system.

**3. Rave Mobile Alert**

Rave Alert is a vendor provided broadcast alert interface that allows the University to quickly send multi-modal messages via text, email, and social media to members of the campus community that are subscribed to the service. This also includes vendors, contractors, and others that have requested receiving alerts via mobile phone or email.

Rave Alert sends:

- Email alerts to all currently enrolled students, faculty and staff with emich.edu accounts and other individuals that have enrolled.
- Text alerts to subscribers that have voluntarily entered a mobile phone number.
- Posts alerts to the university's Facebook and Twitter accounts.

**4. Alertus**

Alertus is a vendor provided emergency notification system that sends alerts across EMU's existing infrastructure on the main campus. Alertus provides both audible and visible alerts to all university-networked VOIP phones and to desktop applications in some buildings (COB, Halle, Marshall, Porter, Pray-Harrold, campus wireless). It is integrated with the Rave Mobile platform to provide consistency in messaging and timeliness in activation.

**5. EMU Website**

The EMU website can be used to provide information in support of an emergency alert. Messages can be posted to the official EMU website/homepage containing information that has been developed for that specific threat.

**6. Face-to-Face**

In some situations, direct contact between emergency responders and members of the campus community can serve as another means of communicating information, particularly when other systems fail or are unavailable.

## Emergency Notification Modes and Authorities Chart

System	Primary Message Creator	Backup Message Creator	Authority for Approving & Sending	Primary Sender/Distributor	Backup Sender/Distributor
<b>RaveMobile</b> - Text Alert - Email - Facebook - Twitter - Alertus - VOIP Phones - Desktops	EMU Department of Public Safety	EMU Division of Communications	Highest ranking EMU police supervisor	EMU Communications Officer	EMU Executive Director of Media Relation
<b>Public Address Speakers</b> - Outdoors - Indoor (VoFA)	EMU Department of Public Safety	EMU Division of Communications	Highest ranking EMU police supervisor	EMU Communications Officer	None
<b>EMU Website</b>	EMU Division of Communications	EMU Department of Public Safety	EMU Vice President of Communications & Marketing or designee	EMU Division of Communications	EMU Integrated Content

To opt-in for emergency text and voice messaging, students, faculty, and staff can do so through [Emergency Text Messaging](#).

The content of emergency notifications will vary depending on the situation. At a minimum, a notification will describe the emergency, provide basic instructions to the campus community and will direct them to additional information. The University will provide follow-up information as it becomes available and as appropriate. Follow-up information will be distributed using some or all of the identified communication systems.

The Executive Director of Media Relations develops and disseminates news about EMU to the campus community and the general public through mass media, e.g., newspapers, radio, television, internet, and broadcast operations. The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the EMU homepage and/or social media.

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



## **Emergency Response and Evacuation Procedures**

Eastern Michigan University provides emergency response and guidance for the main campus, including the College of Business and Eagle Crest Golf Course. The EMU Department of Public Safety assists departments with developing, maintaining, and implementing emergency plans and building partnerships with external response agencies.

Emergency response and evacuation procedures are identified in the EMU Comprehensive Emergency Management Plan annexes, in the Emergency Response Procedures (ERP) and in building emergency plans. The ERP outlines how the Eastern Michigan University community (students, faculty, staff and visitors) conducts emergency response actions for specific emergency situations. Procedures for emergency response can be found at: [Emergency Response Procedures](#).

EMU will respond to major emergencies using the Incident Command System (ICS). Eastern Michigan University's emergency response organization uses a Crisis Management Team and an Emergency Response Team. The teams are comprised of designated university officials who are responsible for emergency operations on the campus. Actual team composition is flexible and scalable to the nature and size of the emergency.

EMU publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise or drill) that meets all of the requirements of the Higher Education Opportunity Act.

### **Evacuation**

Evacuation means moving all people from a threatened area to a safer place. In cases requiring the evacuation of one building, occupants should proceed to a designated meeting area as directed by the Department of Public Safety (DPS). When orders are given to evacuate multiple buildings or large areas of the campus, university students, faculty, staff and visitors should proceed to evacuate as directed by DPS. EMU emergency notification systems will be used to notify the campus community if a protective action for evacuation is required.

Emergency evacuation maps have been installed in most buildings on campus. These signs provide information to assist individuals in orienting themselves to their location in the building, the closest exits from the building, and the location of severe weather shelters. Evacuation placards, which are located on each residential room door, provide information on evacuation procedures.

- **Limited Evacuation**

EMU policy requires immediate evacuation when any fire alarm sounds within a building. All students, faculty, staff and any other individuals within the building must immediately depart the building using available safe exit routes.

Conditions for temporary evacuation of a building or area also include, but are not limited to, incidents of mechanical, electrical or other facility-related failures; health, safety and/or environmental issues such as hazardous spills; and other emergency conditions. EMU's Department of Public Safety, in consultation with other campus offices, will decide if a limited evacuation is warranted.

- **Campus-wide Evacuation**

For any event that significantly threatens Eastern Michigan University, EMU's Department of Public Safety, in consultation with the University President will determine if a campus-wide evacuation is warranted.

### **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. The decision to shelter in place may be made by EMU's Department of Public Safety or by the responding off-campus Fire Department. In certain situations, you may have to decide to shelter in place based on your assessment of the incident.

You must immediately seek shelter in the nearest facility or building (preferably in a room with no windows), if it is safe to do so, when you hear the outdoor warning sirens, or you are directed to do so by emergency personnel.

1. If you are "sheltering" due to a **tornado warning**, immediately go to a safe location in your building. General guidelines are:
  - Go to the lowest level of the building, preferably a basement. Position yourself in the safest area away from glass. Be prepared to kneel facing a wall and cover your head.
  - In high-rise (four stories or more) buildings, vacate the top floor and move to a lower floor or to the basement. Position yourself in an interior corridor away from glass. Be prepared to kneel facing the wall and cover your head.
  - If you encounter an individual with special needs, provide assistance if possible.
  - Try to obtain additional clarifying information by all possible means (e.g. text message, radio, e-mail, etc.)
2. If you are "sheltering" due to a **hazardous materials (HAZMAT)** situation, take the following actions:
  - Close all windows and doors.
  - Do not go outside or attempt to leave unless you are specifically instructed to evacuate.
  - If you encounter an individual with special needs, provide assistance if possible.
  - Try to obtain additional clarifying information by all possible means (e.g. text message, radio, e-mail, etc.).
  - Do not leave until instructed to do so by emergency personnel.
3. If you are "sheltering" due to an **active assailant** on campus, immediately go to a safe location in your building if you cannot safely exit the building.
  - If possible, take refuge in a room that can be locked. If unable to lock the door, secure and barricade it by any means possible.
  - The room should provide limited visibility to anyone that is outside of it.
  - Silence all phones, mobile devices, computers, etc.

- After getting to a safe location and without jeopardizing your safety, try to obtain additional clarifying information by all possible means (e.g. text message, radio, e-mail, etc.).

## **Tests, Drills and Exercises**

Announced and/or unannounced drills are scheduled and executed annually to test evacuation and emergency procedures. Announced tests of the outdoor speaker and in-building speaker components of the emergency notification system are scheduled monthly. During the January and September tests, the University includes all systems in the test. In addition to the public address speakers, the test includes activation of the Rave Mobile alerting that includes text, email, and Facebook and Twitter notifications. These tests also include Alertus activation to the university networked Voice over Internet Phones (VOIP) and connected desktop applications.

All tests are announced to the campus community by email in advance of the test. The email notice provides information on the time and components to be tested. Additionally, it provides information on emergency response and evacuation procedures availability with a link to the documents on the university website.

In conjunction with other departments, the University conducts emergency response drills and exercises each year, such as a table top exercise, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

Fire evacuation drills are conducted throughout the school year. The purpose of evacuation drills is to prepare residents for an organized evacuation in case of fire or other emergency. At EMU, evacuation drills are used as a way to educate and train occupants on fire safety and severe weather issues specific to their building. EMU Housing & Residence Life conducts numerous unannounced fire drills each year for the purpose of assessing occupant response.

During the drill, residents practice procedures and familiarize themselves with the location of exits and the sound of fire alarms. In addition to educating the residents of the building about evacuation procedures during the drill, the process also provides the University an opportunity to test the operation of fire alarm system components.

Each exercise is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced. After-action reports are available by contacting the EMU Emergency Management Office at 734.487.0892 or email at: [dps.questions@emich.edu](mailto:dps.questions@emich.edu).

## **Missing Student Notification**

Reports of missing students who live on campus should be made immediately to the EMU Police Department. To make a report with a police officer, the 24-hour contact telephone number for the Police Department is 734.487.1222. All students living in an on-campus housing facility are advised that they have the option annually to register a confidential contact person to be notified in case the student is determined to be missing. When students are informed of their option to provide a confidential contact, they are advised that only authorized campus officials and law enforcement officers in furtherance of a missing person investigation may have access to this information and may not be disclosed outside a missing person investigation.

Local law enforcement will be notified within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing, even if they have not registered a contact person, is above the age of 18, or is an emancipated minor. In the event a student under 18 years of age and not emancipated, EMU must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

Official missing student reports must be referred immediately to the EMU Police Department. EMU Police will immediately initiate investigations of reports about missing students. There is no 24-hour waiting period required before filing reports about missing students.

When a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours, the EMU Police will, if the student has a designated contact person, notify that contact person within 24 hours. If the student is under 18 years of age and is not emancipated, EMU Police will notify the student's custodial parent or guardian and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, EMU will inform local law enforcement having jurisdiction that the student is missing within 24 hours.

#### **Kresge Center and Parsons Center Guests**

Reports of a missing student from these locations should be made immediately with the Lapeer County Sheriff Department at 810.664.1801 (Kresge Center) or the Benzie County Sheriff Department at 231.882.4484 (Parsons Center).

### **Clery Act Geography (Location) Definitions**

#### **On-Campus**

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 any building or property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is frequently used by students and supporters for institutional purposes (such as food or other retail vendor).

#### **Non-campus Building or Property**

Any building or property owned or controlled by a student organization officially recognized by the institution; or any building or property (other than a branch campus) owned or controlled by an institution that is used in direct support of or 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 the campus, or immediately adjacent to and accessible from the campus.

### **Separate Campus**

In broad terms, the Clery Act defines separate locations as other institution-owned or controlled locations that may include satellite, extension or similar types of non-contiguous sites that have an organized program of study and administrative personnel on-site.

Based on this definition, Eastern Michigan University does not have any separate campus locations.

### **Crime Statistics Summary Report**

EMU is required under the Clery Act to provide the following Crime Statistics Summary Report related to its campus and other locations by calendar year. The EMU Crime Statistic Summary Report is sent annually to the U.S. Department of Education and can be viewed on the Office of Postsecondary Education-Department of Education's website at:

<https://ope.ed.gov/campussafety/#/>.

At the site, click "Get Data for One School" and search using "Eastern Michigan University."





## Definitions of Reportable Crimes

**Aggravated Assault:** is 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, and probably would, result in serious personal injury if the crime were successfully completed.)

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

**Burglary:** is 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 felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Dating Violence:** The term “dating violence” means violence committed by a person:

1. who is or has been in a social relationship of a romantic or intimate nature with the victim and;
2. the existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition-

- (i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- (ii) Dating violence does not include acts covered under the definition of domestic violence.

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

**Domestic Violence:** The term “domestic violence” means:

1. Felony or misdemeanor crimes of violence committed—
  - (i) By a current or former spouse or intimate partner of the victim;
  - (ii) By a person with whom the victim shares a child in common;
  - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - (v) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

**Drug Law Violation:** is defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. This includes arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

**Hate Crime:** is 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, ethnicity/national Origin or gender identity.

- **Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).
- **Gender Bias.** A performed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender. e.g., male or female.
- **Gender Identity Bias.** A performed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity. e.g., bias against transgender or gender non-conforming individuals.
- **Religion.** A performed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- **Sexual Orientation.** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).
- **Ethnicity.** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.
- **National Origin.** A performed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

- **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

**Hierarchy Rule:** A requirement in the FBI's Uniform Crime Reporting (UCR) program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted.

**Illegal Weapons Possession:** is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Include in this classification: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

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

**Larceny-theft:** is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**Liquor Law Violations:** are defined as the violations of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Included in this classification is the furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating still; furnishing liquor to a minor or intemperate person; underage possession; using liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; and attempts to commit any of the above.

**Motor Vehicle Theft:** is the theft or attempted theft of a motor vehicle.

**Murder and Non-Negligent Manslaughter:** is defined as the willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence:** is defined as the killing of another person through gross negligence.

**Robbery:** is 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 or violence and/or by putting the victim in fear.

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

- **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.

In Michigan the legal term used for sexual assault or rape is Criminal Sexual Conduct (CSC). The following information provides definitions of CSC.

- **Penetration** includes vaginal, anal or oral intercourse or putting a finger or other object into another person's anal or genital opening. Emission of semen is not required.
- **Sexual Contact** is defined as the intentional touching of the victim's or actor's intimate parts or the clothing covering those intimate parts for the purpose of sexual arousal or gratification, done for a sexual purpose or in a sexual manner, or done in a sexual manner for revenge or to inflict humiliation or out of anger.
- **Mentally incapable** means a mental disease or defect makes the victim incapable of understanding the nature of his/her conduct.
- **Mentally incapacitated** means the victim is temporarily incapable of appraising or controlling his/her conduct due to the influence of a narcotic, anesthetic or other substance administered without consent or due to any other act committed upon the victim without consent.
- **Physically helpless** means the victim is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to act.

A link to the current Michigan legal definitions relating to CSC may be found in the [Michigan Penal Code](#).

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

**Stalking:** The term "stalking" means:

1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - (i) Fear for the person's safety or the safety of others; or
  - (ii) Suffer substantial emotional distress.

- (iii) For the purposes of this definition “Course of Conduct” means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
  - (iv) “Substantial Emotional Distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - (v) “Reasonable Persons” means a reasonable person under similar circumstances and with similar identities to the victim.
2. 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.

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

**Vandalism:** is 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. Attempts are included.

**Eastern Michigan University Main Campus  
2018 - 2020 Crime Statistical Summary  
(Calendar year)**

<b>Crime</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
<b>Murder/Non-negligent Manslaughter</b>			
On campus	0	0	0
*Residence Halls/Apartments	0	0	0
Non-campus	0	0	0
Public property	0	0	0
<b>Manslaughter by Negligence</b>			
On campus	0	0	0
*Residence Halls/Apartments	0	0	0
Non-campus	0	0	0
Public property	0	0	0
<b>Sex Offense: Rape</b>			
On campus	12	15	13
*Residence Halls/Apartments	11	14	10
Non-campus	8	2	21
Public property	0	0	1
<b>Sex Offense: Fondling</b>			
On campus	2	8	3
*Residence Halls/Apartments	1	3	1
Non-campus	2	0	2
Public property	0	2	0
<b>Sex Offense: Incest</b>			
On campus	0	0	0
*Residence Halls/Apartments	0	0	0
Non-campus	0	0	0
Public property	0	0	0

**\*Residence Halls/Apartments numbers are a subset of on campus numbers.**

**NOTE:** The 2016 Edition of “The Handbook for Campus Safety and Security Reporting” states that property within one mile of the main campus can be incorporated as part of the main campus. Thus all data for the College of Business is now included in the main campus statistics.



**Eastern Michigan University Main Campus  
2018 - 2020 Crime Statistical Summary Continued  
(Calendar year)**

<b>Crime</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
<b>Sex Offense: Statutory Rape</b>			
On campus	0	0	0
*Residence Halls/Apartments	0	0	0
Non-campus	0	0	0
Public property	0	0	0
<b>Robbery</b>			
On campus	1	2	1
*Residence Halls/Apartments	0	0	0
Non-campus	0	0	1
Public Property	0	4	0
<b>Aggravated Assault</b>			
On campus	1	3	1
*Residence Halls/Apartments	1	3	0
Non-campus	0	0	3
Public property	0	2	4
<b>Burglary</b>			
On campus	21	7	3
*Residence Halls/Apartments	4	2	0
Non-campus	0	4	5
Public property	0	0	0
<b>Motor Vehicle Theft</b>			
On campus	3	2	1
*Residence Halls/Apartments	0	0	0
Non-campus	1	1	0
Public property	0	2	3
<b>Arson</b>			
On campus	4	0	0
*Residence Halls/Apartments	3	0	0
Non-campus	0	0	0
Public property	0	2	0

\*Residence Halls/Apartments numbers are a subset of on campus numbers.

**Eastern Michigan University Main Campus  
2018 - 2020 Crime Statistical Summary Continued  
(Calendar year)**

<b>CRIME</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
<b>Dating Violence</b>			
On campus	7	12	4
*Residence Halls/Apartments	4	7	2
Non-campus	2	0	0
Public property	0	0	0
<b>Domestic Violence</b>			
On campus	6	11	13
*Residence Halls/Apartments	5	9	8
Non-campus	0	0	0
Public property	0	1	1
<b>Stalking</b>			
On campus	9	7	19
*Residence Halls/Apartments	4	1	11
Non-campus	1	0	1
Public property	0	0	0

<b>ARRESTS</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
<b>Illegal Weapons Possession</b>			
On campus	1	3	3
*Residence Halls/Apartments	1	0	1
Non-campus	0	0	0
Public property	0	0	2
<b>Drug Law Violations</b>			
On campus	15	3	2
*Residence Halls/Apartments	5	0	1
Non-campus	1	0	0
Public property	6	8	11
<b>Liquor Law Violations</b>			
On campus	1	2	2
*Residence Halls/Apartments	0	1	2
Non-campus	0	0	0
Public property	1	11	7

\*Residence Halls/Apartments numbers are a subset of on campus numbers.

<b>HATE CRIMES</b>	<b>UNFOUNDED CRIMES</b>
2018: No hate crimes	2018: **5 unfounded crimes
2019: * hate crimes	2019: 4 unfounded crimes
2020: No hate Crimes	2020: 0 Unfounded crimes

\*One incident of Fondling on campus characterized by gender identity.

\*\* Upon review it was discovered that Unfounded Crimes reported as 7 cases in the 2019 were incorrect, and the actual number was 5, which is reflected in the 2020 year's report.

## Eastern Michigan University Judicial Referrals for Drug, Alcohol and Weapons Violations

The following is a summary of judicial referrals for drug, alcohol and weapons violations committed by students for the last three years. These totals represent incidents adjudicated either by the Office of Housing and Residence Life or by the Office of Wellness and Community Responsibility.

JUDICIAL REFERRAL	2018**	2019	2020
<b>Illegal Weapons Possession</b>			
On campus	0	0	0
*Residence Halls/Apartments	0	0	0
Non-campus	0	0	0
Public property	0	0	0
<b>Drug Law Violations</b>			
On campus	60	0	4
*Residence Halls/Apartments	46	0	4
Non-campus	0	0	0
Public property	0	0	0
<b>Liquor Law Violations</b>	<b>See Note**</b>		
On campus	0	1	5
*Residence Halls/Apartments	0	1	5
Non-campus	0	0	0
Public property	0	0	0

\* Residence Halls/Apartments numbers are a subset of on campus numbers.

\*\* Michigan's minor in possession or MIP law changed January 1, 2018. The first MIP offense is now a civil infraction, instead of a misdemeanor.

## Extended Programs & Educational Outreach Non-Campus Locations

The Eastern Michigan University Police Department includes statistics and other information for its non-campus buildings and properties to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Eastern Michigan University police request crime statistics from local law enforcement agencies for the jurisdictions where the facilities are located.

### EMU Kresge Educational Center

2816 Fish Lake  
Lapeer, MI 48446  
810.667.2350

CRIME	2018	2019	2020
Murder/Non-negligent Manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Sex Offense: Rape	0	0	0
Sex Offense: Fondling	0	0	0
Sex Offense: Incest	0	0	0
Sex Offense: Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Dating Violence	0	0	0
Domestic Violence	0	0	0
Stalking	0	0	0

HATE CRIMES	UNFOUNDED CRIMES
2018: No hate crimes reported	2018: No unfounded crimes
2019: No hate crimes reported	2019: No unfounded crimes
2020: No hate crimes reported	2020: No unfounded crimes

## **EMU Parson's Center**

5833 Bellows Lake Road

Lake Ann, MI 49650

877.368.8289

The Jean Noble Parsons Center for the Study of Art and Science is an interdisciplinary educational center and natural area located in rural Benzie County, Michigan. The Center sits on 86 acres, consisting of mostly natural woodland and marsh, with Parsons Lake in the center of the property. The Center is the legacy of the late Jean Parsons, renowned sculptor and potter, and is run jointly by the Departments of Art, Biology and Psychology at Eastern Michigan University. EMU began using this facility in 2010.

### **EMU Parson's Center Crime Statistical Summary Report**

<b>CRIME</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
<b>Murder/Non-negligent Manslaughter</b>	0	0	0
<b>Manslaughter by Negligence</b>	0	0	0
<b>Sex Offense: Rape</b>	0	0	0
<b>Sex Offense: Fondling</b>	0	0	0
<b>Sex Offense: Incest</b>	0	0	0
<b>Sex Offense: Statutory Rape</b>	0	0	0
<b>Robbery</b>	0	0	0
<b>Aggravated Assault</b>	0	0	0
<b>Burglary</b>	0	0	0
<b>Motor Vehicle Theft</b>	0	0	0
<b>Arson</b>	0	0	0
<b>Dating Violence</b>	0	0	0
<b>Domestic Violence</b>	0	0	0
<b>Stalking</b>	0	0	0

<b>HATE CRIMES</b>	<b>UNFOUNDED CRIMES</b>
2018: No hate crimes reported	2018: No unfounded crimes
2019: No hate crimes reported	2019: No unfounded crimes
2020: No hate crimes reported	2020: No unfounded crimes

## **Non-Campus Accessibility and Security**

The Parsons Center and the Kresge Center are operated for specific classes or group rentals. The use of the buildings is controlled based on the class and its needs for the facilities that have been rented. Access to buildings will be limited to the terms of the class and will otherwise be secured. Issues of safety concerns can be brought to the attention of identified contacts at each respective location

## **Main Campus Accessibility and Security**

Eastern Michigan University is a pedestrian-oriented campus. Most university buildings are open and accessible to members of the campus community, guests and visitors during normal business hours, Monday through Friday, 8 a.m. to 5 p.m. Classrooms are usually open until 10 p.m. On weekends and holidays, buildings are only open for a limited number of hours. Residence hall doors are locked 24/7 and between

7 a.m. – 7 p.m. any faculty, staff or student can use their ID to gain access. After 7 p.m. only residents and restricted staff/faculty can gain access with their ID. Individual student rooms in the residence halls and the university apartments are equipped with key locks. Two of the three apartment complexes have resident doors that open directly to the outside.

Eastern Michigan University maintains a strong commitment to the safety and security of its campus. The campus is designed to promote safety and reduce criminal opportunity. Every effort is made to ensure that campus buildings, facilities and grounds are well maintained and safe. By maintaining adequate exterior lighting in parking lots and on pedestrian walkways, the University strives to enhance the safety of its campus.

Campus safety is greatly heightened by the Physical Plant, which regularly surveys facilities and submits recommendations concerning security deficiencies such as defective door locks, open windows and lighting malfunctions. The EMU police officers typically report malfunctioning doors, lights, etc. and members of the EMU community are encouraged to report any malfunctioning equipment to the Physical Plant. The campus is actively patrolled by EMU police officers, who are assigned to specific buildings, including university housing patrols, to regularly check their security. Members of the campus community are encouraged to report any deficiencies in lighting to the Police Department. The EMU Police Department regularly patrols campus at later hours of the day, providing added security to campus during the hours most crimes occur.

## **Michigan Sex Offender Registry**

Federal and state laws require those individuals convicted of sex related offenses to register with the appropriate law enforcement agency. If the individual is not a permanent resident of Michigan, he/she shall report his or her status within 10 days in-person to the EMU Police Department, if any of the following occur:

1. The individual is or becomes an employee, contractual provider, employee of a contractual provider or volunteer with the University and his/her position will require that he/she be present on the campus for 14 or more consecutive days or 30 or more total days in a calendar year.
2. The status described above is discontinued.
3. The individual is or enrolls as a student with the University or the individual discontinues that enrollment.

The *Sex Offenders Registration Act* directs the Michigan State Police to develop and maintain a public registry and provides guidelines on the type of offender information available to the public. The registration requirements of the Sex Offenders Registration Act are intended to provide the people of this state with an appropriate, comprehensive and effective means to monitor those persons who pose such a potential danger. The State of Michigan Public Sex Offender Registry can be found at [Michigan Public Sex Offender Registry](#).

## **Crime Stoppers – Anonymous Tip Line**

The Eastern Michigan University Police Department participates with the Crime Stoppers of Michigan anonymous tip line. Crime Stoppers is a nonprofit, all-volunteer organization that works with area police departments using a telephone tip line. Crime Stoppers offers rewards of up to \$1,000 for information that results in arrests and/or convictions of criminals. Currently, 30 area police departments use Crime Stoppers.

When a phone tip is received, the civilian operator fills out a form that includes all of the pertinent information about the crime. The caller is then assigned a secret identification number and asked to call back in 48 hours. The information is then faxed immediately to the law enforcement coordinator who has jurisdiction on the crime. If you have information about a crime and would like to anonymously leave a tip, call 1.800.SPEAKUP or their website: [Crime Stoppers](#).

## **Crime Prevention and Security Awareness Programs**

The EMU Police Department crime-prevention specialists offer strategies to help the campus community stay safe and prevent crime. Police officers also provide security awareness and crime prevention presentations during orientations for both new students and employees. During the 2019-2020 academic year, EMU offered approximately 78 crime prevention and security awareness programs. As part of the security awareness programs, students and employees are encouraged to be responsible for their own security and the security of others.

Since 1987, the EMU Police Department has assigned a community relations officer dedicated to educating the campus community about crime prevention and awareness. The community relations

officer presents seminars that are held at various main campus locations throughout the year and are free to the entire campus community.

The seminars cover a variety of topics, including: A.L.I.C.E. (Alert, Lockdown, Inform, Counter, and Evacuate), Alcohol and Drug Awareness, Bicycle Registration Program, Campus and Personal Safety, Commuter Travel Safety Program, Date Rape and Sexual Assault, Domestic Violence, Facility Security Survey, Mock Drunk Driving Program, Operation Identification, Operation U.V.I.D. (Ultraviolet Identification), R.A.D. (Rape Aggression Defense System), Stalking, and Theft Protection. If you would like to know more about crime prevention seminars, contact the community relations officer at 734.487.0987 or the EMU Police Department at 734.487.1222.

### **A.L.I.C.E. Training**

The Eastern Michigan University Department of Public Safety is committed to keeping the campus community as safe as possible from all hazard situations, including those caused by an active shooter. As part of this effort, the Department is incorporating A.L.I.C.E. principles into its Active Shooter training program. A.L.I.C.E. is an acronym for Alert, Lockdown, Inform, Counter, and Evacuate.

The A.L.I.C.E. training course is designed to teach proactive strategies that individuals can apply in active shooter situations. The ultimate goal through the ALICE program is to help save lives by training students, faculty and staff with skills that will bridge the gap between the time a violent event begins and law enforcement arrives.

Analysis of past active shooter events show that no two events are exactly alike. Consequently it is impossible to provide definitive guidelines for every situation where a response to an active shooter is necessary. The A.L.I.C.E. program supplements the University's current active shooter training with a common sense focus on selecting options appropriate to the situation. It is not a prescriptive "must do" approach, rather it provides information on what individuals can do. The main objective of the program is to provide the students and staff with options to increase their chance of staying safe during an active shooter incident on campus.

### **Alcohol and Drug Awareness Program**

Alcohol and Drug Awareness is a program designed to educate the EMU community about laws, definitions and elements of what actions and behaviors constitute violations with alcohol and drug usages. Preventative measures are a point of focus, as it pertains to alcohol & drug awareness including a discussion of criminal penalties when violations occur.

### **Bicycle Registration Program**

Bicycle Registration Program is a program which operates through the Bike Guard Company. There is no cost associated with this program and is available to all students, faculty, and staff. The Community Relations Officer and Area Police Officers will assist with registering bicycles on campus. A Q.R. code tag will be affixed to the bicycle and then maintained in a data base by the EMU Police Dept. The bicycle registration primary goal is to deter thefts and return stolen or lost bicycles to owners.



**Campus and Personal Safety Program**

Campus and Personal Safety is a program offered to students, staff and university organizations focusing on personal safety using very basic (physical and non-physical) tactics to ensure personal safety and self-awareness. Various campus safety resources are promoted in this session as they pertain to personal safety, i.e., SEEUS, RAD, R.A.V.E., etc. Preventative measures are a point of focus discussing awareness of one's immediate surroundings.

**Commuter Travel Safety Program**

Commuter Travel Safety is a program offered to students, staff and university organizations traveling abroad and throughout the U.S. Various crime trends are discussed and safety awareness tips and suggestions are provided.

**Date Rape and Sexual Assault Program**

Date Rape and Sexual Assault is a program designed to educate the EMU community about laws, definitions and elements of what actions and behaviors constitute date rape and sexual assault. Preventative and personal awareness measures are a point of focus, as it pertains to date rape and physically aggressive sexual unsolicited behaviors. Points of discussion include criminal penalties when violations occur.

**Domestic Violence Program**

Domestic Violence is a program designed to educate the EMU community about laws, definitions and elements of what actions and behaviors constitute domestic violence. Preventative measures are a point of focus, as it pertains to physically abusive & verbally abusive relationships, including a discussion of criminal penalties when violations occur.

**Facility Security Survey**

Facility Security Survey is a meeting scheduled with facility administrators to discuss facility safety initiatives, personal safety concerns expressed by staff, students or law enforcement. The Community Relations Officer makes recommendations, resolutions to safety concerns and discusses options to improve safety when reported or observed.

**Mock Drunk Driving Program**

Mock Drunk Driving is a program designed to educate the EMU community about laws, definitions and elements of what actions and behaviors constitute drunk driving law violations. Various drunk driving scenarios are discussed as well as the effects of alcohol consumption, responsibility, accountability and behavior by the consumer. Preventative measures and individual responsibility and awareness of alcohol consumption are a major point of focus, including discussions of criminal penalties when violations occur.

**Operation Identification**

Operation Identification is an anti-theft program. Its primary goals are to deter thefts and to help police recover stolen property and identify its owner. Electronic engravers are available on the main campus for use by contacting the crime prevention division for an appointment at 734.487.0987. When engraving your property, make sure you engrave a personal code using numbers and/or letters so that if it is stolen, police will have the means to identify it. You should keep detailed descriptions of your property for reference.

**Operation U.V.I.D.**

Text book marking is done by using a transparent ink and making personal identifying marks inside the book. The only time these marks are visible is when the book is placed under an ultraviolet light. Police will have the means to identify the book in most instances if any unauthorized subject attempts to sell the book back or if the owner is attempting to retrieve their property. Contact the crime prevention division at 734.487.0987 for an appointment.

**Rape Aggression Defense System (RAD System)**

The Rape Aggression Defense System is a program of realistic, self-defense tactics and techniques for women and men that starts with awareness, prevention, risk reduction, avoidance and progresses to basic hands-on defense training. The EMU Police Department offers courses taught by certified RAD instructors. A workbook/reference manual is available. For more information Contact the crime prevention division at 734.487.0987, or the website: [RAD System](#).

**Stalking Program**

Stalking is a program designed to educate the EMU community about stalking laws and the elements of stalking which can possibly lead to criminal violations and criminal actions.

**Special Victim's Unit**

The Eastern Michigan University Police Department has a Special Victims Unit, currently comprised of a Deputy Chief, Investigative Lieutenant Sergeant and officers. After a brief initial interview by the responding officer, the sexual assault or domestic violence survivor will be given the opportunity to speak, in depth, with an SVU investigator. These special investigators have been trained to be sensitive to the needs of the survivor. We are aware that the survivor has endured emotional and physical trauma, which may be expressed differently. We are dedicated to listening, without judgement or criticism. We start by believing.

The survivor will be supplied with an information packet about advocacy agencies, which we will thoroughly explain. Among these supportive agencies are EMU Counseling and Psychological Services (CAPS) and SAFE House. Counseling and Psychological Services is free to enrolled EMU students.

Members of the SVU guide the survivor through the often daunting court process as well. The process can be confusing to a person who has not experienced it, and we will support the survivor throughout. We are there to answer questions and concerns, and even offer a ride to court to the survivor who does not have transportation.

**Theft Protection Program**

Theft Protection is a program designed to educate the EMU community on ways to prevent theft and becoming a victim. Preventative measures are a point of focus, as it pertains to theft of personal property and ID theft.

### **Area Police Officer Program**

The Area Police Officer Program (APO) was developed in 1992 and campus safety has been greatly enhanced by this program. The APO program allows students an opportunity to know and trust the officers assigned to their area. Presently there are two area police officer substations. APO offices are located in the lobby areas of Downing and Walton/Putnam residence halls.



### **Bicycle Patrol Program**



The EMU bicycle patrol program began in the summer of 1995. Presently, one sergeant and several officers are dedicated to this program. These officers complete a 32-hour mountain bike certification training program, which includes riding techniques, bicycle maintenance and tactical procedures. In addition to performing the regular duties of a police officer, the bike patrol officers patrol the inner campus and provide high visibility for the safety of the university

community.

### **Motor Unit**

The EMU Motor Unit program began in the spring of 2014. Presently, one officer is dedicated to the program with plans to expand as training and funding allows. Officers are required to complete an 80 hour motor officer certification training program through Harley Davidson and Northwest Traffic Institute. The course includes riding techniques, motorcycle maintenance and operational/tactical considerations involving the motor unit. In addition to performing the



regular duties of a police officer, motor officers are made available for special details in the community as well as on campus. This allows the officer to make more positive public contacts with members of the public and campus to promote the efforts of the Eastern Michigan University Police Department in making the campus community as safe as possible. The motor unit allows the officer to patrol and respond to areas of campus that a typical patrol vehicle may not be able to access and provide high visibility for the safety of the university community.

### **Crime Prevention through Environmental Design**

A less obvious safety program is crime prevention through environmental design, which focuses on activities and people in such a way as to maximize visibility, which enhances the aesthetic qualities of the campus and increases its safety. The installation of lighting and the clearing of shrubbery along walkways have helped to make the campus a much safer environment for pedestrians. If you notice areas which need attention or lights that are not working please report it to the EMU Police Department at 734.487.1222.

## **Citizen's Complaint**

Citizens who wish to file a complaint against the Department of Public Safety or an officer may obtain a complaint form from the Department of Public Safety office. All complaints are investigated thoroughly and appropriate disciplinary action is taken when warranted.

## **Residence Hall Safety**

Although the residence halls and University Apartments are generally very safe environments, they are not without crime. The majority of crimes in university housing involve the theft of personal property. Surprisingly, few of these thefts involve forced entry, and most offenses fall into the category of "crimes of opportunity." Effective security and protection of people and property are the primary responsibilities of all members of the campus community. Therefore, we encourage students to be security conscious at all times.

Here are some useful safety tips that may keep you from falling victim to crime both on and off campus:

- Do not prop open locked residence hall or apartment complex doors.
- Lock your door when sleeping or showering.
- Lock your room when leaving a roommate asleep inside.
- Lock your door when you leave, regardless of the length of time you plan to be gone.
- Be mindful of tailgating. Tailgating is following or walking closely behind a resident/person into a secured or locked facility without permission and without being identified. These incidents should be reported to resident staff and DPS.
- Keep small items of value, such as wallets, money and jewelry, out of plain view.
- Engrave all valuable items with a personal identifying code (your own lettering/numbering system). Keep a record and photograph of all valuables noting descriptions and serial numbers. Engravers are available through the Crime Prevention and APO Offices.
- Mark all clothing with a laundry pencil or permanent markers, in a place other than the label.
- Do not leave notes on your door announcing that no one is home.
- Do not place decals on your door announcing your name or phone number.
- Do not take in overnight guests whom you do not know.
- Do not allow door-to-door salespeople to enter your room. University ordinances prohibit soliciting and the alleged salesperson may be "casing" your room for later theft.
- Request identification and authorization from maintenance staff requesting to remove furniture or to make repairs in your room.
- Never lend your room key, Eagle I.D. card to anyone, and never have your room keys duplicated.
- Report all thefts immediately to university police at 734.487.1222.
- Report to the residence hall or apartment staff all doors, locks and windows that are in need of repair.
- Be suspicious of unknown persons loitering or checking doors in your hall. Note their descriptions and call the University Police immediately.
- Do not invite people you "meet" on the Internet to your room or to stay overnight in your room.

To find out more about the university residence halls and apartments, refer to the “*Guide to Campus Living*” available on the EMU Web site at: [Guide to Campus Living](#).

When requested, EMU Police Department would work with all area law enforcement agencies to address any criminal activity students may engage in when residing at off campus locations of student organizations officially recognized by Eastern Michigan University, including those student organizations with off-campus housing.

## **Alcohol and Other Drug Abuse Prevention Policy and Programs**

### **University Alcohol and Other Drug Policy**

The University is committed to promoting and maintaining a learning, living, and work environment that is free from illegal alcohol and drug use and abuse, in accordance with all federal, state, and local laws. Students and employees are prohibited from reporting to work or working under the influence of alcohol, illegal drugs or prescribed drugs that impair their employee's ability to complete their position duties.

Employees may not consume or possess (except as part of an approved educational course or research activity), distribute, or be under the influence of alcoholic beverages on University property or while on University business (except at University functions at which use of alcohol is approved). Employees, students, and campus visitors aged twenty-one (21) years or older, consuming alcohol at University functions or while on University business, where such use is approved, are expected to do so responsibly.

Students and campus visitors who have attained the legal drinking age of twenty-one (21) years of age may possess and consume alcoholic beverages only at approved university functions or in residence hall rooms of students who have attained the legal drinking age. Those under twenty-one (21) years of age are not permitted to consume or possess alcoholic beverages at any time, except as part of an approved educational course or research activity and in strict accordance with the Michigan Liquor Control Code.

Students, employees and visitors are prohibited from dispensing, selling or supplying alcoholic beverages to a person under the legal drinking age as defined by Michigan law.

Students, employees, and visitors are prohibited from possessing, consuming, manufacturing, selling, supplying, or being under the influence of illegal drugs or engaging in improper self-medication while on University property or University business. EMU is subject to the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act amendment of 1989, which prohibit controlled substances on campus. Federal law classifies marijuana as an illegal controlled substance and, therefore, all uses of marijuana are a violation of federal law. Employees and students who violate this policy are subject to disciplinary proceedings by the University up to and including termination, or expulsion, and may also face prosecution and punishment under federal, state, and local laws.

Employees and students are encouraged to voluntarily avail themselves of treatment for a substance use disorder. The information related to individuals seeking treatment will remain confidential as stipulated and protected by federal and state laws. Voluntary disclosure and

seeking treatment will not be a violation of the Alcohol and Other Drug policy.

## **Health Risks of Alcohol and Other Drugs**

### **Alcohol**

The impact of alcohol may vary from person to person, depending on a number of factors, such as:

- How much alcohol you consume
- How often you consume alcohol
- Your age
- Your health status
- Your family history

Side effects of even slight increases in blood alcohol concentration (BAC) can include:

- Reduced inhibitions
- Slurred speech
- Motor impairment
- Confusion
- Memory problems
- Concentration problems
- Coma
- Breathing problems
- Death

Additional risks related to alcohol include:

- Motor vehicle and other accidents
- Risky behaviors
- Violent behavior
- Suicide
- Alcohol Use Disorder (addiction)

For additional information regarding alcohol, please refer to the [National Institute on Alcohol Abuse and Alcoholism](#).

### **Prescription Stimulants (Amphetamines, Methylphenidate)**

Short-term side effects can include:

- Increased alertness and energy
- Increased blood pressure and heart rate
- Narrowed blood vessels
- Opened breathing passages
- Increase in body temperature
- Seizure

Long-term side effect can include:

- Heart problems
- Psychosis
- Anger
- Paranoia
- Sleep Disorders

- Substance Use Disorder (addiction)
- 

These drugs mask the depressant action of alcohol, increasing risk of alcohol overdose.

For additional information regarding prescription stimulants, please refer to the [National Institute on Drug Abuse](#).

## **Cannabis**

Short-term side effects can include:

- Enhanced sensory perception and euphoria followed by drowsiness
- Slowed reaction time
- Problems with balance and coordination
- Increased heart rate
- Increased appetite
- Problems with learning and memory
- Anxiety

Long-term side effects can include:

- Increased mental health disorders
- Chronic respiratory problems
- Substance Use Disorder (addiction)

When used in conjunction with alcohol, users may experience increased heart rate, increased blood pressure and further slowing of mental processing and reaction time.

For additional information regarding cannabis, please refer to the [National Institute on Drug Abuse](#).

## **Prescription Opioids (Codeine, Fentanyl, Hydrocodone, Hydromorphone, Meperidine, Methadone, Morphine, Oxycodone, Oxymorphone)**

Short-term side effects can include:

- Drowsiness
- Nausea
- Constipation
- Euphoria
- Slowed breathing
- Death
- Dry mouth
- Itching
- Vomiting
- Slowed breathing and heart rate

Long-term side effects can include:

- High risk of Substance Use Disorder (addiction)
- Increased tolerance
- Death
- Collapsed veins
- Abscesses

- Heart infection
- Constipation and stomach cramps
- Liver disease
- Kidney disease
- Pneumonia
- Death

When used in conjunction with alcohol, users may experience dangerously slowed heart rate and breathing, leading to coma or death. For more information regarding prescription heroin, please refer to the [National Institute on Drug Abuse](#).

### **Central Nervous System (Barbiturates, Benzodiazepines, and sleep medications)**

Short-term side effects can include:

- Drowsiness
- Slurred speech
- Poor concentration
- Dizziness
- Problems with movement and memory
- Lowered blood pressure
- Slowed breathing

Long-term side effects can include

- Increased tolerance
- Death
- Substance Use Disorder (addiction)

When used in conjunction with alcohol, a reduction in heart rate and breathing can occur, leading to death.

For additional information regarding Central Nervous System Depressants, please refer to the [National Institute on Drug Abuse](#).

For information regarding additional drugs, or for more information regarding the drugs listed above, please refer to the following resources:

- [National Institute on Drug Abuse](#)
- [Centers for Disease Control and Prevention: Alcohol & Public Health](#)
- [Centers for Disease Control and Prevention: Opioid Overdose](#)
- [Higher Education Center for Alcohol and Drug Misuse Prevention and Recovery](#)
- [Substance Abuse and Mental Health Services Administration](#)



## **Alcohol and Drug Prevention & Awareness Programs**

### **Conflict-Wise**

Conflict-Wise intervention course helps people recognize the impact of harassment, hostility, or unmanaged anger and their behaviors. Conflict-Wise provides the skills training to resolve conflict and diffuse anger triggers. The course teaches students to recognize the consequences of their behaviors through personalized feedback. To learn more please contact the Office of Wellness and Community Responsibility at 734.487.2157.

### **Marijuana 101**

Marijuana 101 online lessons cover a variety of key issues such as marijuana dependence, marijuana's effects, mental health issues, synthetic marijuana, local laws and legalization issues, and legal penalties associated with use. Tailored to the individual, students receive a confidential personalized-feedback report that summarizes use and negative consequences, compares individual use with social norms, challenges personal expectations, and provides a range of strategies to quit. To learn more please contact the Office of Wellness and Community Responsibility at 734.487.2157.

### **Under the Influence**

Under the Influence online lessons cover a variety of key issues such as alcohol dependence, alcohol effects, mental health issues, local laws and legal penalties associated with underage use and driving under the influence. Tailored to the individual, students receive a confidential personalized-feedback report that summarizes use and negative consequences, compares individual use with social norms, challenges personal expectations, and provides a range of strategies to quit. To learn more please contact the Office of Wellness and Community Responsibility at 734.487.2157.

### **BASICS/CASICS**

BASICS/CASICS is a confidential, strength-based program offered to all Eastern Michigan students who want to explore their alcohol or cannabis use. It's focused on what a student thinks about where alcohol and/or cannabis (and other drugs, if applicable) fit into their life. If there are changes students want to make, the program can also offer resources. BASICS/CASICS involves two (2) 45-60 minute sessions with a facilitator scheduled two to four weeks apart.

Some students may participate because they would like to better understand how alcohol is impacting their life, while others may pursue BASICS/CASICS to fulfill a requirement as a result of a policy violation. To learn more please contact the Office of Wellness and Community Responsibility at 734.487.2157.

### **GLASS**

The GLASS program helps Greek Life members understand the role alcohol plays in the Greek community. During the program participants will become familiar with the risks and responsibilities associated with alcohol use, learn signs of overconsumption and what to do when someone has over consumed as well as gain an understanding of the medical amnesty and Greek social policy. To learn more please contact the Office of Wellness and Community Responsibility at 734.487.2157.

## **PartySmart**

Learn to be smart about partying. PartySmart allows students to reflect on the reasons they came to college and how their alcohol use may impact their success at EMU. In this interactive, discussion-based workshop they learn signs of overuse, how to help someone who may have had too much to drink and about the medical amnesty policy. To learn more please contact the Office of Wellness and Community Responsibility at 734.487.2157.

For more information contact the Office of Wellness and Community Responsibility at 734.487.2157. Resources on campus and in the community are available in a private, personalized feedback report.

In compliance with the Drug Free Schools and Communities Act, Eastern Michigan University publishes information regarding the [University]'s prevention programs related to drug and alcohol abuse prevention which include standards of conduct that prohibit the unlawful possession, use, and distribution of alcohol and illegal drugs on campus and at institution-associated activities; sanctions for violations of federal, state, and local laws and [University] policy; a description of health risks associated with alcohol and other drug use and abuse; and a description of available counseling, treatment, rehabilitation and/or re-entry programs for EMU students and employees. A complete description of these topics, as provided in the [University]'s annual notification to students and employees, is available online at: [Alcohol and Drug Prevention Program](#).

## **Alcohol and Other Drug Abuse Treatment Services Available**

### **Assistance Available to Students:**

Counseling and Physiological Services (CAPS): 734.487.1118

Wellness Program: 734.487.2226 734.487.3430 ( HR Benefits & Wellness)

### **Assistance Available to Faculty, Staff, and their Families:**

Aetna Resources for Living:

855.283.1915

Website: [MyLifeValues](#)

(user id and password: EAP4LIFE)

### **Tri-County Area:**

#### **Washtenaw County**

- St. Joseph's Mercy Greenbrook Recovery Center: 734.786.4900
- U of M Addiction Treatment Services (UMATS): 1.800.525.5188
- Alcoholics Anonymous of Ypsilanti: 734.482.0707
- Huron Valley Area Intergroup Help Line: 734.482.5700  
Website: [Huron Valley Intergroup](#)
- Dawn Farms Addiction Treatment Center: 734.485.8725 or 734.669.8265

**Wayne County**

- Alcoholics Anonymous for Detroit/Wayne County: 313.831.5550
- Metro Detroit Region of Narcotics Anonymous 24 hr. Help Line: 877.338.1188
- Sobriety House: 313.895.0500
- Metro East Substance Abuse: 313.371.0055
- Oakdale Recovery Center: 734.397.3088
- Eastwood Clinics
  - o Dearborn: 248.849.3301
  - o Farmington: 734.425.4070

**Oakland County**

- Bright Path Drug Rehabilitation Specialists: 248.289.8684
- Sacred Heart Rehabilitation Center: 248.658.1116
- Oakland County Alano Club: 248.391.8995
- Oakland Community Health Network Substance Abuse Services: 248.464.6363
- Dawn Farms- Rochester: 734.530.4372

**Sanctions for Violations of Laws & Policies**

The laws of the state of Michigan and Eastern Michigan University's policies and rules prohibit the consumption, use or possession for personal consumption of alcoholic beverages by persons less than 21 years of age. Further, State of Michigan laws and University policies prohibit the sale, service or giving of alcoholic beverages to persons under the age of 21. Eastern Michigan University's policies and rules, Local ordinances and laws, State laws and Federal laws also prohibit the unlawful possession, use and/or sale of illicit drugs and alcoholic beverages. The EMU Police Department has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws.

**Community Sanctions**

Violations of laws and ordinances may result in misdemeanor or felony convictions accompanied by the imposition of legal sanctions which include, but are not limited to, the following:

- Fines as determined under local, state or federal laws.
- Imprisonment, including up to life imprisonment for possession of more than 650 grams or trafficking in drugs such as Heroin and Cocaine.
- Forfeiture of personal and real property.
- Denial of federal benefits such as grants, contracts, and student loans.
- Loss of driving privileges.

- Required attendance at substance abuse education or treatment programs.
- Federal laws prohibit possession, use, distribution, manufacture or dispensing.

A full description of federal sanctions for drug felonies can be found in Title 21 United States Code (USC) Controlled Substances Act at the following location:

[Title 21 United States Code \(USC\) Controlled Substances Act](#)

A summary chart of the maximum fines and terms of imprisonment that may be imposed as a consequence of conviction for violation of the federal Controlled Substances Act (CSA) and other drug supply and drug demand related laws can be found at:

[Drug Offenses: Maximum Fines and Terms of Imprisonment for Violation of the CSA](#)

Michigan controlled substance penalties can be found at the following URL: [Public Health Code: Controlled Substances](#).

### **University Sanctions**

Violation of University policies and rules will be subject to campus disciplinary review and action as follows:

**Faculty and Staff:** Disciplinary action will be taken as per applicable collective bargaining agreements and University policy up to and including termination of employment.

**Students:** Disciplinary action will be taken by the Office of Wellness and Community Responsibility under the Code of Community Responsibility and may include sanctions ranging from formal reprimand to permanent dismissal, in addition to counseling and/or referral to a substance abuse educational/intervention program. In certain circumstances, parents of a student under 21 years old will be notified about the drug or alcohol violation, as per Eastern Michigan University's policy on Parental Notification. The FERPA policy can be found at [Student Rights Under the Family Educational Rights and privacy Act \(FERPA\)](#).

In addition to University level action taken under the Code of Community Responsibility, other University departments maintain internal policies and rules regarding alcohol and other drugs and may impose sanctions against students and/or student groups which violate these policies. For example, University Housing, Athletics, Greeks, Studies Abroad and several academic departments have policies addressing alcohol and other drugs. Any action taken under one policy does not prevent action being taken under any other policy.

### **Employee Reporting Requirement**

Under the Drug Free Schools and Communities Act Amendments of 1989, a faculty or staff member employed under a federal grant or contract must notify the University (Human Resources, Employee Relations (734.487.3430) or Academic Human Resources (734.487.0076) in writing, of his or her arrest or conviction for violation of any criminal drug statute occurring in the workplace or while on University business no later than five days after such arrest or conviction.

### **Review of EMU's Alcohol and Other Drug Abuse Prevention Program**

The University will review its Alcohol and Other Drug Abuse Prevention Program every 2 years to determine its effectiveness and implement changes to the program as needed and to ensure that the disciplinary sanctions applied by the University are consistently enforced.

## **Medical Amnesty Policy**

The purpose of a medical amnesty policy is to remove barriers and increase the likelihood that students who require emergency medical assistance as a result of high-risk alcohol consumption will seek and receive the medical attention they need. The State of Michigan medical amnesty law is designed to promote responsible decisions and protects minors from receiving a minor in possession charge if they seek medical help for themselves or another person.

### **University Policy Statement: Restrictions on Weapons/Dangerous Substances**

It is the policy of Eastern Michigan University that no person shall possess or use any firearm or other dangerous weapon, concealed or otherwise, on property owned, leased or controlled by the University or otherwise in the course of University business. Further, no person shall possess or use explosive materials, incendiary devices or other dangerous objects or substances on property owned, leased or controlled by the University or otherwise in the course of University business.

The above prohibitions shall not apply:

1. to University employees who are authorized by the university to possess and/or use such weapons, devices or substances;
2. to non-University law enforcement officials or other non-University employees who are authorized by their employers to possess or use such weapons, devices or substances in the performance of their official duties;
3. to a person who possesses or uses such weapons, devices or substances in connection with a regularly scheduled educational, recreational or training program authorized by the University;
4. to a person who possesses or uses such weapons, devices or substances as part of a military or similar uniform or costume in connection with a public ceremony or parade, or theatrical performance; or,
5. when the University's Executive Director of Public Safety has waived the prohibition based on extraordinary circumstances. Any such waiver must be in writing and must define its scope and duration.

This policy applies to all University employees, students and campus visitors. Violators may face disciplinary action, up to and including termination of employment and/or expulsion from campus. The University's President, Executive Director of Public Safety and the Associate Director of Wellness and Community Responsibility have overall responsibility for implementing and enforcing this policy.

## Handling Alcohol Emergencies

A potentially dangerous situation exists whenever an individual consumes too much alcohol. A high blood concentration level can result in bizarre, unpredictable behavior and/or unconsciousness. The degree of danger depends on the person's size, what and how much the person drank, during what time period, whether the person took drugs in addition to alcohol and other circumstances.

### **Get help immediately if:**

- the person cannot be aroused by shaking or shouting.
- the person's breathing is shallow, irregular or slowed to less than seven breaths per minute.
- the person sustained a blow to the head or any injury that caused bleeding.
- the person drank a large quantity or is disoriented, incoherent or has collapsed.

### **Call 911 if a person has passed out because of excessive alcohol use. Meanwhile:**

- Check regularly for breathing and consciousness. Roommates and friends should arrange to stay by the person's bedside.
- The person's position is important. Make sure the person is lying on his/her side, with knees bent. This position will prevent choking should the person vomit.
- If the person vomits, stay with him/her to see that he/she does not swallow or breathe in the vomit. Get immediate help if the person has difficulty expelling the vomit or gags on it.

**Rule of thumb:** If you are not sure what to do, but you think the person needs help, call 911.

## What is Sexual Assault?

**Warning: to comply with existing laws, it is important to clearly define which actions are considered criminal. Therefore, the definitions that follow of certain crimes are explicit.**

Broadly defined, sexual assault is any unwanted sexual behavior that is forced upon someone against a person's will. State of Michigan law defines sexual assault as a crime involving forced or coerced "sexual penetration" or "sexual contact." The law protects victims of sexual assault. The law prohibits assaults involving both sexual penetration (oral, anal or genital) and sexual contact (touching or forced touching of genitals, groin, inner thigh or breast). The maximum penalty for each crime varies according to the circumstances surrounding it. Victims who choose to prosecute need not disclose their past sexual activities in court. Victims do not need to prove that they resisted to the utmost or sustained injury from the assault. Persons under the influence of intoxicants and/or drugs are not exceptions to the sexual assault laws.

On college campuses, the most prevalent form of sexual assault is acquaintance rape. In acquaintance rape, the attacker can be a friend, relative, spouse, lover, neighbor, co-worker, employer or employee. It is not unusual for acquaintance rape to include physical force, with or without a weapon. Date rape is acquaintance rape that occurs in a dating situation. People who have filed for separation or divorce and are living apart are also protected against sexual assault from their former spouse. Both men and women should know what to do when someone is sexually assaulted. If you or someone you know has been sexually assaulted remember: Sexual assault is a crime and victims may be affected psychologically. Reactions such as shock, denial, anger, distress and confusion are normal under these circumstances.

## **Reporting a Sexual Assault: The EMU Police Guarantee**

Sexual assault is a very serious concern to us at the EMU University Police Department. We realize that reporting sexual assault can be a frightening ordeal, so to ensure that you are treated with sensitivity and understanding, we offer this guarantee: We promise to do all we can to make the reporting of sexual assault as non-threatening as possible. Included in this guarantee are the following:

- We will meet with you privately, at any area location you choose, for the purpose of receiving your assault report.
- Depending upon whether you would feel more comfortable talking with a female or male officer, we will do our best to accommodate your request.
- Our officers will be supportive.
- We will treat you and your case with courtesy, sensitivity, understanding and professionalism.
- We will help you in arranging for any hospital treatment or other medical assistance.
- We will assist you in privately contacting counseling, safety, advising and other available resources.
- We will fully investigate your case to ensure that your legal rights are upheld. We will do all that we can to help you achieve satisfactory closure. This may involve the arrest and full prosecution of the suspect, in which case you will be updated on the investigation and subsequent proceedings.
- We will provide continued support and will be willing to answer any questions you may have concerning, for example, court and prosecution proceedings.
- We will always be there to listen to you.
- If you are a victim of sexual assault, call us at 911 or 734.487.1222. Tell us you would like to arrange to privately report a sexual assault. You may call us any time, day or night.
- A report to the police does not necessarily mean you must prosecute the assailant.

If, after reporting a sexual assault, you feel we have in any way failed to meet the conditions of this guarantee, please call the Executive Director of Public Safety or Assistant Director at 734.487.0892. They will meet with you personally to address any problems or questions you may have. As always, the Police Department will do all it can to make the EMU campus as safe as possible for students, faculty, staff and visitors.

## **Sexual Assault Prevention & Education Programs**

Eastern Michigan University is committed to preventing sexual assault. EMU Police Department, University Counseling Services, Office of Wellness and Community Responsibility, EMU Women's Resource Center, Title IX Office, and the EMU Office of Diversity and Affirmative Action are among organizations that offer programs to promote awareness of all forms of sexual assault. Programs include safety information, self-defense training through the Rape Aggression Defense Systems classes, workshops describing behavioral expectations and consequences, training sessions focused on university procedures, and counseling. Guidelines are also in place to protect employees from sexual assault.

## **Reducing Your Risk of Becoming a Victim of Sexual Assault**

Although it may be impossible to prevent sexual assault, there are certain things you can do to reduce your chances of being a victim. Knowing what to expect and how to react are your most important tools for avoiding sexual assault.

- Look assertive, maintain eye contact, be confident and be aware of your surroundings.
- Trust your intuition. If a particular situation makes you feel uncomfortable or unsafe, remove yourself from the situation. Don't be afraid to follow your instincts.
- Keep keys accessible.
- Use the "buddy system."
- Don't walk alone. There is safety in numbers.
- Know the vulnerable targets of the assailant: eyes, nose, throat, stomach, kneecaps and groin.
- Seminars in safety awareness and self-defense are just a couple of programs offered by the Crime Prevention division of the department. We recommend that you take advantage of these free seminars. For information, contact 734.487.0987.

## **Acquaintance Rape**

As mentioned earlier, the most prevalent type of sexual assault on college campuses is acquaintance rape. Here, the attacker can be a friend, relative, lover, neighbor, co-worker, employer or employee. It is not unusual for this type of assault to include physical force, with or without a weapon. The following tips concern acquaintance rape:

- Be honest and assertive in your relationship.
- Be aware of what is taking place around you.
- Trust your instincts, stand up for yourself and be willing to "make a scene."
- Support your friends; don't pressure them when they are unsure about a situation.

## **A Message to Potential Perpetrators of Sexual Assault**

- It is never acceptable to force someone, physically or otherwise, into doing something that they do not want to do. Sexual assault is a crime of violence. It is motivated by a desire to control and dominate. It is illegal.
- If your date is giving you a double message, clarify what they mean by asking them. Encourage clear and open communication to determine what you both want. If your date/partner is unsure about having sex or saying "**No**," respect their wishes and back off.
- Don't assume that you know what your date/partner wants. Talk to the person to find out. Your date may be interested in sexual contact or intimacy other than intercourse, or may not be interested in any form of intimacy whatsoever. You must make a decision based on what **both** of you want.
- Don't let your desires control your actions. Your desire may be beyond your control, but your actions are not. Forced sex is never justified.
- Don't misinterpret a refusal to have sex as a personal rejection.



- Nobody “deserves” to be sexually assaulted, regardless of any behavior that might be construed as “provocative.” The physical boundaries of another person’s body must be respected at all times and under all conditions.
- “No” always means no. If you do not accept this and you proceed, you will be committing a sexual assault.
- Taking sexual advantage of someone who is mentally or physically incapable of giving consent is sexual assault.
- Even if you are drunk or under the influence of drugs, you are still responsible for your actions.

### **Title IX Prohibits Sexual Harassment and Sexual Assault at Eastern Michigan University**

Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination in education. It reads: *"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."* --Legal Citation: Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX) While it is often thought of as a law that applies to athletics programs, Title IX is much broader than Athletics and applies to many programs at Eastern Michigan University. Sex discrimination includes sexual harassment and sexual assault. Please use the following link to learn more about Title IX enforcement at EMU: [Title IX Compliance at Eastern Michigan](#).

### **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act as Amended by the Violence Against Women Reauthorization Act of 2013**

Eastern Michigan University does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, Eastern Michigan University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official.

In this context, Eastern Michigan University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking as defined by the Clery Act. The University reaffirms its commitment to maintain a campus environment that emphasizes the dignity and worth of all members of the university community and is free from all forms of sexual misconduct, including sexual assault and sexual harassment.

The University complies with all state and federal discrimination laws, including Title IX of the Higher Education Amendments of 1972, the federal law that prohibits discrimination on the basis of sex in education programs and activities.

For a complete copy of the University's policy governing sexual misconduct, visit:  
[EMU Board Policy Manual](#).

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

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

- **Domestic Violence:**
  - i. A Felony or misdemeanor crime of violence committed—
    - A) By a current or former spouse or intimate partner of the victim;
    - B) By a person with whom the victim shares a child in common;
    - C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
    - D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
    - E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
  - ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  - i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - ii. For the purposes of this definition—
    - A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - B) Dating violence does not include acts covered under the definition of domestic violence.
  - iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim if incapable of giving consent."

- **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.
- **Stalking:**
    - i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
      - A) Fear for the person’s safety or the safety of others; or
      - B) Suffer substantial emotional distress.
    - 1. For the purposes of this definition—
    - 2. *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
    - 3. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
    - 4. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
    - 5. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

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

**Domestic Violence:** In Michigan, simple domestic assault is defined as: an assault or assault and battery committed against a current or former spouse, an individual with whom the defendant has had a child, or a current or former resident of the offender’s household. Increased penalties are provided for aggravated domestic assault, defined as an assault without a weapon which inflicts serious or aggravated injury. [SIMPLE AND AGGRAVATED DOMESTIC VIOLENCE MCL 750.81 – 750.81a].

**Dating Violence:** Michigan law defines an individual who assaults or assaults and batters an individual with whom he or she has or has had a dating relationship. According to this law, “dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two persons in a business or social context. [ASSAULT AND BATTERY; “DATING RELATIONSHIP” DEFINED MCL 750.81(2), (3), (4), (6)].

**Sexual Assault:** In Michigan the legal term used for sexual assault or rape is Criminal Sexual Conduct (CSC). The following information provides definitions of CSC.

- **Penetration** includes vaginal, anal or oral intercourse or putting a finger or other object into another person's anal or genital opening. Emission of semen is not required.
- **Sexual Contact** is defined as the intentional touching of the victim's or actor's intimate parts or the clothing covering those intimate parts for the purpose of sexual arousal or gratification, done for a sexual purpose or in a sexual manner, or done in a sexual manner for revenge or to inflict humiliation or out of anger.
- **Mentally incapable** means a mental disease or defect makes the victim incapable of understanding the nature of his/her conduct.
- **Mentally incapacitated** means the victim is temporarily incapable of appraising or controlling his/her conduct due to the influence of a narcotic, anesthetic or other substance administered without consent or due to any other act committed upon the victim without consent.
- **Physically helpless** means the victim is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to act.

**Stalking:** In Michigan "Stalking" means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested. [STALKING MCL 750.411h ]

- **Aggravated Stalking:** An individual who engages in stalking is guilty of aggravated stalking if his or her actions include one or more of the following: making a credible threat of injury to the victim or a member of the victim's family or household; violating a domestic assault or anti-stalking restraining order; violating a condition of bond, pre-trial release of probation arising from a stalking charge; or having a previous conviction for stalking or aggravated stalking. [MCL 750.411i]

**Consent:** In Michigan, consent is not specifically defined. The standard used in the sexual assault statutes is whether the accused used "force or coercion to accomplish the sexual [act]." [Mich. Comp. Laws. Ann. § 750.520b – e.]

**As defined in EMU's Sexual Misconduct and Interpersonal Violence Policy**, consent is:

- Informed (knowing);
- Voluntary (freely given); and
- Clearly communicated, through the demonstration of clear words or actions a person has indicated willingness to engage in a particular form of sexual activity.

Consent cannot be gained by force or coercion. An incapacitated individual cannot consent to sexual activity. Consent cannot be gained by taking advantage of the incapacitation of another,

where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated.

The policy prohibits specific forms of behavior that violate Title IX of the Education Amendments of 1972 (“Title IX”); Title VII of the Civil Rights Act of 1964 (“Title VII”); Michigan’s Elliott-Larsen Civil Rights Act; and, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), as amended by the Violence Against Women Reauthorization Act of 2013 (“VAWA”).

## **Education and Prevention Programs**

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

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

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b. Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- c. Defines what behavior and actions constitute consent to sexual activity in the State of Michigan and the definition of consent and the purpose for which that definition is used as found in the Sexual Misconduct and Interpersonal Violence Policy;
- d. Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- e. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- f. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act. Specifically, the following information must be provided:

(1) Information regarding:

- a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
- b. how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
- c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
- d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
- e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document);

The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation.

The University offered the following **Primary Prevention and Awareness Programs** for all **incoming students** in academic year 2020-2021:

**Primary Prevention and Awareness Programs – Title IX Office - 2020-2021**

<b>Date Held</b>	<b>Name of Program</b>	<b>Topic Covered</b>	<b>Prohibited Behavior Covered*</b>
8/13/2020	NSOA's	SA, S, DoV, DaV, R, SH	SA, S, DoV, DaV, R, SH
8/18/2020	Fraternity and Sorority	Policy training, SH, SA, R, DoV, DaV, S, Supportive Measures, How to Report	SA, S, DoV, DaV, R, SH
8/20/2020	ResLife RA Training	Policy training, SH, SA, R, DoV, DaV, S, Supportive Measures, How to Report	SA, S, DoV, DaV, R, SH
8/22/2020	GreekLife Presidents Retreat	Policy training, SH, SA, R, DoV, DaV, S, Supportive Measures, How to Report	SA, S, DoV, DaV, R, SH
8/24/2020	Reslife Desk Assistant Training	Policy training, SH, SA, R, DoV, DaV, S, How to Report	SA, S, DoV, DaV, R, SH
8/24/20	First- Three	Policy training, SH, SA, R, DoV, DaV, S, Supportive Measures, How to Report	SA, S, DoV, DaV, R, SH
8/27/2020	Graduate Assistant (GA) Training	Policy training, SH, SA, R, DoV, DaV, S, Supportive Measures, How to Report	SA, S, DoV, DaV, R, SH
8/26/020	Yes means Yes, Title IX Round Table	Policy training, SH, SA, R, DoV, DaV, S, Resources, How to Report, Consent, Healthy Relationships	SA, S, DoV, DaV, R, SH
10/28/2020	Title IX presentation to the Kings of Color Inc.	Policy training, SH, SA, R, DoV, DaV, S, Resources, How to Report	SA, S, DoV, DaV, R, SH
10/29/2020	Fraternity Training	Policy training, SH, SA, R, DoV, DaV, S, Supportive Measures, How to Report	SA, S, DoV, DaV, R, SH
10/30/2020	Admissions Welcome Center (AVP)	Policy training, SH, SA, R, DoV, DaV, S, Resources, How to Report	SA, S, DoV, DaV, R, SH
12/11/2020	National Pan-Hellenic Council	Policy training, SH, SA, R, DoV, DaV, S, Resources, How to Report, Consent, Healthy Relationships	SA, S, DoV, DaV, R, SH
1/5/2021	New Employees Training (Through HR)	Policy training, SH, SA, R, DoV, DaV, S Resources, How to Report, Consent, Healthy Relationships	SA, S, DoV, DaV, R, SH
1/22/2021	Title IX Graduate Interns Training	Policy training, SH, SA, R, DoV, DaV, S, Resources, How to Report, Consent, Healthy Relationships	SA, S, DoV, DaV, R, SH
2/15/2021	PEGN 179 Student Athlete Class	Policy training, SH, SA, R, DoV, DaV, S, Resources, How to Report, Consent, Healthy Relationships	SA, S, DoV, DaV, R, SH
2/22/2021	PEGN 179 Student Athletes Class	Gender Bias, Campus Resources	SA, S, DoV, DaV, R, SH
3/11/2021	Student Leader Group (SLG)	Policy training, SH, SA, R, DoV, DaV, S, Supportive Measures, How to Report	SA, S, DoV, DaV, R, SH
3/31/2021	IFC Student Leaders	Policy training, SH, SA, R, DoV, DaV, S, Supportive Measures, How to Report	SA, S, DoV, DaV, R, SH
4/6/2021	Administrative Law Class	New Title IX regulations and the effect of Title IX administrative legal regulations	SA, S, DoV, DaV, R, SH
4/13/2021	EMU Criminology Dept.	Title IX reporting process, mandated reporting, Police involvement/Clery reporting, Title IX formal adjudication process.	SA, S, DoV, DaV, R, SH

<b>Date Held</b>	<b>Name of Program</b>	<b>Topic Covered</b>	<b>Prohibited Behavior Covered*</b>
4/15/2021	SMART - Sexual Assault Awareness Month public event: panel	reporting in Washtenaw county, EMU resources, and community collaboration for support survivors	SA, S, DoV, DaV, R, SH
4/20/2021	SafeHouse Center Sexual Assault Month Public event panel	reporting in Washtenaw county, EMU resources, and community collaboration for support survivors	SA, S, DoV, DaV, R, SH
4/22/2021	EMU Board of Regents Title IX presentation/training	Title IX Policy and practice at EMU	SA, S, DoV, DaV, R, SH
4/22/2021	US State Rep. Dingell Sexual Assault Awareness Month event	Title IXC and Title IX reporting, response, address	SA, S, DoV, DaV, R, SH
4/28/2021	EMU Faculty Senate Deans Meeting	Title IX regulations, new Title IX policy, mandatory reporting, what happens when someone reports, faculty syllabi language about mandated reporting.	SA, S, DoV, DaV, R, SH
5/24/2021	Campus Life Staff Training	Title IX regulations, Title IX Policy, mandatory reporting, what happens when someone reports, Healthy Relationships, Consent	SA, S, DoV, DaV, R, SH

**\*DoV - Domestic Violence DaV - Dating Violence SA - Sexual Assault S - Stalking R- Retaliation  
SH - Sexual Harassment**



### Primary Prevention and Awareness Programs - CRO & APO 2020-2021

Date Held	Name of Program	Topic Covered	Prohibited Behavior Covered*
8/1/2020	Bike Rodeo	Bike Safety & Community Event	
8/7/2020	Resident Advisor (RA) Training	Working with Police, Resources	SA, SVU, DV Reporting & Resources
8/13/2020	New Hire Orientation	About department and resources	SVU
8/19/2020	Early College Alliance Onboarding	About department and resources	SVU
8/19/2020	First 3 Student Orientation	Dept. Resources, safety	
8/20/2020	Office for International Students and Scholars Orientation	Dept. Resources, safety	
8/24/2020	Early College Alliance Back to School Kick-Off	Dept. and Resources	
9/10/2020	Early College Alliance Curriculum Night	Parents, Resources, safety info.	SA
9/10/2020	Early College Alliance Curriculum Night 2	Returning Parents, Resources, safety info.	SA, DaV
9/21/2020	Police Department Tent	Department info and resources	
9/22/2020	Police Department Tent	Department info and resources	
9/23/2020	Police Department Tent	Department info and resources	
10/5/2020	Women's Topics Salem High	Body language, assertiveness, safety	DaV
10/5/2020	(2) Women's Topics Salem High	Body language, assertiveness, safety	
10/5/2020	Girl Scouts	Career and Forensics	
10/6/2020	Rape Aggression Defense - RAD	Women's Self Defense	SA, DaV, DV
10/13/2020	Rape Aggression Defense - RAD	Women's Self Defense	SA
10/14/2020	Early College Alliance Safety and Security	Safety and resource information	SA, DaV
10/14/2021	Admissions E-Series College of Health and Human Services	Resource info	
10/15/2020	Women's Resource Center	Special Victims Unit Response, Sexual Assault Safety	SA, DaV
10/17/2020	Explore Eastern	Resource Info.	
10/20/202	Rape Aggression Defense - RAD	Women's Self Defense	SA
10/21/2020	Admissions E-Series College of Business	Resource info	
10/21/2020	Take a Stand ( with Women's Resource Center)	Domestic Violence awareness and resources	SA, DV, DaV, St
10/27/2020	Rape Aggression Defense- RAD	Women's Self Defense	SA, DaV
10/28/2020	Admissions E-Series College of Engineering and Technology	Resource info	
10/28/2020	It's All About Consent	Consent Program with Knights of Columbus	SA, DaV
10/30/2020	Trick or Treat event	Community Outreach	
11/4/2020	Admissions E-Series College of Education	Resource Info	
11/13/2020	Office for International Students and Scholars (OISS) Fraud/Scam Program	Fraud/Scam Awareness	
11/16/2020	EAP Simulation Scenarios	Give feedback students scenarios	
11/16/2020	EAP Simulation Scenarios	Give feedback students scenarios	

### Primary Prevention and Awareness Programs - CRO & APO 2020-2021

11/18/2020	EAP Simulation Scenarios 2nd	Give Feedback Students scenarios	
12/9/2020	Shop with a Cop	Community Outreach	
1/8/2021	New Hire Orientation	Dept. Resources, safety, working with the Police Department	
1/27/2021	Women's Resource Center - Take a Stand 2	Human Trafficking Awareness	
2/12/2021	Orientation Team Training	Train staff resources	
2/24/2021	Personal Safety Seminar	Personal Safety Info.	DV, DaV, SA
2/24/2021	Meet with National Pan-Hellenic Council Leaders	Discuss resources and collaboration	
3/1/2021	Women's Topics Salem High	Body language, assertiveness, safety	DaV
3/9/2021	Self Defense Program	Safety, awareness and Self Defense	DaV, SA, DV
4/9/21	Greek Life	Safety and Awareness	DaV, SA
4/14/21	Student Project	Self Defense demo for students group project	SA
4/14-30/2021	Ribbon Project with Safe House Center	Sexual Assault awareness ribbons across campus	SA
4/28/2021	Denim Day	Promote and Educate about Sexual Assault	SA
5/10/21	Kid Safety Program	Safety and Public Relations	
5/13/21	Kid Safety Program	Safety and Public Relations	

**\*DoV - Domestic Violence DaV - Dating Violence SA - Sexual Assault S - Stalking**

The University offered the following **primary prevention and awareness programs** for all **new employees** in academic year:

<b>Name of Program</b>	<b>Date Held</b>	<b>Topic Covered</b>	<b>Prohibited Behavior Covered*</b>
Orientation	8/24/2020 & 1/8/2021		DoV, SA
Fire Safety	At Hire	Fire Safety	
Preventing Workplace Harassment	At Hire	Workplace Harassment	
DEI at EMU	At Hire	Diversity, Equity & Inclusion at EMU	
Title IX	At Hire	Title IX	DoV, DaV, SA, S
Clery Act	At Hire	Clery	SA

**\*DoV - Domestic Violence DaV - Dating Violence SA - Sexual Assault S - Stalking**

The University offered the following ongoing awareness and prevention programs for students in academic year 2020-2021.

<b>Name of Program</b>	<b>Date Held</b>	<b>Topic Covered</b>	<b>Prohibited Behavior Covered*</b>
Rape Aggression Defense- R.A.D.	10/6, 10/13, 10/20, 10/27/2020	Women's Self Defense	DoV, DaV, SA,
Women's Resource Center	10/15/2020	Special Victims Unit, Sexual Assault, Safety	SA, DaV
Take a Stand with the Women's Resource Center	10/21/2020	Domestic Violence Awareness and resources	SA, DV, DaV, ST
It's All About Consent	10/28/2021	Consent Program with Knights of Columbus	SA, DaV
Fraud / Scam Program	11/13/2020	Fraud / Scam Awareness	
Women's Resource Center - Take a Stand	1/27/2021	Human Trafficking Awareness	
Personal Safety	2/24/2021	Personal Safety	DoV, DaV, SA
Self Defense Program	3/9/2021	Safety Awareness and Self Defense	DaV, SA, DV

**\*DoV - Domestic Violence DaV - Dating Violence SA - Sexual Assault S - Stalking**

The University offered the following **Ongoing Awareness and Prevention Programs** for **employees** in academic year 2020 - 2021:

**Awareness and Prevention Programs 2020-2021**

<b>Date Held</b>	<b>Name of Program</b>	<b>Topic Covered</b>	<b>Prohibited Behavior Covered*</b>
10/10/2020	Fire Safety Training	Fire Safety	
Yearly auto re-enrolls	Preventing Workforce Harassment	Sexual Harassment	

**\*DoV - Domestic Violence DaV - Dating Violence SA - Sexual Assault S - Stalking**

## **What to Do if You Have Been the Victim of Sexual Assault, Dating Violence, Domestic Violence or Stalking**

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at St. Joseph Mercy Ann Arbor or University of Michigan Hospital. After experiencing a sexual assault, completing a sexual assault evidence collection kit may be hard for some people to do. Sometimes that choice is hard to make because the survivor may not be ready to decide if they want to report what happened or not.

In Michigan, under the Sexual Assault Evidence Submission Act, a hospital can hold the kit for up to one year without turning over the evidence and that it is the survivor's choice of what will happen with that evidence.

The person who will be administering the kit is a Sexual Assault Nurse Examiner (also known as a SANE). A SANE nurse has been specifically trained to work with survivors and is aware of all the possible medical needs you may have at that time. There is a 72 hour time period of when a kit can be completed after the incident.

The health care facility is required to safely store the kit for at least one year if the individual has not given consent about what to do with the kit otherwise. If within that year they receive consent to release the sexual assault evidence kit, the medical facility has 24 hours to contact law enforcement. The law enforcement agency then has 14 days to obtain the kit and is required to submit it to the Michigan Department of State Police or another accredited laboratory for testing within 90 days. Survivors also have the option of receiving a kit and choosing to do absolutely nothing with it. If the person who received a kit decides they want nothing to do with it, no additional steps need to be taken. The only way the kit will be submitted to law enforcement is with the survivor's written consent.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University adjudicators/investigators or police.

### **Go To A Safe Place**

Finding ways to stay and feel safer can be an important step towards healing. Learn more about safe places near you such as a local domestic violence shelter or a family member's or trusted friend's residence. If the dangerous situation involves a partner, go to the police or a shelter first.

## **Seek Help**

- Contact friends, family or other supportive people. Having someone to listen to you and help you sort out your feelings may be helpful.
- The University Counseling Center can also provide support and important information. These services are available free of charge. 734.487.1118
- Off-campus sex offense victim resource - Domestic Violence Project/SAFE House: 734.995.5444 (24-hour crisis line)
- Any representative from the below list can guide a victim through available options and assist the victim in his/her decision to report the crime to EMU DPS and/or local police:
  - Domestic Violence Project/SAFE House: 734.995.5444 (24-hour crisis line)
  - EMU Counseling and Psychological Services: 734.487.1118
  - EMU Office of Wellness and Community Responsibility: 734.487.2157
  - Ombudsman Office: 734.487.0074
  - EMU Housing and Residence Life: 734.487.1300
  - EMU Office of Diversity & Affirmative Action: 734.487.3430
  - Title IX Office: 734.487.2202

## **Retain Evidence**

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with EMU Police or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the University at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

- Do not change clothes, bathe, douche or, if possible, alter anything in the location where the assault occurred.
- Write down everything you can remember about the assailant and the assault.
- Even if you do not plan to prosecute at first, it is best to preserve the evidence in case you decide to prosecute later or to help someone else prosecute.

## **Go to a Hospital**

- Get medical attention immediately. You should be evaluated for injury and sexually transmitted diseases. You do not have to report the rape; however, the medical staff can collect physical evidence should you choose to press charges later.
- St. Joseph Mercy Ann Arbor Hospital Emergency Room: 734.712.3000
- University of Michigan Hospital Emergency Room: 734.936.6666

Although the university strongly encourages all members of its community to report violations of this policy to law enforcement (including on campus law enforcement and campus authorities and/or local police), it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement.

The Eastern Michigan University Police Department will assist any victim if the victim so desires. The Department may be reached directly by calling 734.487.1222, or in person at 1200 Oakwood,

Ypsilanti, MI 48197. Additional information about the EMU Police Department may be found online at: [EMU Police](#).

- It is important to call the EMU Police Department at 911 (emergency) or 734.487.1222 (non-Emergency) to report the assault. You do not have to press charges, but the information you give the police can be used to learn more about trends, locations and methods of assault. It may also be used to help identify the same assailant if they assault someone else.
- Individuals may also report a sex offense to EMU's Title IX Coordinator. Anika Awai-Williams, is the Title IX Coordinator for Eastern Michigan University and her office is responsible for coordinating the institution's compliance with Title IX. Anika Awai-Williams office is located in 100C Boone Hall and she can be reached at 734.487.2202. EMU's sexual harassment policy, including a description of the grievance procedures can be found in the: [EMU Board Policy Manual](#)
- A victim of a sexual assault has the option to report the crime to the appropriate local law enforcement agency, which will depend on the location of the incident. EMU Police are available to assist victims of sexual assault in reporting the incident to law enforcement.

### **Police Agency Phone Listing**

<b>Agency</b>	<b>Emergency Number</b>	<b>Non-Emergency Number</b>
Eastern Michigan University Police Department	911	734.487.1222
Ypsilanti City Police	911	734.483.9510
Pittsfield Township Police	911	734.822.4911
Washtenaw County Sheriff	911	734.994.2911
Michigan State Police	911	810.227.1051
Lapeer County Sheriff	911	810.664.1801
Benzie County Sheriff	911	231.882.4484

## Procedures EMU Will Follow if a VAWA Offense is Reported

VAWA Offense Being Reported	Procedure Eastern Michigan University Will Follow
<b>Sexual Assault</b>	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), EMU will provide complainant with access to medical care.</li> <li>2. EMU will assess immediate safety needs of complainant.</li> <li>3. EMU will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department.</li> <li>4. EMU will provide complainant with referrals to on and off campus mental health providers.</li> <li>5. EMU will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, “No Contact” directive between both parties.</li> <li>6. EMU will provide a “No trespass” directive to accused party if deemed appropriate.</li> <li>7. EMU will provide written instructions on how to apply for Protective Order.</li> <li>8. EMU will provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution.</li> <li>9. EMU will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is.</li> <li>10. EMU will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ol>
<b>Stalking</b>	<ol style="list-style-type: none"> <li>1. EMU will assess immediate safety needs of complainant.</li> <li>2. EMU will assist complainant with investigation of the incident occurring on campus. If the complaint occurred off campus, the institution will provide the complainant with the proper police department.</li> <li>3. EMU will provide written instructions on how to apply for Protective Order.</li> <li>4. EMU will provide written information to complainant on how to preserve evidence.</li> <li>5. EMU will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.</li> <li>6. EMU will provide a “No trespass” directive to accused party if deemed appropriate.</li> </ol>

VAWA Offense Being Reported	Procedure Eastern Michigan University Will Follow
<b>Dating Violence</b>	<ol style="list-style-type: none"> <li>1. EMU will assess immediate safety needs of complainant.</li> <li>2. Institution will assist complainant with investigation of the incident occurring on campus. If the complaint occurred off campus, the institution will provide the complainant with the proper police department.</li> <li>3. EMU will provide written instructions on how to apply for Protective Order.</li> <li>4. EMU will provide written information to complainant on how to preserve evidence.</li> <li>5. EMU will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.</li> <li>6. EMU will provide a “No trespass” directive to accused party if deemed appropriate.</li> </ol>
<b>Domestic Violence</b>	<ol style="list-style-type: none"> <li>1. EMU will assess immediate safety needs of complainant.</li> <li>2. EMU will assist complainant with investigation of the incident occurring on campus. If the complaint occurred off campus, the institution will provide the complainant with the proper police department.</li> <li>3. EMU will provide written instructions on how to apply for Protective Order.</li> <li>4. EMU will provide written information to complainant on how to preserve evidence.</li> <li>5. EMU will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.</li> <li>6. EMU will provide a “No trespass” directive to accused party if deemed appropriate.</li> </ol>

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

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

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



In Michigan, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights as per the below act:

**William Van Regenmorter Crime Victim's Rights Act  
Act 87 of 1985 (excerpt)**

**780.753 Information to be given victim.**

Sec. 3.

Within 24 hours after the initial contact between the victim of a reported crime and the law enforcement agency having the responsibility for investigating that crime, that agency shall give to the victim the following information in writing:

- a) The availability of emergency and medical services, if applicable.
- (b) The availability of victim's compensation benefits and the address of the crime victims compensation board.
- (c) The address and telephone number of the prosecuting attorney whom the victim should contact to obtain information about victim's rights.
- (d) The following statements:  
“If you would like to be notified of an arrest in your case or the release of the person arrested, or both, you should call [identify law enforcement agency and telephone number] and inform them.”

“If you are not notified of an arrest in your case, you may call this law enforcement agency at [the law enforcement agency's telephone number] for the status of the case.”

**Rights of Victims and EMU's Responsibilities for Personal Protection Orders,  
or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by  
the University**

In Michigan, restraining orders are known as Personal Protection Order (PPO). A PPO is a court order to stop threats or violence against you. Some restraining orders are issued in criminal court and some are issued in civil court. The criminal law system handles all cases that involve violations of criminal law such as harassment, assault, etc. Personal protection orders are under the civil law system.

Eastern Michigan University complies with Michigan law in recognizing orders of person protection orders (PPO). Any person who obtains an order of protection from any US state should provide a copy to EMU Police and the Office of the Title IX Coordinator. A complainant may then meet with EMU Police to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc.

The University cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services in conjunction with the county clerk's office or circuit court in the county where you live.

Ask for a “do-it-yourself” personal protection packet. The packet will provide the necessary forms and instruction on how to fill them out. If you are in immediate danger, ask the court for an ex parte order. The order goes into effect as soon as the judge signs it. The county clerk’s office is responsible for providing a copy of the order to the local police agency so that it can immediately be entered into the Law Enforcement Information Network (LEIN).

### **Domestic Relationship Personal Protection Order**

A domestic relationship Personal Protection Order ("PPO") is a civil order that provides protection from harm by a family member, household member, someone with whom you have a child in common, or someone you have dated or are dating. You can file for a personal protection order in the family division of circuit court. In Washtenaw County, Circuit Court is located at:

101 East Huron  
Ann Arbor, MI 48104  
Phone: (734) 222-3301

The judge has to decide whether or not to grant your request within 24 hours of when you file the petition. An ex parte domestic relationship PPO is valid for at least 182 days (approximately 6 months). The respondent can request a hearing to modify or rescind the PPO. If there is a hearing and the judge issues an order after the hearing, **the order will be a final order that can last for any length of time ordered by the judge.**

A judge can issue a domestic relationship PPO when the judge believes that a current or former spouse, someone with whom you have a child in common, someone you are/were dating, or someone who lives/lived in the same household as you may commit any of the following acts:

- Entering (unlawfully) onto premises;
- Assaulting, attacking, beating, molesting, or wounding you;
- Threatening to kill or physically injure you;
- Unlawfully removing minor children from you when you have legal custody of them and removing them is not permitted in the custody or parenting time order;
- Purchasing or possessing a firearm;
- Interfering with your efforts to remove your children or personal property from premises that are solely owned or leased by the abuser;
- Interfering with you at your job or school or acting in a way that harms your job or school relationship or environment;
- Having access to information in records concerning a minor child of both you and the abuser that will tell the abuser about the address or telephone number of you/your child or about your work address;
- Committing stalking or aggravated stalking against you (even if s/he is not arrested for those crimes);
- Injuring, killing, torturing, neglecting (or threatening to injure, kill, torture, or neglect) an animal in which you have an ownership interest, with the intent to cause you mental distress or to exert control over you; or
- Any other specific act or behavior that interferes with your personal liberty or that causes a reasonable fear of violence.

## **Non-Domestic Stalking Personal Protection Orders**

A non-domestic stalking personal protection order (PPO) can be issued based on stalking or cyberstalking committed by someone who you **do not** have an intimate relationship with.

Stalking is when someone harasses you at least two or more times and it reasonably causes you to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Harassment is repeated or continuing unwanted contact with you that has no legitimate (valid) purpose and reasonably causes you to suffer emotional distress (harm). For contact to be considered unwanted contact, it means that he/she contacts you without your consent (including if you agreed to the contact at first, but now you have asked the person to stop and he/she continues to contact you). Unwanted contact includes, but is not limited to, any of the following:

- Following you or appearing within your sight;
- Approaching or confronting you in a public place or on private property;
- Appearing at your workplace or home;
- Entering onto, remaining on, or putting an object on property that you own, lease (rent), or that you are currently occupying;
- Contacting you by telephone; or
- Sending you mail, email or text messages.

This PPO can also be based on the respondent committing aggravated stalking, which is when the respondent stalks you in violation of a restraining order, probation, parole, makes a serious threat, or has a prior conviction for stalking.

Cyberstalking, for the purposes of the stalking PPO, is when the respondent commits the crime of posting or attempting to post messages about you through the Internet, computer or any other form of electronic communication without your consent. To qualify for a protection order under this, all of the following must be true:

- The respondent knows or should know that posting the message could cause two or more acts of unwanted contact with you (by anyone).
- Posting the message is intended to cause conduct (behavior, acts) that would make you feel terrorized, frightened, intimidated, threatened, harassed, or molested; and
- The conduct that comes from posting the message reasonably causes you to suffer emotional distress and to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

In an ex parte or final non-domestic stalking personal protection order (PPO), the judge can order the respondent not to commit behaviors that make up stalking or cyberstalking as those crimes are defined by law. The PPO can (among other things) order the respondent not to do any or all of the following:

- follow you or appear within your sight;
- appear at your home or workplace;
- approach or confront you in a public place or on private property;
- enter onto or remain on property that is owned, leased, or occupied by you;
- send you mail, email, or other communications;
- contact you by telephone
- place an object on, or deliver an object to, property owned, leased, or occupied by you;
- threaten to kill or physically injure you;
- purchase or possess a firearm; and

- post any messages in violation of section through the Internet, a computer or any electronic medium.

A temporary stalking personal protection order will last for **at least 182 days** (approximately 6 months) unless it is shortened or dismissed by a judge at a hearing that the respondent requests. The respondent generally has 14 days from when he/she is served with (receives notice of) the order in which he/she can file a motion to modify or dismiss the order and request a hearing. The time to file the motion can be extended beyond 14 days if there is "good cause." The hearing will generally be held within 14 days of when the motion was filed, except it will be held within 5 days if the stalker:

- has a license to carry a concealed weapon and is required to carry a weapon as a condition of his or her employment,
- is a police officer sheriff, a deputy sheriff or a member of the Michigan department of state police,
- a local corrections officer or a department of corrections employee, or
- a federal law enforcement officer who carries a firearm during the normal course of his or her employment.<sup>3</sup>

### **Juvenile Protection Order**

If you were abused by a minor, you may qualify for an order against him/her if the minor is **at least 10 years old**. However, you cannot get an order against a minor of any age if the minor is **your child** (and is unemancipated). An unemancipated minor child cannot get an order against his/her parent.

### **University No Contact Orders**

The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the University receives a report that such an institutional no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

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

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Eastern Michigan University will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim's request, and to the extent of the victim's cooperation and consent, university offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal university investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, protective measures, transportation or working situations regardless of whether

the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

If you attend classes, live, or work on campus and have been threatened or fear for your safety and well-being, contact the Department of Public Safety and file a police report. DPS can be reached at 734.487.1222.

If the issue is a result of a violation of the Student Conduct Code or the Guide to Campus Living, contact the Resident Advisor, Graduate Hall Director or Area Complex Director for your area or call the Housing & Residence Life Office at 734.487.1300. Residence Life staff handling roommate or suitemate conflicts is limited to enforcing the Student Conduct Code and Guide to Campus Living.

If the issue is related to a work situation, contact EMU Human Resources, Brett Last - Associate Vice President and Chief Human Resources Officer, at 734.487.3004.

Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).)

Further, the University will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures.

The University does not publish the name of crime victims nor house identifiable information regarding victims in the campus police departments Daily Crime Log or online, or in the annual crime statistics that are disclosed in compliance with Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

Student victims may request that their directory information on file be removed from the EMU directory by request for exclusion link found at: [Confidentiality Request Form](#).

Faculty and staff victims may request that their directory information on file be removed from the EMU directory by request for exclusion by contacting the EMU Information Technology Division at 734.487.2120.

## Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking On-Campus

<b>Resource</b>	<b>Location</b>	<b>Telephone</b>
Counseling and Mental Health - C.A.P.S. (Counseling & Psychological Services)	1075 N. Huron River Drive Ypsilanti, MI 48197	734.487.1118
EMU Police Department	1200 Oakwood Street Ypsilanti, MI 48197	734.487.1222
Office of Diversity & Inclusion - Office of Diversity & Affirmative Action	140 McKenny Hall Ypsilanti, MI 48197	734.487-3430
Title IX Office Eastern Michigan University	100 Boone Hall Ypsilanti, MI 48197	734.487.2202
Director of Wellness Center	250 EMU Student Center Ypsilanti, MI 48197	734.487.2157
EMU Center of Race & Ethnicity	358 EMU Student Center Ypsilanti, MI 48197	734.487.2377
EMU Women's Resource Center	356 EMU Student Center Ypsilanti, MI 48197	734.487.4282
LGBTQ Alliance - Lesbian, Gay, Bisexual, and Transgender Resource Center (LGBTQ)	354 EMU Student Center Ypsilanti, MI 48197	734.487.4149
Eastern Michigan University Office of Financial Aid	268 EMU Student Center Ypsilanti, MI 48197	734.487.0455
Office for International Students & Scholars (visas and immigration referrals)	240 EMU Student Center Ypsilanti, Michigan 48197	734.487.3116 Email: <a href="mailto:oiiss@emich.edu">oiiss@emich.edu</a>

## Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking Off-Campus

Resource	Location	Telephone
Eastern Michigan University Police Department	1200 Oakwood Street Ypsilanti, MI 48197	734.487.1222
Local Police - Ypsilanti Police Department	505 W. Michigan Ave. Ypsilanti, MI 48197	734.483.9510
Pittsfield Township Police Department	6227 W Michigan Ave, Ann Arbor, MI 48108	734.822.4911
Washtenaw County Sheriff's Office	2201 Hogback Rd. Ann Arbor, MI 48105	734.971.8400
Michigan State Police Brighton Post	4337 Buno Rd, Brighton, MI 48114	810.227.1051
Hospital - St. Joseph Mercy Hospital	S.A.N.E. (Sexual Assault Nurse Examiners) 5301 McAuley Dr. Ypsilanti, MI 48197	ER #734.712.3000 Option #3
SAFE House Sexual Assault Response Team Domestic Violence Response Team	4100 Clark Rd. Ann Arbor, MI 48105	24/7 helpline 734.995.5444
Domestic Violence Intake Center (Protective Orders) - Victim Witness Assistance Unit, Washtenaw Co. Prosecutor Office	200 N. Main, 3rd Floor Ann Arbor, MI 48107	734.222.6620
Michigan Coalition to End Domestic and Sexual Violence	Confidential, 24-hour statewide sexual assault hotline providing crisis support and referrals	1-855-VOICES4
Local County Courthouse - 22nd Judicial Circuit Court	101 E. Huron Street Ann Arbor, MI 48104	734.222.3270
Victim Advocacy - SAFE House	P.O. Box 7052 Ann Arbor, MI 48107	734.995.5444
Legal Assistance - SAFE House	P.O. Box 7052 Ann Arbor, MI 48107	734.995.5444
Michigan Immigrant Rights Center	15 S. Washington ST. #201 Ypsilanti, MI 48197	734.239.6863 Fax: 734.998.9125

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

- [Rape, Abuse and Incest National Network](#)
- [US Department of Justice: Sexual Assault](#)
- [Department of Education, Office of Civil Rights](#)

## **I. INTRODUCTION & TITLE IX COORDINATOR CONTACT INFORMATION**

The President of Eastern Michigan University has appointed a Title IX Coordinator to oversee the University's central review, investigation and resolution of reports of sexual harassment, sexual assault, domestic violence, dating violence, stalking, sexual exploitation, and gender-based harassment. The contact information for the Title IX Coordinator and Deputy Title IX Coordinators is below:

Anika Awai-Williams, J.D.

**Title IX Coordinator**

Eastern Michigan University Title IX Office

734.487.2202

aawaiwil@emich.edu

Jeanette Zalba

**Deputy Title IX Coordinator**

Coordinator Director, Housing and Residential Life

734.487.5372

jzalba@emich.edu

Erin Kido

**Deputy Title IX Coordinator**

Senior Associate Athletic Director/Senior Women's Administrator

734.487.1050

ekido@emich.edu

## **II. UNIVERSITY POLICY STATEMENT**

Eastern Michigan University is an institution built upon honor, integrity, trust, and respect. Consistent with these values, the University is committed to providing a safe and non-discriminatory learning, living, and working environment. The University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. To that end, this policy prohibits specific forms of behavior that violate Title IX of the Education Amendments of 1972 ("Title IX"); Title VII of the Civil Rights Act of 1964 ("Title VII"); and Michigan's Elliott-Larsen Civil Rights Act. The University also addresses such behavior pursuant to its obligations under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime

Statistics Act ("Clery Act"), as amended by the Violence Against Women Reauthorization Act of 2013 ("VAWA").



The University prohibits Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, Sexual Exploitation and Gender-Based Harassment, which are collectively referred to as “Prohibited Conduct.”<sup>1</sup> Retaliation against a person for the good faith reporting or participation in any investigation or proceeding under this Policy is also a form of Prohibited Conduct. These forms of Prohibited Conduct are unlawful, undermine the character and purpose of the University, and will not be tolerated.

The University will take prompt and equitable action to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The University conducts ongoing prevention, awareness, and training programs for Employees and Students to facilitate the goals of this policy.

A Student or Employee determined by the University to have committed an act of Prohibited Conduct is subject to disciplinary action, up to and including separation from the University. Third Parties who commit University Prohibited Conduct may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.

Where the date of the Prohibited Conduct precedes the effective date of this policy, the definitions of misconduct in existence at the time of the alleged incident(s) will be used. The procedures under this policy, however, will be used to investigate and resolve all reports made on or after the effective date of this policy, regardless of when the incident(s) occurred.

## II. SCOPE OF POLICY

**A. To Whom This Policy Applies.** This policy is applicable to Students, Employees, and Third Parties.

1. “Student” includes any person who meets any of the following criteria:
  - is enrolled in any number of courses, in any format at EMU;
  - is living in University housing; and/or
  - is not officially enrolled for a particular term, but whose EMU record indicates a continuing relationship with the University. The term relationship includes, but is not limited to:
    - those eligible and/or applying for re-enrollment and/or readmission;
    - those involved in an appeal or grievance process; and
    - those with unresolved business matters with EMU.

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<sup>1</sup> “Prohibited Conduct” is broken down into two separate categories: (1) Prohibited Conduct Under Title IX, which is defined and described in Section IV of this Policy, and (2) Other University-Prohibited Conduct, which is defined and described in Section V of this Policy.

2. “Employee” includes all persons who are legally defined as employees of the University.
3. “Third Parties” includes all contractors, vendors, visitors, guests or any other third parties.

The University’s ability to take appropriate corrective action against a Third Party will be determined by the nature of the relationship of the Third Party to the University. The Title IX Coordinator will determine the appropriate manner of resolution consistent with the University’s commitment to a prompt and equitable process consistent with federal and state law, federal guidance, and this policy.

Where the Respondent is not a University Student or Employee, or a participant in any University related program or activity, the University’s ability to take action may be limited.

**B. When and Where Does This Policy Apply.** This policy pertains to acts of Prohibited Conduct committed by or against Students, Employees and Third Parties when:

1. the conduct occurs on campus or other property owned or controlled by the University;
2. the conduct occurs in the context of a University employment or education program or activity, including, but not limited to, both on-campus and on-line classes, research, or internship programs; or
3. the conduct occurs outside the context of a University employment or education program or activity, or, did not occur against a person in the United States, but has continuing adverse effects for Students, Employees or Third Parties while on campus or other property owned or controlled by the University or in any University employment or education program or activity. Such conduct would not be Prohibited Conduct Under Title IX (as defined in Section IV) but may be Other University-Prohibited Conduct (as defined in Section V).

**C. Intersection with Other Policies.** The University’s Office of Diversity and Affirmative Action (ODAA) administers separate policies ([EEO/Affirmative Action](#) and [Civil Rights](#)) that address of discrimination and harassment not covered by this Policy. Where Prohibited Conduct violates the Sexual Misconduct and Sex-based Harassment policy and also violates other policies, the University’s response will be governed by this Policy. Questions about which policy applies in a specific instance should be directed to the University’s Title IX Coordinator. In addition, conduct may be inappropriate, but not a violation of this Policy. Such conduct will be reviewed by the Title IX Coordinator and may be addressed through other appropriate processes (e.g. administrative offices, collective bargaining agreements, student conduct proceedings).

#### IV. **PROHIBITED CONDUCT UNDER TITLE IX:**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Michigan regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

EMU has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community. Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

A. **Sexual Harassment.** "Sexual Harassment", as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. Sexual harassment is conduct on the basis of sex/gender or that is sexual that satisfies one or more of the following criteria:

1. **Hostile Environment Sexual Harassment** is unwelcome<sup>2</sup> conduct determined by a reasonable person to be so severe, and pervasive, and, objectively offensive, that it effectively denies a person equal access to an EMU education program or activity;
2. **Quid Pro Quo Sexual Harassment** is when an EMU Employee conditions the provision of an aid, benefit, or service of EMU, on an individual's participation in unwelcome sexual conduct.
3. **Sexual Assault** is any sexual act<sup>3</sup> directed against another person, without the consent of the Complainant<sup>4</sup>, including instances where the Complainant is incapable of giving consent. Sexual Contact includes touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts, and/or making another touch you or themselves with or on any of these body parts.

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<sup>2</sup> Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

<sup>3</sup> A "sexual act" is specifically defined by federal regulations to include one or more of the following: (1) forcible rape; (2) forcible sodomy; (3) sexual assault with an object; (4) forcible fondling; (5) incest; and (6) statutory rape. Each of these six sexual acts are defined in Section VII of this Policy.

<sup>4</sup> For purposes of this Policy, the individual who is reported to have experienced Prohibited Conduct, regardless of whether that individual makes a report or participates in the review of that report by the University, is referred to as the Complainant. The individual who is reported to have engaged in Prohibited Conduct is referred to as the Respondent.

4. **Domestic Violence** is violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the State of Michigan.

5. **Dating Violence** is violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. 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: Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

6. **Stalking** occurs when a person engages in a course of conduct on the basis of sex, directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress. Course of Conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property. Substantial emotional distress means significant mental suffering or anguish. Stalking includes "cyber-stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

B. **Retaliation.** "Retaliation" is any adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this Policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in the processes contained in this policy. Retaliation may be present even where there is a finding of "no responsibility" on the allegations of Prohibited Conduct. A good faith pursuit by either party of civil, criminal or other legal action, even in response to an initial report under this Policy, does not constitute retaliation. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

EMU will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation. Filing a complaint pursuant to the Code of Community

Responsibility grievance process could be considered retaliatory if those charges could be applicable under Title IX and that would otherwise initiate the Sexual Misconduct and Sex-based Discrimination Policy grievance process, when the Code of Community Responsibility grievance process charges are made for the purpose of interfering with or circumventing any right or privilege provided afforded within Sexual Misconduct and Sex-based Discrimination Policy grievance process that is not provided by the Code of Community Responsibility grievance process.<sup>5</sup> Therefore, EMU vets all complaints carefully to ensure this does not happen, and to assure that complaints are tracked to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Conduct in violation of EMU Board Policy 3.1.8 may also be considered a violation of this Policy.

EMU 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

## **V. OTHER UNIVERSITY-PROHIBITED CONDUCT**

In addition to the forms of sexual harassment described above, which are covered by Title IX, EMU additionally prohibits Sexual Exploitation and Gender-Based Harassment as Other University-Prohibited Conduct. Other University-Prohibited Conduct also includes Sexual Harassment that occurs outside the context of University employment or a University education program or activity, but which has continuing adverse effects for Students, Employees or Third Parties while on campus or other property owned or controlled by the University or in any University employment or education program or activity.

### **A. Sexual Exploitation** is purposely or knowingly doing any of the following:

1. causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that persons' ability to give Consent to sexual activity.
2. allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., live streaming of images) without the consent of all subjects or participants;
3. engaging in voyeurism (e.g., watching private sexual activity without the consent of all participants or viewing another person's intimate parts (including genitalia, groin, breasts or buttocks) in a place where that person would have a reasonable expectation of privacy;

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<sup>5</sup> Charging an individual with a Code of Community Responsibility violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

4. recording or photographing private sexual activity and/or a person's intimate parts without the consent of all subjects or participants;
5. disseminating or posting images of private sexual activity and/or a person's intimate parts without the consent of all subjects or participants;
6. prostituting another person; or
7. exposing another person to a sexually transmitted infection or virus without the other's knowledge.

B. **Gender-Based Harassment** includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature. Such conduct creates a hostile environment. A "hostile environment" exists when the conduct is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University's education or employment programs and/or activities. Conduct must be deemed severe, pervasive from an objectively offensive perspective. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:

1. The frequency, nature, severity, location, duration and context of the conduct; and
2. Whether the conduct implicates concerns related to academic freedom or protected speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

## **VI. EXAMPLES OF SEXUAL HARASSMENT AND OTHER PROHIBITED CONDUCT**

A. Offering or implying an employment related reward (such as a promotion, raise, or different work assignment) or an education related reward (such as a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any educational program or activity) in exchange for sexual favors or submission to sexual conduct.

B. Threatening or taking a negative employment action (such as termination, demotion, denial of an employee benefit or privilege, or change in working conditions), or negative educational action, (such as giving an unfair grade, withholding a letter of recommendation, or withholding assistance with any educational activity) or intentionally making the individual's job or academic work more difficult because sexual conduct is rejected.

C. Excluding a person from a program, activity or facility based on sex, sexual orientation or gender identity.

D. Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome, or sexual gestures, noises, remarks, jokes, questions, or comments about a person's sexuality or sexual experience. Such conduct between peers must be sufficiently severe, persistent, or pervasive that it creates an educational or working environment that is hostile or abusive.

E. Explicit sexual pictures are displayed in a professor's office or on the exterior of a residence hall door.

F. The use or display in the classroom or workplace, including electronic, or pornographic or sexually harassing materials such as posters, photos, cartoons or graffiti without pedagogical justification.

G. A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.

H. A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

I. Touching oneself sexually in view of others without their consent.

## **VII. ADDITIONAL DEFINITIONS**

The following definitions of consent, incapacitation, force, and coercion, as well as the definitions for six specified types of sexual acts (forcible rape, forcible sodomy, sexual assault with an object, forcible fondling, incest, and statutory rape) shall be used for purposes of this Policy.

A. **Consent** is (a) informed (knowing); (b) voluntary (freely given); and (c) clearly communicated, through the demonstration of clear words or actions a person has indicated willingness to engage in a particular form of sexual activity. Consent cannot be gained by force or coercion. An incapacitated individual cannot consent to sexual activity.

Consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated.

**B. Incapacitation.** A person who is incapacitated is unable, temporarily or permanently, to give Consent because of physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.

When alcohol or other drugs are involved, it is important to understand the level of impairment that results from a person's level of consumption. The impact of alcohol and other drugs varies from person to person, and a person's level of impairment can change quickly over time. A person's level of impairment is not always demonstrated by objective signs; however, some signs of intoxication may include clumsiness, difficulty walking, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness, or emotional volatility.

Evaluating whether another individual is incapacitated requires an assessment of whether the consumption of alcohol or other drugs has rendered that individual physically helpless or substantially incapable of either (a) making decisions about whether to engage in sexual contact or sexual intercourse; or (b) communicating Consent to sexual contact or sexual intercourse.

In evaluating Consent where the question of incapacitation is at issue, the University asks two questions: (1) *did the person initiating sexual activity know that the other party was incapacitated, and if not, (2) should a sober, reasonable person, in the same situation, have known that the other party was incapacitated?* If the answer to either question is yes, then there has not been consent.

One should be cautious before engaging in Sexual Contact or Sexual Intercourse when either party has been drinking alcohol or using other drugs. The introduction of alcohol or other drugs may create ambiguity for either party as to whether consent has been sought or given. If one has doubt about either party's ability to give consent, the safe thing to do is to forego all sexual activity.

Additional guidance about Consent and Incapacitation:

- A person who initiates a specific sexual activity is responsible for obtaining Consent for that activity.
- Consent is not to be inferred from silence, passivity, or a lack of resistance, and relying on non-verbal communication alone may not be sufficient to ascertain Consent.
- Consent is not to be inferred from an existing or previous dating or sexual relationship. Even in the context of a relationship, there must be mutual Consent to engage in any sexual activity.
- Consent to engage in one sexual activity is not Consent to engage in a different sexual activity or to engage in the same sexual activity on a later occasion.
- Consent to engage in sexual activity with one person is not Consent to engage in sexual activity with any other person.
- Consent can be withdrawn by either party at any point. Once Consent is withdrawn, the sexual activity must cease immediately.



Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on EMU to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Conduct under this policy is prohibited regardless of the sex. Being impaired by alcohol or other drugs does not excuse a Respondent from responsibility for committing Prohibited Conduct that violates this policy.

**C. Force** is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**D. Coercion** is conduct, including intimidation and express or implied threats of immediate or future physical, emotional, reputational, financial, or other harm to the Complainant or others, that would reasonably place an individual in fear and that is employed to compel someone to engage in 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. 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 be coercive.

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

**G. Forcible Sodomy** is oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

**H. Sexual Assault with an Object** - To use an object or instrument to 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 (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

**I. Forcible Fondling** is the touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

J. **Incest** is nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Michigan law.

K. **Statutory Rape** is nonforcible sexual intercourse with a person who is under the statutory age of consent of 16 years in the State of Michigan.

## **VIII. REPORTING**

### **A. How to Report**

There are two options for reporting Prohibited Conduct – through the Department of Public Safety (for criminal complaints) and through the Title IX Office (for complaints to the University alleging a violation of this Policy). A Complainant may choose to report to one, both, or to neither. These reporting options are not exclusive. Complainants may simultaneously pursue criminal complaints and complaints through the Title IX Office. The University will support Complainants in understanding, assessing and pursuing these options and will assist a Complainant in notifying law enforcement and seeking medical treatment or counseling.

#### **1. Law Enforcement – EMU Department of Public Safety (for criminal complaints)**

The Department of Public Safety is a fully deputized police department. Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking Emergency Protective Orders.

A report to DPS is a criminal complaint. In keeping with its commitment to taking all appropriate steps to eliminate, prevent, and remedy all Prohibited Conduct, the University urges Complainants to report Prohibited Conduct immediately to the [Department of Public Safety](tel:734.487.1222) at 734.487.1222. However, Complainants have the right to notify or decline to notify law enforcement. In the event of conduct that poses a threat to the health or safety of any individual, the University may initiate a report to law enforcement.

#### **2. EMU Title IX Office (for complaints of Prohibited Conduct)**

The Title IX Coordinator is a University employee and is responsible for monitoring compliance with Title IX; ensuring appropriate education and training; coordinating the University's investigation, response, and resolution of all reports under this policy; and ensuring appropriate actions to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The Title IX Coordinator is available to meet with any Student, Employee, or Third Party to discuss this Policy or the accompanying procedures. The University has also designated Deputy Title IX Coordinators to assist the Title IX Coordinator in the discharge of these responsibilities.

The University urges anyone who has experienced or knows about an incident of Prohibited Conduct to immediately contact the Title IX Coordinator. The University's Title IX Coordinator or any Deputy Title IX Coordinator may be reached by telephone, email, or in person at their respective locations, email addresses and/or phone numbers listed in the Introduction to this Policy or at [emich.edu/title-nine](https://emich.edu/title-nine). The University's website is available for online reporting at [emich.edu/title-nine](https://emich.edu/title-nine).

**B. Time Frame for Reporting.** There is no time limit for reporting Prohibited Conduct to the University under this policy; however, the University's ability to respond may diminish over time, as evidence may erode, memories may fade, and Respondents may no longer be affiliated with the University. If the Respondent is no longer a Student or an Employee, the University will provide reasonably appropriate remedial measures, assist the Complainant in identifying external reporting options, and take reasonable steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

**C. Amnesty for Good Faith Reporting:** The University's Office of Wellness and Community Responsibility will grant amnesty in accordance with the Code of Community of Responsibility to students for disclosure of personal consumption of alcohol or other drugs (underage or illegal) where the disclosure is made in connection with a good faith report or investigation of Prohibited Conduct.

Concerns about the University's application of Title IX, VAWA, Title VII, the Clery Act, or Michigan's Elliott-Larsen Civil Rights Act may be addressed to the Title IX Coordinator; the United States Department of Education, Clery Act Compliance Division (at [clery@ed.gov](mailto:clery@ed.gov)); the United States Department of Education, Office for Civil Rights (at [OCR@ed.gov](mailto:OCR@ed.gov) or (800) 421-3481); the Equal Employment Opportunity Commission (at [info@eeoc.gov](mailto:info@eeoc.gov) or (800) 669-4000) and/or the Michigan Department of Civil Rights (<https://www.michigan.gov/mdcr/> or 517-335-3165).

## **IX. INVESTIGATIVE PROCEDURES**

There are three procedures for investigating complaints of Prohibited Conduct:

A. For allegations of Prohibited Conduct Under Title IX (as defined in Section IV above), the University will proceed pursuant to the University's Sexual Misconduct and Sex-based Discrimination Grievance Process.

B. For allegations of Other University-Prohibited Conduct (as defined in Section V below) *involving students*, the University will proceed pursuant to the Office of Wellness and Community Responsibility's [Community Responsibility Process](#).

C. For allegations Other University-Prohibited Conduct (as defined in Section V below) *involving employees or third parties*, the University will proceed pursuant to the University's [Discrimination/Harassment Investigation Procedure for Complaints Against Faculty, Staff or Visitors](#).

The procedures referenced provide for prompt and equitable response to reports of Prohibited Conduct, conducted by University representatives who receive annual training on issues related to Prohibited Conduct. The procedures designate specific time frames for major stages of the process and provide for thorough and impartial investigations, which afford all parties notice and an opportunity to present witnesses and evidence and to view the information that will be used in determining whether a policy violation has occurred. The University applies the Preponderance of the Evidence standard<sup>6</sup> when determining whether this Policy has been violated.

## **X. AVAILABLE SUPPORT**

**A. Supportive Measures.** The University offers a wide range of resources for Students and Employees, whether as Complainants or Respondents, to provide support and guidance throughout the initiation, investigation, and resolution of a report of Prohibited Conduct. The University will offer reasonable and appropriate measures to protect a Complainant and facilitate the Complainant's continued access to University employment or education programs and activities without unreasonably burdening the Respondent. These measures may be both remedial (designed to address a Complainant's safety and well-being and continued access to educational opportunities) or protective (involving a restrictive action against a Respondent). Supportive measures, which may be temporary or permanent, may include no-contact directives, residence modifications, academic modifications and support, work schedule modifications, interim disciplinary suspension, suspension from employment, and pre-disciplinary leave (with or without pay). Supportive measures are available regardless of whether a Complainant pursues a complaint or investigation under this policy. The University will maintain the privacy of any supportive measures provided under this policy to the extent practicable, and will promptly address any violation of the protective measures.

The availability of supportive and remedial measures will be determined by the specific circumstances of each report. The University will consider a number of factors in determining which measures to take, including the needs of the Student or Employee seeking supportive and remedial measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the Complainant; whether the Complainant and the Respondent share the same residence hall, academic course(s), or job location(s); and whether other judicial measures have been taken to protect the Complainant (e.g. protective orders).

Regardless of when or where the Prohibited Title IX Conduct and Other University Prohibited Conduct occurred, the University will offer resources and assistance to community members who experience and/or are affected by Title IX Prohibited Conduct and Other University Prohibited Conduct. In those instances when this Policy does not apply, the University will assist a Complainant in identifying and contacting external law enforcement agencies and appropriate campus or community resources.

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<sup>6</sup> "Preponderance of the Evidence" means that it is more likely than not that a policy violation occurred.

The University will provide reasonable supportive and remedial measures to Third Parties as appropriate and available, taking into account the role of the Third Party and the nature of any contractual relationship with the University.

Complainants or others should report information concerning a violation of protective measures to the Title IX Coordinator as soon as possible, and should dial 911 in situations of immediate health or safety concern. The Title IX Coordinator has the discretion to impose and/or modify any supportive measure based on all available information, and is available to meet with a Complainant or Respondent to address any concerns about the provision of supportive measures.

## **B. Campus and University Resources**

The University offers a wide range of resources for all Students and Employees to provide support and guidance in response to any incident of Prohibited Conduct. There are a number of resources in which Students and Employees can obtain confidential, trauma informed counseling and support. These resources:

- EMU Counseling and Psychological Services (CAPS), located in the Campus Wellness Center at 1075 North Huron River Drive Ypsilanti, Michigan 48197; 734-487-1118; <https://www.emich.edu/caps/index.php>.
- The EMU Community Behavioral Health Clinic, also located in the Campus Wellness Center at 1075 North Huron River Drive Ypsilanti, Michigan 48197; 734-487.4987; <https://www.emich.edu/cbhc/index.php>.
- The EMU Counseling Clinic in 135 Porter Hall; 734.487.4410; <https://www.emich.edu/coe/clinical-services/counseling-services.php>.
- Employees can also obtain such counseling and support through the Employee Assistance Program. <http://www.emich.edu/hr/benefits/information/assistance-program.php>

## **XI. NOTICE/COMPLAINT**

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

1. Offering supportive measures because the Complainant does not want to file a formal complaint;
2. An informal resolution (upon submission of a formal complaint); and/or
3. A formal grievance process including an investigation, and which may also include a hearing.

EMU uses the formal grievance process to determine whether or not this Policy has been violated. If EMU determines this Policy has been violated, EMU will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

**A. Initial Assessment.** Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator<sup>7</sup> engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:

1. If notice is given, the 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.
2. If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
3. If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
4. The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
5. The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
6. The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
7. If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
8. If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in informal resolution.
9. If a formal grievance process is preferred, the Title IX Coordinator determines if the misconduct alleged involved Prohibited Conduct under Title IX.

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<sup>7</sup> If circumstances require, the University President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Title IX Coordinator or should the Title IX Coordinator be otherwise unavailable or unable to fulfill their duties.

If the misconduct alleges Prohibited Conduct under Title IX, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:

- (i) an incident;
- (ii) a pattern of alleged misconduct; and/or
- (iii) a culture/climate issue, based on the nature of the complaint.

If the misconduct alleged is not Prohibited Conduct under Title IX, but may allege Other University-Prohibited Conduct, the Title IX Coordinator (a) determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), (b) assesses which policies may apply and which resolution process may be applicable, and (c) will refer the matter accordingly under the University’s Community Responsibility process or the University Discrimination/Harassment Complaint Investigation Procedure for Faculty, Staff, and Visitors. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX, and does not limit EMU’s authority to address a complaint with an appropriate process and remedies.

**B. Violence Risk Assessment.** In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by a risk assessment team as part of the initial assessment. Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other appropriate University employees. A VRA authorized by the Title IX Coordinator should occur in collaboration with a risk assessment team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., under Michigan’s Mental Health Code, 1974 PA 258), nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

**C. Emergency Removal.** The University may act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when a VRA (as described above) has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. In such cases, the University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to removing a student from a residence hall, temporarily re-assigning a student employee, restricting a student’s access to or use of facilities or equipment, allowing a student to withdraw or take grades of

incomplete without financial penalty, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator within 24 hours, to show cause why the action/removal should not be implemented or should be modified. The Title IX Coordinator may suspend the removal proceeding pending the notice of the removal and the Respondent's request to meet. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation. The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline within the student or employee conduct processes, which may include expulsion or termination.

When the Respondent is an employee, the above emergency removal process may be modified as necessary in order to comply with any applicable University employment policy or collectively bargained agreement.

**D. Dismissal (Mandatory and Discretionary) pursuant to Title IX<sup>8</sup>.** EMU must dismiss a formal complaint or any allegations therein pursuant to Title IX if, at any time during the investigation or hearing, it is determined that:

1. The conduct alleged in the formal complaint would not constitute Prohibited Conduct under Title IX, even if proved; and/or
2. The conduct did not occur in an educational program or activity controlled by EMU (including buildings or property controlled by recognized student organizations), and/or EMU does not have control of the Respondent;
3. The conduct did not occur against a person in the United States; and/or

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<sup>8</sup> These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.



4. At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of EMU<sup>9</sup>.

EMU may dismiss a formal complaint or any allegations therein pursuant to Title IX if, at any time during the investigation or hearing:

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

Upon any dismissal under this section, EMU will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. EMU will also notify the parties of any intent to proceed under the University Community Responsibility process or the University Discrimination/Harassment Investigation Process for Faculty, Employees, and Visitors.

## **XII. OFFICIALS WITH AUTHORITY**

EMU will act on any formal or informal notice/complaint of violation of this Policy that is received by the Title IX Coordinator or any other Official with Authority. An Official with Authority is an EMU representative whom EMU has authorized to institute corrective measures in response to a violation of the Policy. For purposes of reporting under this policy, the University considers the following individuals to be an Official with Authority:

- The Title IX Coordinator and any Deputy Title IX Coordinators
- The President of Eastern Michigan University
- The Provost and Executive Vice President for Academic and Student Affairs
- The Associate Vice President of Student Affairs
- The Vice President and Athletics Director
- All Eastern Michigan University Department of Public Safety Officers: 734.487.1222

## **XIII. MANDATORY REPORTING**

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment (those resources are described in more detail in Section XIII, below). They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

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<sup>9</sup> Such a Complainant is still entitled to supportive measures, but the formal grievance process is not applicable.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them. A party who wants to make a complaint alleging a violation of this Policy can do so themselves by making a report directly to the University in the following ways:

- Contact the Title IX Coordinator: Anika Awai-William: E-mail [aawaiwil@emich.edu](mailto:aawaiwil@emich.edu)
- Contact the Title IX Office: 734.487.2202.
- The Title IX Office located at 100C Boone Hall.
- Online reporting: <http://www.emich.edu/title-nine>.

All regular EMU employees are Mandatory Reporters, except for those few employees who are considered Confidential Employees (as described in Section XIV below). A Mandatory Reporter is required to immediately report to the University's Title IX Coordinator and DPS all relevant details (obtained directly or indirectly) about an incident of Prohibited Conduct that involves any member of the EMU community ("students", "employees" and "third parties") as a Complainant, Respondent, and/or witness. Mandatory Reporters additionally include Resident Advisors, Graduate Assistants, and all other student-employees, when disclosures are made to any of them in their capacities as employees.

Mandatory Reporters are not required to report information disclosed (1) at public awareness events (e.g., "Take Back the Night," candlelight vigils, protests, "survivor speak-outs" or other public forums in which students may disclose incidents of Prohibited Conduct; collectively, "Public Awareness Events"), or (2) during a student's participation as a subject in an Institutional Review Board-approved human subjects research protocol ("IRB Research").

#### **XIV. CONFIDENTIAL RESOURCES**

**A. Confidential Employee** is (1) any Employee who is a licensed medical, clinical or mental-health professional (e.g., physicians, nurses, physicians' assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision), when acting in their professional role in the provision of services to a patient who is a Student or Employee ("health care providers"); and (2) any Employee providing administrative, operational and/or related support for such health care providers in their performance of such services.

A Confidential Employee will not disclose information about Prohibited Conduct to the University's Title IX Coordinator without the Student's permission (subject to the exceptions set forth in the next paragraph). Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under Michigan law. When information is shared by an individual with a Confidential Employee, the Confidential Employee cannot reveal the information to any third

party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.

**B Clery Act Reporting:** Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the University to maintain a daily crime log and issue timely warnings to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to Students and Employees. Consistent with the Clery Act, the University withholds the names and other personally identifying information of Complainants when issuing timely warnings to the University community.

**C. Privacy:** The University is committed to protecting the privacy of individuals engaged in the reporting and investigative process, including the identity of individuals and information involved in the investigation and resolution of a report under this policy. With the exception of Title IX reporting, Mandatory Reporters will maintain the privacy of information related to a report of Prohibited Conduct, and information will only be shared beyond the Title IX Coordinator or DPS on a “need to know” basis in order to assist in the review, investigation and resolution of the report, or support of the parties.

The University is committed to providing assistance to help Students, Employees and Third Parties make informed choices. With respect to any report under this policy, the University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

The privacy of Student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA). The privacy of an individual’s medical and related records generally are protected in the United States by the Health Insurance Portability and Accountability Act (HIPAA), excepting health records protected by FERPA. The privacy of Employee personnel records will be protected in accordance with Michigan state law. Open Records laws may require disclosure of law enforcement records. However, victim and witness names in law enforcement records will not be disclosed, unless otherwise required by law. The University also protects privacy with regard to personal information pursuant to The General Data Protection Regulation (GDPR), FERPA, HIPAA, and the California Consumer Privacy Act (CCPA).

## **XV. PREVENTION AND AWARENESS PROGRAMS**

The University is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming Students and new Employees receive primary

prevention and awareness programming as part of their orientation, and returning Students and current Employees receive ongoing training and related education.

#### **XVI. TRAINING**

The University provides training to Students and Employees to ensure they understand this Policy and the topics and issues related to maintaining an education and employment environment free from harassment and discrimination.

#### **XVII. OBLIGATION TO PROVIDE TRUTHFUL INFORMATION**

All University community members are expected to provide truthful information in any report or proceeding under this Policy. Submitting or providing false or misleading information, in bad faith or with a view to personal gain or intentional harm to another, in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions under the EMU's Code of Community Responsibility and disciplinary action under the appropriate Employee disciplinary policy. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

#### **XVIII. ANNUAL REVIEW**

This policy is maintained by the Title IX Office. The University will review and update this policy, as appropriate, by October 31 of each year. The University will evaluate, among other things, any changes in legal requirements, existing University resources, and the resolution of cases from the preceding year (including, but not limited to, timeframes for completion and sanctions and remedies imposed).

## **The Eastern Michigan University: Sexual Misconduct and Sex-based Discrimination Grievance Process**

Applies to all forms of Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking and Retaliation (“Prohibited Conduct”) at Eastern Michigan University. All matters related to that policy, including inquiries or complaints, may be referred to the

University’s Title IX Coordinator:

### **Title IX Coordinator**

Anika Awai-Williams

Email: [aawaiwil@emich.edu](mailto:aawaiwil@emich.edu)

Phone: 734.487.2202

Trained Title IX Deputy Coordinators who can also offer assistance are available in the offices of Housing, Athletics, and Human Resources. They can be reached at:

Jeanette Zalba, Deputy Title IX Coordinator

Director of Housing and Residence Life 734.487.5372

[jzalba@emich.edu](mailto:jzalba@emich.edu)

Erin Kido, Deputy Title IX Coordinator

Senior Associate Athletics Director EMU Convocation Center

734.487.8172

[ekido@emich.edu](mailto:ekido@emich.edu)

The investigatory procedures for claims against students under the University’s Sexual Misconduct and Sex-based Harassment Policy are contained in this document. The procedures for claims against faculty, staff and third parties can be found in the Discrimination/Harassment Complaint Investigation Procedure for Complaints Against Faculty, Staff, or Visitors.

## **Introduction**

The Investigatory Procedures are guided by principles of fairness and respect for all parties. Resources are available to provide guidance throughout the investigation and resolution of the complaint. Throughout the investigation and resolution of a complaint, the Complainant and Respondent have the right to be assisted by an advisor of their choice. Additional guidance about the role of the advisor is contained in the Appendix.

## **Review, Investigation, and Resolution Procedure:**

The University will support any Complainant or Respondent in understanding how to navigate the Complaint Resolution Procedures. There are several options available to resolve a report of Prohibited Conduct. These options include both informal and formal resolutions processes. Upon receipt of a report, the University will conduct a Title IX assessment. After consultation with the complainant, the University may pursue informal resolution or formal resolution (which includes a thorough review and investigation).

## **I. Role of the Title IX Coordinator:**

The University has appointed a Title IX coordinator to oversee the University's central review, investigation, and resolution of reports of sexual harassment, sexual violence, intimate partner violence, and stalking under the University's procedures for resolution of complaints. The Title IX Coordinator also coordinates the University's compliance with Title IX.

The Title IX Coordinator is:

- Responsible for oversight of the investigation and resolution of all reports of sexual harassment, sexual violence, intimate partner violence, and stalking involving students, staff, and faculty;
- Informed of all reports of complaints of sexual harassment, sexual assault, domestic violence, dating violence, stalking, and retaliation involving students, staff, and faculty reported to responsible employees;
- Responsible for evaluating a Complainant's request that their name not be shared with the Respondent or that no investigation go forward in the context of the University's responsibility to provide a safe and nondiscriminatory environment for all;
- Responsible for tracking patterns and assessing the impact of individual incidents on climate and culture;
- Responsible for determining appropriate supportive measures and interim measures;
- Responsible for monitoring processes to ensure that the requirement for a prompt and equitable review are met;
- Knowledgeable and trained in state and federal laws that apply to matters of sexual harassment, as well as University policy and procedure;
- Available to advise any individual, including a Complainant, a Respondent or witness, about the courses of action that are available at the University, both informally and formally, and in the community, and what involvement that individual may or may not have in the process;
- Available to provide assistance to any University employee regarding how to respond appropriately to a report of sexual harassment, sexual assault, domestic violence, dating violence, or stalking;
- Available to provide assistance to the Executive Director of Public Safety (or designee) regarding how to respond appropriately to reports of sexual violence;
- Responsible for coordinating policies and procedures with local law enforcement, and victim advocacy and service providers;
- Responsible for monitoring full compliance with all procedural requirements, record keeping and timeframes outlined in this procedure;
- Responsible for overseeing training, prevention, and education efforts and annual reviews of climate and culture.

Inquiries or complaints concerning the application of Title IX may be referred to the University's Title IX Coordinator:

**Title IX Coordinator** Anika Awai-Williams

Email: [aawaiwil@emich.edu](mailto:aawaiwil@emich.edu)

Phone: 734.487.2202

Online Reporting: <https://www.emich.edu/title-nine/reporting/index.php>

Trained Title IX Deputy Coordinators who can also offer assistance are available in the offices of Housing, Athletics, and Human Resources.

It is the University's intention that through these procedures, any complaint will be resolved internally. However, a complaint can also be filed with the following agencies:

**United State Department of Education** Clery Act Compliance Division [clery@ed.gov](mailto:clery@ed.gov)

**Office for Civil Rights**

[OCR@ed.gov](mailto:OCR@ed.gov)

**The Equal Employment Opportunity Commission**

[info@eeoc.gov](mailto:info@eeoc.gov)

**Michigan Department of Civil Rights**

[www.michigan.gov/mdrc/](http://www.michigan.gov/mdrc/) or 517-335-3165

Complaints with the Office for Civil Rights must be filed within one hundred eighty (180) days of the last act that the Complainant believes was discriminatory. There is no time limit for making a report to Eastern Michigan; however, if the Respondent is no longer a student or employee, the University's authority to pursue disciplinary action may be limited. Although a report may come in through many sources, the University is committed to ensuring that all reports are referred to the Title IX Coordinator, who will ensure consistent application of the policy to all individuals and allow the University to respond promptly and equitably to eliminate harassment, prevent its recurrence, and eliminate its effects.

The Complaint Resolution Procedures are guided by principles of fairness and respect for all parties. Resources are available for both students and employees, whether as Complainants or Respondents, to provide guidance throughout the investigation and resolution of the complaint. Throughout the investigation and resolution of a complaint, the Complainant and Respondent have the right to be assisted by an advisor of their choice. The Title IX Coordinator shall assist a Complainant or Respondent in obtaining an advisor upon request. Additional guidance about the role of the advisor is contained in the Appendix.

## **II. Time Frame for Resolution**

Eastern Michigan University will make every effort to successfully resolve all reports (through the imposition of sanction or final remedies) that do not involve a hearing within 90 days and those that involve a hearing within 120 days. The time allotted for the appeal process is not included in the sixty (60) to ninety (90) day time estimate. In general, a Complainant and Respondent can expect the process will proceed according to the time frames provided in this procedure.

However, any time frame expressed in this policy, including the 60 to 90 day time estimates, may be extended for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may exist for a variety of factors, including the complexity of the circumstances of each case, the integrity and completeness of the investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for University breaks or vacations, or to address other legitimate reasons.

Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. All parties involved are entitled to periodic status updates on the progress of the investigation and resolution of the complaint

and any subsequent appeal. During the period that an investigation is pending, the University may deny and/or delay issuance of a degree for an accused student.

### **III. Supportive Measures**

The University offers a wide range of resources for Students and Employees, whether as Complainants or Respondents, to provide support and guidance throughout the initiation, investigation, and resolution of a report of Prohibited Conduct. The University will offer reasonable and appropriate measures to protect a Complainant and facilitate the Complainant's continued access to University employment or education programs and activities. These measures may be both remedial (designed to address a Complainant's safety and well-being and continued access to educational opportunities) or protective (involving a restrictive action against a Respondent). Supportive measures, which may be temporary or permanent, may include no-contact directives, residence modifications, academic modifications and support, work schedule modifications, interim disciplinary suspension, suspension from employment, and pre-disciplinary leave (with or without pay). Supportive measures are available regardless of whether a Complainant pursues a complaint or investigation under this policy. The University will maintain the privacy of any supportive measures provided under this policy to the extent practicable, and will promptly address any violation of the protective measures.

The availability of supportive and remedial measures will be determined by the specific circumstances of each report. The University will consider a number of factors in determining which measures to take, including the needs of the Student or Employee seeking supportive and remedial measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the Complainant; whether the Complainant and the Respondent share the same residence hall, academic course(s), or job location(s); and whether other judicial measures have been taken to protect the Complainant (e.g. protective orders).

Regardless of when or where the Prohibited Title IX Conduct and Other University Prohibited Conduct occurred, the University will offer resources and assistance to community members who experience and/or are affected by Title IX Prohibited Conduct and Other University Prohibited Conduct. In those instances when this Policy does not apply, the University will assist a Complainant in identifying and contacting external law enforcement agencies and appropriate campus or community resources.

The University will provide reasonable supportive and remedial measures to Third Parties as appropriate and available, taking into account the role of the Third Party and the nature of any contractual relationship with the University.

Complainants or others should report information concerning a violation of protective measures to the Title IX Coordinator as soon as possible, and should dial 911 in situations of immediate health or safety concern. The Title IX Coordinator has the discretion to impose and/or modify any interim measure based on all available information, and is available to meet with a Complainant or Respondent to address any concerns about the provision of interim measures.

### **Campus and University Resources**

The University offers a wide range of resources for all Students and Employees to provide support and guidance in response to any incident of Prohibited Conduct. There are a number of resources in which Students and Employees can obtain confidential, trauma informed counseling and support. These resources:



- Campus Wellness Center 1075 North Huron River Drive Ypsilanti, Michigan 48197  
Phone; [734.487.1118counseling.services@emich.edu](mailto:734.487.1118counseling.services@emich.edu)
- The EMU Psychology Clinic located at 611 W. Cross Street, 734-487.4987;  
<https://www.emich.edu/cbhc/index.php>
- The EMU Counseling Clinic in 135 Porter Hall, 734.487.4410
- Employees can also obtain such counseling through the Employee Assistance Program. <http://www.emich.edu/hr/benefits/information/assistance-program.php>

## **V. Complaint Resolution Procedures:**

### **A. Overview of Options**

The University is committed to providing all members of the University community with a safe place to live, learn, and work. Consistent with this priority, the University will respond promptly and equitably to all allegations of Prohibited Conduct. Any individual may make a report under the EMU's Sexual Misconduct and Sex-based Harassment Policy which will indicate a review of the complaint as outlined in this section.

The University's response to reports of sexual harassment, sexual violence, intimate partner violence, and stalking under this policy is pursued in multiple stages: report, assessment, investigation, resolution, and appeal. At each of these stages, the University is committed to maintaining fairness for all parties and to balancing the needs and interest of the individuals involved with the safety of the community as a whole.

Although a report may come in through many sources, the University is committed to ensuring that all reports are referred to the Title IX Coordinator, who will ensure consistent application of the policy to all individuals and allow the University to respond promptly and equitably to eliminate harassment, prevent its recurrence, and eliminate its effects. The Title IX Coordinator will only consult with those who "need to know" in order to implement procedures under this policy.

Upon receipt of a report, the Title IX Coordinator will conduct an initial Title IX assessment. The goal of this assessment is to provide an integrated and coordinated response to reports of sexual harassment, sexual violence, sexual exploitation, intimate partner violence, and stalking. The assessment will consider the nature of the report, the safety of the individual and the campus community, the Complainant's expressed preference for resolution, and the necessity for any interim measure to protect the safety of the Complainant or the community. Following the initial assessment, the University may, at the discretion of the Title IX Coordinator:

1. Seek Informal Resolution that does not involve disciplinary action against a Respondent;  
or
2. Seek Formal Resolution by initiating an investigation to determine if the disciplinary action is warranted.

Each resolution process is guided by the same principles of fairness and respect for all parties. Any individual who violates these standards will be held accountable for their behavior through a process that protects the rights of both the Complainant and the Respondent. Resources are available for Complainants and Respondents, to provide support and guidance throughout the investigation and resolution of the complaint.

## **1. Notice/Complaint**

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

The Title IX Coordinator will initiate at least one of three responses:

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

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

## **2. Initial Assessment**

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator<sup>iv</sup> engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:

- If notice is given, the 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 determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
- If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
- If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, and may seek to determine if the Respondent is also willing to engage in informal resolution.

- If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
  - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
    - an incident, and/or
    - a pattern of alleged misconduct, and/or
    - a culture/climate issue, based on the nature of the complaint.
  - If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly. OR and refers the matter for resolution under the University's Code of Community Wellness grievance process. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX, and does not limit EMU's authority to address a complaint with an appropriate process and remedies.

### **3. Violence Risk Assessment**

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by a risk assessment team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer EMU about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning or a Trespass Order is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, professional staff of the Office of Wellness and Community Responsibility, or other risk assessment teams. A VRA authorized by the Title IX Coordinator should occur in collaboration with a risk assessment team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

#### **4. Dismissal (Mandatory and Discretionary) pursuant to Title IX<sup>[2]</sup>**

EMU must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by EMU (including buildings or property controlled by recognized student organizations), and/or EMU does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of EMU<sup>[3]</sup>.

EMU may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- 2) The Respondent is no longer enrolled in or employed by EMU; or
- 3) Specific circumstances prevent EMU from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, EMU will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

#### **5. Counterclaims**

EMU is obligated to ensure that the grievance process is not abused for retaliatory purposes. EMU permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, made for purposes of retaliation, instead. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

## **B. Right to an Advisor**

The parties may each have an Advisor<sup>[4]</sup> 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.<sup>[5]</sup>

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

### **1. 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 EMU community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from EMU, the Advisor will be trained by EMU and be familiar with EMU's resolution process.

If the parties choose an Advisor from outside the pool of those identified by EMU, the Advisor may not have been trained by EMU and may not be familiar with EMU policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

### **2. Advisor's Role in Meetings and Interviews**

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

EMU cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, EMU is not obligated to provide an attorney.

Where applicable under state law or EMU policy, Advisors or attorneys are permitted to fully represent their advisees or clients in resolution proceedings, including all meetings, interviews, and hearings. Although EMU prefers to hear from parties directly, in these cases, parties are entitled to have evidence provided by their chosen representatives.

### **3. Advisors in Hearings/EMU-Appointed Advisor**

Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing, but must be conducted by the parties' Advisors.

The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, EMU will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, EMU will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses may also be conducted by the Decision-maker(s) during the hearing.

#### **4. Advisor's Role in Meetings and Interviews**

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

EMU cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, EMU is not obligated to provide an attorney.

Where applicable under state law or EMU policy, Advisors or attorneys are permitted to fully represent their advisees or clients in resolution proceedings, including all meetings, interviews, and hearings. Although EMU prefers to hear from parties directly, in these cases, parties are entitled to have evidence provided by their chosen representatives.

#### **5. Pre-Interview Meetings**

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and EMU's policies and procedures.

#### **6. Advisor Violations of EMU Policy**

All Advisors are subject to the same EMU policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address EMU officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee<sup>[6]</sup> during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the

Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

## **7. Sharing Information with the Advisor**

EMU expects that the parties may wish to have EMU 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. Doing so may help the parties participate more meaningfully in the resolution process.

EMU also provides a consent form that authorizes EMU to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before EMU is able to share records with an Advisor.

## **8. Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by EMU. EMU may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by EMU's privacy expectations.

## **9. Expectations of an Advisor**

EMU generally expects an Advisor to adjust their schedule to allow them to attend EMU 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.

EMU may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

## **10. Expectations of the Parties with Respect to Advisors**

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.



As a public entity, EMU fully respects and accords the Weingarten rights of employees. For parties who are entitled to union representation, EMU will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two

Advisors. Witnesses are/are not permitted to have union representation or Advisors in grievance process interviews or meetings.

## **11. Assistance in Securing an Advisor**

The Title IX Coordinator will assist a party with assigning an appropriate advisor at a party's request.

### **C. Resolution Processes**

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with EMU policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the 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, discussed below.

EMU encourages parties to discuss any sharing of information with their Advisors before doing so.

#### **a. Informal Resolution**

Informal Resolution can include three different approaches:

- When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- When the parties agree to resolve the matter through an alternate resolution mechanism as described below, [including mediation, restorative practices, etc.], usually before a formal investigation takes place; see discussion in b., below.
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process (similar to above, but usually occurs post-investigation); see discussion in c., below.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator. It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process. Prior to implementing Informal Resolution, EMU will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by EMU.

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



### **b. Alternate Resolution Mechanism**

Alternate Resolution is an informal mechanism including mediation or restorative practices by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternate Resolution mechanism.

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

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

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

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

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and EMU are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of EMU policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary. This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

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

#### **d. Negotiated Resolution**

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and EMU. Negotiated Resolutions are not appealable.

#### **1. Pool Member Roles**

Members of the Pool are trained annually, and can serve in in the following roles, at the direction of the Title IX Coordinator:

- To act as an Advisor to the parties
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

#### **2. Pool Member Appointment**

The Title IX Coordinator, in consultation with the Associate Vice President of Student Affairs, appoints the Pool<sup>m</sup>, which acts with independence and impartiality.

#### **3. Pool Member Training**

The University will require that a selected Pool member shall receive training that includes, but is not limited to:

- The scope of EMU's Sexual Misconduct and Sex-based Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by EMU with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence

- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are EMU employees), and Decision Maker(s)s. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool shall be publicly posted on the Title IX website.

#### **D. Formal Grievance Process: Notice of Investigation and Allegations**

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of 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 EMU presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- 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 EMU’s policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that EMU’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to EMU’s VAWA Brochure,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- 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 charges.

Notice will be made in writing and may be delivered by one or more of the following methods: emailed to the parties' EMU-issued email or designated accounts. If an EMU-issued email or a designated email cannot be identified, notice will be mailed to the local or permanent address(s) of the parties as indicated in official EMU records<sup>®</sup>, or Once emailed or mailed notice will be presumptively delivered.

### **1. Resolution Timeline**

EMU will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as a estimate of how much additional time will be needed to complete the process.

### **2. Appointment of Investigators**

Once the decision to commence a formal investigation is made, the Title IX Coordinator will assign an investigator to conduct the investigation usually within two (2) business days of determining that an investigation should proceed.

### **3. Ensuring Impartiality**

Any individual materially involved in the administration of the 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 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 resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Associate Vice President of Student Affairs. The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

EMU operates with the presumption 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.

### **4. Investigation Timeline**

Investigations are completed expeditiously, normally within sixty (60) to ninety (90) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

EMU will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

## **5. Delays in the Investigation Process and Interactions with Law Enforcement**

EMU may undertake a short delay in its investigation (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 parties and/or witnesses, and/or accommodations for disabilities or health conditions. EMU will communicate in writing the anticipated duration of the delay and reason to the parties, and provide the parties with status updates if necessary. EMU will promptly resume its investigation and resolution process as soon as feasible. During such a delay, EMU will implement supportive measures as deemed appropriate.

EMU action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

### **E. Steps in the Investigation Process**

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.

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

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

- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which EMU 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. Each copy of the materials shared 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) shares the report with the Title IX Coordinator for their review and feedback]
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report

## **1. Role and Participation of Witnesses in the Investigation**

Witnesses (as distinguished from the parties) who are employees of EMU are expected to cooperate with and participate in EMU's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances Remote interviewing is permitted, including interviews by phone. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. EMU will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

## **2. Recording of Interviews**

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of [and consent to]<sup>80</sup> audio and/or video recording.

## **3. Evidentiary Considerations in the Investigation**

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

## **F. Referral for Hearing**

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

The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker–unless all parties and the Decision-maker agree to an expedited timeline. The Title IX Coordinator will select an appropriate Decision-maker(s) [allegations involving student-employees in the context of their employment will be directed to the appropriate Decision-maker depending on the context and nature of the alleged misconduct.

### **1. Hearing Decision-maker Composition**

EMU will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Decision Maker(s) the hearing. With a panel, one of the three members will be appointed as Decision Maker(s) by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.



The Title IX Coordinator may not serve as a Decision-maker or Decision Maker(s) in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Decision Maker(s) or designee.

## **2. Evidentiary Considerations in the Hearing**

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

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

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

After post-hearing deliberation, the Decision-maker renders a determination based on [the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged. OR clear and convincing evidence; whether there is a high probability that the Respondent violated the Policy as alleged.

## **3. Notice of Hearing**

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

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.



- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Decision Maker(s) may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and EMU will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.<sup>[10]</sup>
- An invitation to each party to submit to the Decision Maker(s) an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Whether parties cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by EMU and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

#### **4. Alternative Hearing Participation Options**

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Decision Maker(s) at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Decision Maker(s) can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend

in person should let the Title IX Coordinator or the Decision Maker(s) know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

## **5. Pre-Hearing Preparation**

The Decision Maker/hearing facilitator, after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

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

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two (2) days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

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

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

## **6. Pre-Hearing Meetings**

The Decision Maker may convene a pre-hearing meeting(s) with the parties and their Advisors to invite them to submit the questions or topics they (the parties and their Advisors) wish to ask or discuss at the hearing, so that the Decision Maker can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the

hearing. The Decision Maker must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Decision Maker, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Decision Maker 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 Decision Maker 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. The Decision Maker may consult with legal counsel and/or the Title IX Coordinator, or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded.

## **7. Hearing Procedures**

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Nondiscrimination.

Participants at the hearing will include the Decision Maker(s), any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent)<sup>(14)</sup>, Advisors to the parties, any called witnesses, and anyone providing authorized accommodations or assistive services.

The Decision Maker(s) will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

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

## **8. Joint Hearings**

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In

joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

## **9. The Order of the Hearing – Introductions and Explanation of Procedure**

The Decision Maker(s) explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Decision Maker(s) will rule on any such challenge unless the Decision Maker(s) is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The Decision Maker(s) AND/OR hearing facilitator then conducts the hearing according to the hearing script]. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

## **10. Investigator Presents the Final Investigation Report**

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties, through their Advisors. The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Decision Maker(s) will direct that it be disregarded.

## **11. Testimony and Questioning**

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 Decision Maker(s). The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Decision Maker(s). The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Decision Maker(s) upon request if agreed to by all parties and the Decision Maker(s)), the proceeding will pause to allow the Decision Maker(s) to consider it (and state it if it has not been stated aloud), and the Decision Maker(s) will determine whether the question will be permitted, disallowed, or rephrased.

The Decision Maker(s) may invite explanations or persuasive statements regarding relevance with the Advisors, if the Decision Maker(s) so chooses. The Decision Maker(s) will then state their decision on the question for the record and advise the party/witness to whom the

question was directed, accordingly. The Decision Maker(s) will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision Maker(s) will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Decision Maker(s) has final say on all questions and determinations of relevance. The Decision Maker(s) may consult with legal counsel on any questions of admissibility. The Decision Maker(s) may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Decision Maker(s) has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Decision Maker(s) may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Decision Maker(s) should not permit irrelevant questions that probe for bias.

## **12. Refusal to Submit to Cross-Examination and Inferences**

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

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission. [Similarly, statements can be relied upon when questions are posed by the Decision-maker(s), as distinguished from questions posed by Advisors through cross-examination].<sup>[12]</sup>

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.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for 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 EMU's established rules of decorum for the hearing, EMU may require the party to use a different Advisor. If a EMU-provided Advisor refuses to comply with the rules of decorum, EMU may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

### **13. Recording Hearings**

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

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of EMU will be permitted to listen to the recording in a controlled environment 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.

### **14. Deliberation, Decision-making, and Standard of Proof**

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

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Decision Maker(s) will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by Title IX Coordinator and will determine the appropriate sanction(s) [in consultation with the Title IX Coordinator and other appropriate administrators, as required]

The Decision Maker(s) will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions [or recommendations].

This report is typically three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

### **15. Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will work with the Decision Maker(s) to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter,

including the final determination, rationale, and any applicable sanction(s) with the parties within seven business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: Emailed to the parties' EMU-issued email or otherwise approved account. Or in the instance an EMU-issued email or otherwise approved account is not available, the notification will be mailed to the local or permanent address of the parties as indicated in official EMU records. Once emailed or mailed, notice will be presumptively delivered.

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

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent EMU is permitted to share such information under state or federal law; any sanctions issued which EMU is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to EMU's educational or employment program or activity, to the extent EMU is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by EMU to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

## **16. Student Sanctions**

Sanctions may be issued individually, or a combination of sanctions may be imposed. The determination of sanctions is based upon a number of factors including: the nature of the conduct by the Respondent; the harm suffered by the Complainant; any ongoing risk to either the Complainant or the community posed by the Respondent; the impact of the violation on the community, its members, or its property; any previous Title IX or Conduct violations; and any mitigating or aggravating circumstances.

In situations where it is determined that the conduct was motivated by bias, insofar as a Complainant was selected on the basis of his or her race, color, ethnicity, national origin, religion, age, disability, or other protected class, the sanction imposed may be enhanced to account for the bias motivation.

### **Possible Student Sanctions:**

**a. Warning:** Notice to a student or organization that continuation or repetition of conduct found to be in violation of the Sexual Misconduct and Interpersonal Violence Policy may result in further disciplinary action.



**b. Housing Restriction(s):** Housing restrictions include, but are not limited to, restricted access to any or all parts of residence halls, the loss of room selection privileges, relocation to another University residential facility, requirement to move on-or off- campus at an individual's own expense, removal of guest privileges, and/or restriction from specific housing options.

**c. Assessment and Treatment:** Referral to approved off-campus agency for assessment and/or treatment.

**d. Restrictions on Participation or Use:** Restrictions on participating may include the revocation, or the loss for a stated period of time or under a stated set of conditions, of a student's ability to participate in certain University-approved activities, including, but not limited to, varsity sports, clubs, organizations (including but not limited to Greek organizations), or leadership positions in such sports, clubs, and organizations.

**e. Probation:** A specified period of time requiring maintenance of exemplary conduct. Further violations during this time may result in more serious sanctions than are imposed in the absence of probationary status. During a probationary period, the terms imposed on an organization will also be binding on its members.

**f. Deferred Suspensions:** A student or organization on deferred suspension has been found responsible for conduct that warrants suspension from the University. In the exercise of its discretion, the University has determined to withhold immediate imposition of the suspension and allow the individual or organization to remain on campus, usually with additional terms of compliance. If a student or organization is found in violation of any aspect of the Sexual Misconduct and Sex-based Harassment Policy or of terms of compliance during the period of the Deferred Suspension, the deferment of this suspension may be lifted and the suspension will become effective immediately, resulting in separation from the University for the remainder of the suspension period. In addition, any other sanctions for the new violation(s) will be imposed. During a period of deferred suspension, the terms imposed on an organization will also be binding on the members of the organization.

**g. Suspension from the University:** A student suspended from the University may not participate in classes or other University activities and may not be on University property (except by appointment, arranged in advance with the Title IX Coordinator (or designee) or the Associate Vice President of Student Affairs (or designees)) for the period of time specified in the notice of suspension. Suspension extending beyond the semester in which action is taken shall consist of units of full semesters and/or summer sessions. In no case shall the suspension terminate prior to the end of a semester. Courses taken at another institution during this period of suspension will not be accepted for transfer at the University. Conditions for resuming active status on campus following suspension may be imposed by the University. A sanction of immediate suspension will go into effect within 24 hours of receipt of the outcome letter unless otherwise noted in the outcome letter and shall remain in effect throughout any appeal process. An organization that is suspended shall be required to forfeit its ability to conduct group-sponsored activities or to participate in University-sponsored activities, and any University support for the organization will be withdrawn, during the period of suspension.

**h. Withholding, delaying, or revoking the conferral of the degree:** The University may delay the conferral of the degree pending the outcome of an investigation or withhold the conferral of the degree due to a finding of Prohibited Conduct. In extraordinary circumstances, the University may revoke the conferral of the degree.



**i. Permanent Dismissal:** For an individual, permanent termination of student status includes exclusion from any University property, University sponsored, or University affiliated events. A person Permanently Dismissed for the University is denied the rights and privileges of inclusion in the Eastern Michigan University community both as a student and as an alumnus/alumna. Permanent Dismissal will go into effect within 24 hours of receipt of the outcome letter unless otherwise noted in the outcome letter, and shall remain in effect throughout any appeals process. For an organization, permanent termination of the organization's relationship and status with the University, which includes termination of access to facilities, funding, and/or right to assemble as an organization on University property and at University-sponsored or affiliated events. An organization expelled from the University is denied the rights and privileges of inclusion in the Eastern Michigan University community as an organization.

**j. Other:** Such other sanctions as may be appropriate at the discretion of the University.

Failure to complete any sanction may result in further disciplinary or other action.

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

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.

## **17. Withdrawal While Charges Pending**

If a student has an allegation pending for violation of the Policy, EMU may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from EMU, the resolution process ends, as EMU no longer has disciplinary jurisdiction over the withdrawn student.

However, EMU will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to EMU. Such exclusion applies to all campuses of EMU. A hold will be placed on their ability to be readmitted. They may also be barred from EMU property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to EMU unless and until all sanctions have been satisfied.

## **18. Appeals**

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within five (5) days of the delivery of the Notice of Outcome.

An Appeal Decision-maker will be designated by the Title IX Coordinator. No appeal Decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process. The Request for Appeal will be forwarded to the Appeal Decision Maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

**a. Grounds for Appeal**

Appeals are limited to the following grounds:

- (i) Procedural irregularity that affected the outcome of the matter;
- (ii) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (iii) 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.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Decision Maker and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision Maker will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker.

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Decision Maker to all parties for review and comment.

The non-appealing party may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Decision Maker(s) and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in five (5) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision Maker will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with the Decision Maker will render a decision in no more than seven business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground 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 EMU is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent EMU is permitted to share under state or federal law.

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

### **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.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

EMU may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

### **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)/responsive action(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 Appeal Decision-makers 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 Decision Maker may consult with the 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 and/or Decision-maker 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: further appeals are not permitted, even if a decision or sanction is changed on remand, except in the case of a new hearing. When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.
- In rare cases where a procedural error cannot be cured by the original Decision-maker, the appeal may order a new hearing with a new Decision-maker.

- The results of a remand to a Decision-maker(s) cannot be appealed. 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 EMU 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.

## **19. Long-Term Remedies/Other Actions**

Following the conclusion of the 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 harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- 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, course schedules, etc.

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 will address any remedies owed by EMU to the Respondent to ensure no effective denial of educational access.

EMU will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair EMU's ability to provide these services.

## **20. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions**

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 including the Appeal Decision Maker.

Failure to abide by the sanction(s)/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 EMU 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.

## **V. Recordkeeping**

EMU will maintain for a period of seven years records of:

- A. Each sexual harassment 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 EMU's education program or activity;
- D. Any appeal and the result therefrom;
- E. Any Informal Resolution and the result therefrom;
- F. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. EMU will make these training materials publicly available on EMU's website. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - a. The basis for all conclusions that the response was not deliberately indifferent;
  - b. Any measures designed to restore or preserve equal access to EMU's education program or activity; and
  - c. 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.

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

## **VII. Disabilities Accommodations in the Resolution Process**

EMU is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to EMU's resolution process.

Anyone needing such accommodations or support should contact the Director of EMU's Disability Resources Center, who will 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 process.

## **VIII. Revision of this Policy and Procedures**

This Grievance procedure supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. EMU 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 institutional website, 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 document 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 the background state and federal laws which frame such policies and codes, generally.

This Policy and procedures are effective [August 14, 2020].

## **IX. Appendix and Definition of Terms for the University's Sexual Misconduct and Sex-based Harassment Policy and Grievance Process:**

### **1. Glossary**

- **Advisor** means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any. The Title IX Coordinator has the right at all times to determine what constitutes appropriate behavior on the part of an advisor. No copies of written materials or any other evidence will be given directly to an advisor, although the parties may share such information with an advisor as necessary to assist them in the proceedings.
- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- **Complaint (formal)** means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that EMU investigate the allegation.
- **Confidential Resource** means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- **Day** means a Monday through Friday business day when EMU is in normal operation.
- **Directly Related Evidence** is 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 investigation report.
- **Education program or activity** means locations, events, or circumstances where EMU exercises substantial control over both the Respondent and the context in which

the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by EMU.

- **Final Determination** conclusion by preponderance of the evidence that the alleged conduct did or did not violate policy.
- **Finding** A conclusion by preponderance of the evidence that the conduct did or did not occur as alleged (as in a “finding of fact”).
- **Formal Grievance Process** means “Sexual Misconduct and Sex-Based Harassment Grievance process,” a method of formal resolution designated by EMU to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).
- **Grievance Process Pool** includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- **Hearing Decision-maker** refers to those who have decision-making and sanctioning authority within EMU’s Formal Grievance process.
- **Investigator** means the person or persons charged by EMU with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- **Mandated Reporter** means an employee of EMU who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.
- **Notice** means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- **Official with Authority (OWA)** means an employee of EMU explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of EMU.
- **Parties** include the Complainant(s) and Respondent(s), collectively.
- **Prohibited Conduct** Prohibited Conduct is defined in the University’s Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation.



- **Respondent** Any individual(s) or organization(s) alleged to have violated the Sexual Misconduct and Sex-based Harassment Policy and against whom a complaint has been brought to the attention of the University.
- **Student** Any student enrolled at the University at the time of the alleged sexual misconduct. For the purposes of this policy, student status begins when a student has accepted an offer for admission to the University and ends when the student has graduated, withdrawn, been permanently dismissed, or otherwise separated permanently from the University.
- **Title IX** Title IX refers to the Educational Amendments of 1972 (Title IX), 20 U.S.C. §§1681 et seq., and its implementing regulations, 32 C.F.R. Part 106, which prohibit discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance. The University is required to comply with Title IX. Sexual harassment of students, which includes acts of sexual misconduct described in this policy, is a form of sex discrimination prohibited by Title IX.
- **The University's Sexual Misconduct and Sex-Based Harassment Grievance process** means the Formal Grievance Process detailed below and defined above.
- **The University's Code of Community Responsibility process** means the administrative resolution procedures detailed in [Appendix B](#) that apply only when the Sexual Misconduct and Sex-Based Harassment Grievance does not, as determined by the Title IX Coordinator.
- **Witness:** Any individual, including Complainant and Respondent, who has seen, heard, or otherwise knows or has information about a violation.

#### APPENDIX A: STATEMENT OF RIGHTS OF THE PARTIES

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to EMU officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by EMU officials.



- The right to have EMU policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by EMU officials from reporting sexual harassment, discrimination, and/or retaliation to both on-campus and off-campus authorities.
- The right to be informed by EMU officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by EMU authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by EMU law enforcement and/or other EMU officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; [legal,] student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
- The right to a EMU-implemented no-contact order [or a no-trespass order against a non-affiliated third party] when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. • The right to have EMU maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair EMU's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.
- The right not to have irrelevant prior sexual history or character admitted as evidence.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to fair and reasonable opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.

- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received [at least eight hours of] relevant annual training.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any EMU representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to the use of the appropriate standard of evidence, preponderance of the evidence to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale of the decision (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.
- The right to be informed in writing of when a decision by EMU is considered final and any changes to the sanction(s) that occur before the decision is finalized.

- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by EMU.
- The right to a fundamentally fair resolution as defined in these procedures.

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<sup>[1]</sup> Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.

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<sup>[1]</sup> If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

<sup>[2]</sup> These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.

<sup>[3]</sup> Such a Complainant is still entitled to supportive measures, but the formal grievance process is not applicable.

<sup>[4]</sup> This could include an attorney, advocate, or support person. The law permits one Advisor for each party (witnesses are not entitled to Advisors within the process, though they can be advised externally), but some EMUs do permit more than one. If EMU allows more than one Advisor for one party, they should do so for all parties.

<sup>[5]</sup> "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

<sup>[6]</sup> Subject to Michigan state law provisions or EMU policy above.

<sup>[7]</sup> This does not preclude EMU from having all members of the Pool go through an application and/or interview/selection process.

<sup>[8]</sup> Possible notification to parents/guardians, and thus violate the confidentiality provisions of the retaliation section of the regulations.

<sup>[9]</sup> Consent of the interviewer and interviewee is required in "dual-party recording" states.

<sup>[10]</sup> The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

<sup>[11]</sup> Subject to EMU's Code of Community Responsibility.

<sup>[12]</sup> Although it does say this in the preamble (p. 30349) to the Title IX regulations, it is unclear exactly what the Department of Education means by it. Proceed with caution.

<sup>[13]</sup> EMU policies on transcript notation will apply to these proceedings.

<sup>[14]</sup> Subject to EMU's Organizational Code of Conduct.

## Robbery

The most important thing you can do during a robbery is to prevent, if possible, any violence. Always assume that the robber is armed, even if you can't see a weapon, and act accordingly. The following tips are from a publication entitled *Test Your Reactions in the Case of a Robbery*:

### Safety tips:

- Get it over with quickly. Chances are if you try to stall, the robber will get nervous and may be more prone to violence.
- Do what the robber asks, but do not volunteer to do anything more. Move quickly but carefully to give the robber exactly what he/she wants.
- Do not fight or try any impulsive heroics; the risk is great if the robber is armed.
- Do not chase the robber. Stay inside, but try to observe the direction of the robber's escape. If the robber has a vehicle, note the type, color and the license plate number if possible. Also, note whether the robber had any accomplices.
- Call 911 on campus immediately.

### Additional tips:

- Observe as much as you can. The more that you can remember, the more likely it is that the police will be able to positively identify and apprehend the robber.  
Try to remember:
  - a) Color of hair, eyes and skin
  - b) Facial features and facial hair
  - c) Approximate age, height and build
  - d) Unusual marks, scars, tattoos, speech peculiarities, accents and mannerisms
  - e) Jewelry and clothing
  - f) The type of weapon used by the robber
  - g) Description of vehicle and direction of travel
- Close off the area, if possible, and ask witnesses to stay until the police arrive. If they cannot stay, be sure to get their names, addresses and phone numbers.
- Write down all the details of the robbery that you can remember and encourage witnesses to do so as well. Include a description of all properties and monies taken, if known, and all statements that were made by the perpetrator(s). Do not discuss the robbery with anyone until the police arrive; this can lead to confused and inaccurate information.
- Protect potential evidence. If possible, block off the area where the suspect was. Above all, try not to touch anything.
- When you are sure that the robber is gone, step outside to meet with the police. This way, they will know that the robber has left and you are safe.

# Michigan State Law Regarding Higher Education Police Powers & Authority

Act 120, Michigan Public Acts of 1990  
STATE OF MICHIGAN  
85<sup>TH</sup> LEGISLATURE  
REGULAR SESSION OF 1990

Introduced by Senators J. Hart and Schwartz  
ENROLLED SENATE BILL No. 254

AN ACT to empower the governing boards of control of public 4-year institutions of higher education to grant certain powers and authority to their public safety officer; to require those public safety officers to meet certain standards; and to require institutions of higher education to make certain crime reports.

*The People of Michigan enact:*

Sec. 1. (1) The governing board of control of a public 4-year institution of higher education created under Article VIII of the state constitution of 1963 may grant the public safety officers of the institution the same powers and authority as are granted by law to peace and police officers to enable the public safety officers to enforce state law and the ordinances and regulations of the institution of higher education. Public safety officers to whom the powers and authority of peace and police officers are granted under this section shall be considered peace officers of this state and shall have the authority of police officers provided under the Michigan Vehicle Code, Act No. 300 of the Public Acts of 1949, being Sections 257.1 to 257.923 of the Michigan Compiled Laws.

(2) The determination by a governing board of control of an institution of higher education whether to grant the powers and authority described in Subsection (1) to public safety officers of the institution shall be made the powers and authority described in Subsection (1) to the public safety officers of the institution shall be made only after the governing board of control has held not less than 2 public hearing regarding that determination.

(3) The governing board of control of an institution of higher education shall not grant the powers and authority described in Subsection (1) to the public safety officers of the institution unless, before those powers and authority are granted, the governing board provides for the establishment of a public safety department oversight committee. The committee shall be comprised of individuals nominated and elected by the faculty, students, and staff of the institution. The committee shall include 2 students, 2 members of the faculty, and 2 members of the staff. The committee shall receive and address grievances by persons against the public safety officers or the public safety department of the institution. The committee may recommend to the institution that disciplinary measures be taken by the institution against a public safety officer who is found responsible for the misconduct in the office.

Sec. 2. (1) The jurisdiction of public safety officers to whom the powers and authority of peace and police officers are granted under Section 1 shall include all property owned or leased by the institution of higher education of the governing board of control, wherever situated in this state, and this jurisdiction shall extend to any public right of way traversing or immediately contiguous to the property. The jurisdiction of these public safety officers may be extended by state law governing peace officers if authorized by the governing board of control.

(2) This act does not limit the jurisdiction of the state, county, or municipal peace officers.

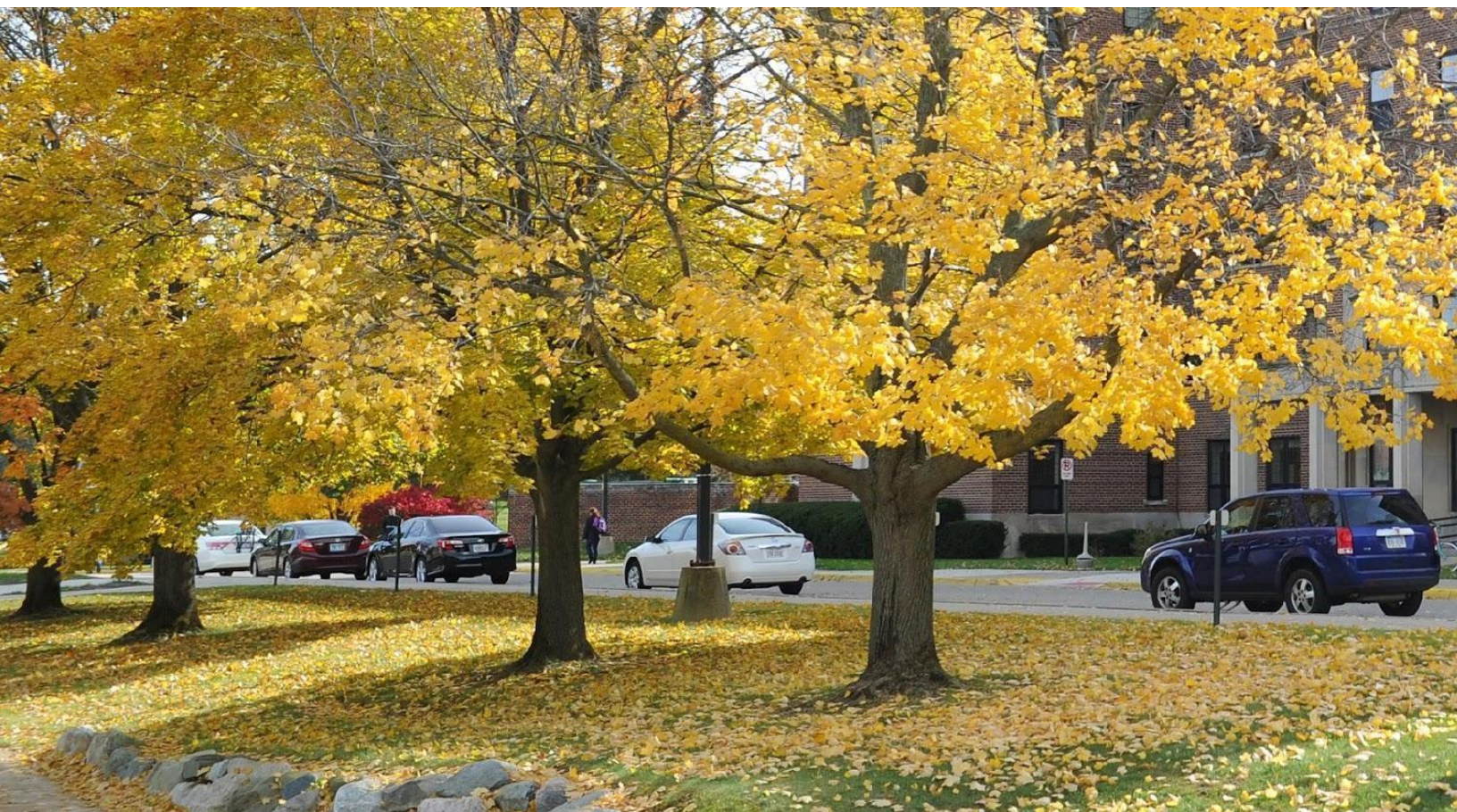
Sec. 3. Public safety officers to whom the powers and authority of peace and police officers are granted under Section 1 shall meet the minimum employment standards of the Michigan Law Enforcement Officers Training Council Act of 1965, Act No. 203 of the Public Acts of 1965, being Sections 28.601 to 28.616 of the Michigan Compiled Laws.

Sec. 4. The public safety department of each public 4-year institution of higher education created under Article VIII of the State Constitution of 1963, whether or not the public safety officers in the public safety department are granted powers and authority under Section 1(1), shall submit monthly uniform crime reports pertaining to crimes within the department's jurisdiction to the department of state police as prescribed in Section 1 of Act No. 319 of the Public Act of 1968, being Section 28.251 of the Michigan Compiled Laws.



# Eastern Michigan University

## 2021 Annual Fire Safety Report



October 2021

Statistical Information for: 2018 – 2019 – 2020

This information is provided for  
Eastern Michigan University's Ypsilanti campus

## **2021 Annual Fire Safety Report**

Eastern Michigan University publishes this fire safety report as part of its Annual Security Report, which contains information with respect to the fire safety practices and standards for Eastern Michigan University. This report includes data concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire and the value of the property damage caused by a fire.

### **Numbers for Reporting Fires EMU Police Emergency 734.487.1222 or 911 on University Land Line**

### **General Statement of University Owned/Controlled Student Housing and Residence Life**

If a fire occurs in an EMU building, community members should immediately notify Eastern Michigan University Police Department at 734.487.1222 or 911 on a University land line. The EMU PD will initiate a response from the Ypsilanti Fire Department. If a member of the EMU community finds evidence of a fire that has been extinguished and the person is not sure whether EMU PD has already responded, the community member should immediately notify EMU PD to investigate and document the incident.

Fire alarms alert the community members of a potential hazard and members are required to heed their warning, and evacuate the building immediately upon hearing a fire alarm or seeing a fire alarm strobe using the nearest stairwells and exits in each building. They should also familiarize themselves with the exits in each building. When a smoke detector located outside of an elevator is activated, the elevators in each building will return to the ground floor and stop automatically with the doors open.

Individuals must remain outside of the building until the fire department or EMU PD makes an “all clear” determination. Failure to evacuate the building is a violation of the Ypsilanti City Ordinance and subjects you to arrest and/or disciplinary action. More importantly, evacuation should be done for reasons of safety.

### **Residence Hall and University Apartment Fire Safety Information**

EMU residence halls and apartments are equipped with a variety of features that are designed to detect, stop and or suppress the spread of a fire.

- A door can be the first line of defense against the spread of smoke or fire from one area to another. Some doors, such as fire doors in corridors or stairwells of residence halls are designed to withstand a fire longer than those of an individual room door. It is important that fire doors be CLOSED for them to work. Additionally, automatic door closers should not be tampered with or propped open.
- Sprinklers are 98 percent effective in preventing the spread of fire when operating properly. Do not obstruct the sprinkler heads by hanging clothes from the piping, placing boxes directly under the sprinkler, etc.

- Smoke detectors cannot do their job if they are disabled or covered by the occupant. Disabling a smoke detector is a violation of University Policy. Almost 75 percent of all fires that are caused by smoking material are the result of a cigarette being abandoned or disposed of carelessly. Eastern Michigan University is a tobacco free campus, smoking is not permitted in EMU residence halls or anywhere on campus.

## **Housing and Residence Life Facility Fire Safety Systems**

All Eastern Michigan University main campus residence halls are completely covered by an integrated automatic fire detection and fire alarm system, which is monitored 24 hours a day, seven days a week by the EMU PD. Some residence halls (The Village, Buell, and Downing) are equipped with integrated sprinkler systems. Every student room has an emergency evacuation map installed on the inside of the front door that directs occupants to primary and secondary exits. Please review the EMU Fire Safety Systems Matrix for information about fire detection notification and suppression systems in each residential facility.

University apartment complexes and rental properties have different systems unique to each unit or complex. 600 and 601 W. Forest properties, Brown, and Munson Halls have an integrated automatic fire detection and alarm system, monitored 24 hours a day, every day of the year by the Department of Public Safety. Brown and Munson apartments have evacuation plans installed on the back of the entry doors directing tenants how to exit the buildings. The Cornell Courts and Westview complexes do not have centralized fire alarm systems. Apartments in these two complexes have entry doors that exit to the exterior instead of central hallways. Every apartment has smoke detectors installed in them. There are also fire extinguishers installed in every building and complex. The rental property at 601 W. Forest does have a sprinkler system located in the stairwell areas of both the common and private areas.

## **Plans for Fire Safety Improvement**

There are currently no plans for improvements to fire safety systems.

## **Fire Safety Education and Training Programs**

Residence hall students (including those with special needs) and residence halls staff receive fire safety training at the beginning of the academic year. The Guide to Campus Living includes information on fire safety and what appropriate action to take during a fire alarm or fire emergency. Fire drills are conducted once a month for all occupied residence halls during the academic year in coordination with the EMU Department of Public Safety (EMU DPS).

Each resident is able to access a copy of the EMU Housing and Residence Life and Residential Services guide at: [\*Guide to Campus Living\*](#).

Campus safety and fire safety education are discussed during new student orientation. The EMU Department of Public Safety, Housing and Residence Life, Environmental Health and Safety and Emergency Management participate in forums and programs in residence halls/apartments to



address students, faculty and staff and explain University security, public safety and fire safety measures and procedures.

Students receive information about fire safety and evacuation procedures during their first floor meetings and during other educational sessions that they can participate in throughout the year. Housing and Residence Life staff members are trained in these safety measures and procedures as well and act as ongoing resources for the students living in residential facilities.

All tenants (including those with special needs) and Residence Life staff receive fire safety information at the beginning of each semester. The University Safety Awareness and Hazard Communications Program offered by Environmental Health and Safety presents information on fire safety and the program is mandatory training for new employees.

The site includes information on fire safety and what appropriate action to take during a fire alarm or fire emergency. Fire drills are conducted once a month for tenants in units with common area living in coordination with the EMU DPS.

### **Procedures Students Should Follow in Case of Fire in a Residential Facility**

Please report to our staff immediately anyone who sets fires or tampers with equipment and alarms. It is your safety that is at stake. Upon discovery of a fire, students and staff are trained to activate the fire alarm and exit the building immediately using the closest safe exit and proceed to the predetermined meeting place for that building. Whenever a fire alarm sounds in any residence hall or apartment building, you are required to evacuate the building immediately. Failure to evacuate is a violation of Ypsilanti city ordinance and subjects you to arrest and/or disciplinary action. Upon hearing the alarm you should:

- Open blinds
- Turn off all room lights (if applicable)
- Close and lock your door

State fire laws prohibit the use of elevators for fire evacuation. Individuals must remain outside of the building until the Area Complex Director or the Department of Public Safety makes an “all clear” determination.

Fire-fighting equipment is located throughout buildings for your protection. It is against state law and University policy to use this equipment for any other purpose. Pulling false fire alarms, causing a fire, tampering with or misusing fire alarm systems, interfering with firefighters and tampering with or removing firefighting equipment (smoke sensors, fire extinguishers etc) are violations of the housing contract or lease, student conduct code, Residence Hall Bill of Rights and state law. Offenders may be removed from on-campus housing, prosecuted to the fullest extent of the law, and, through the University judicial process, face the loss of student status.

## Emergency Evacuation Procedures

Emergency evacuation procedures are located in the University Emergency Response Procedures and the Safety Policy and Procedures Program. Evacuation Placards, located on each resident room door, described evacuation procedures. Fire evacuation drills are conducted throughout the school year. The EMU DPS and EMU Housing and Residence Life conduct unannounced fire drills each year.

The purpose of the evacuation drills is to prepare residents for an organized evacuation in case of fire or other emergency. At EMU, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, residents practice procedures and familiarize themselves with the location of exits, the sound of fire alarms and where the designated meeting areas are located. In addition to educating the residents of the building about evacuation procedures during the drill, the process also provided the University an opportunity to test the operation of fire alarm system components.

**For your own safety, you MUST evacuate when ordered to do so. This includes activation of an audible or visible fire alarm or verbal orders from emergency response personnel.**

### **If You Hear the Fire Alarm or are Instructed to Leave the Building**

1. If told to evacuate, REMAIN CALM.
2. Immediately leave the building. Tell others to evacuate.
3. EVACUATE IMMEDIATELY. Everyone is required to evacuate immediately anytime a fire alarm sounds or an evacuation order is given.
4. When you evacuate, take keys, coat, purse and any other easily accessible critical personal items with you to the Designated Meeting Area (DMA). However, if these items are located on another floor or in another room, evacuate without these items.
5. Walk calmly, but quickly, to the nearest emergency exit.
6. Check the door and door knob for heat or dangerous conditions before opening the door. If there is no heat or obvious hazards, open the door and check the exit route before leaving. Close doors as rooms are vacated.
7. Keep to the right side of corridors and stairwells as you exit.
8. If you are on a lower floor, it is critical that you evacuate immediately so that those on upper floors are not caught in a backup in the stairwells as they descend to the lower floors. DO NOT ATTEMPT to go back upstairs.
9. Use stairways only. Do not use elevators.
10. Follow the instructions of emergency personnel regarding alternate exit routes, should your normal pathway be blocked.
11. Assist those who need help, but do not put yourself at risk attempting to rescue trapped or injured victims. Note location of trapped and injured victims and notify emergency personnel.
12. Proceed directly to the DMA. Stay away from the immediate area near the building you evacuated. Remain in the DMA until instructions are given.
13. Do not re-enter the building until emergency personnel give the "All Clear" instruction. There are a variety of communication tools that will be used to keep you informed (PA systems, text alerting, e-mail).

## **Evacuation Guidelines for People with Special Needs And Those Who Assist Them**

1. **Only** attempt an emergency evacuation if you have had emergency assistance training or the person is in immediate danger and cannot wait for emergency services personnel.
2. **Always ask** how you can help **before** attempting any emergency evacuation assistance. Ask how he or she can best be assisted or moved, and whether there are any special considerations or items that need to come with the person.
3. If unable to evacuate, people with special needs are to shelter in place in a designated area of refuge and wait for emergency personnel. The designated areas of refuge are stairwells in most buildings. Be sure to let someone know your location and condition and wait for help.
4. Emergency personnel, after reviewing information provided by the Building Administrator, will determine if it is safe to attempt to evacuate the individual.

## **Policy on Portable Electric Appliances, Smoking and Open Flames**

To minimize the potential for fires in the EMU residential community, it is the policy of Eastern Michigan University to prohibit the use of the following items in any University owned or operated residence hall or apartment indoors: Portable space heaters, barbecue grills, hibachis, smokers, ( gas, electric, charcoal) and related accessories, including lighter fluids and lighters and other similar type products for cooking /warming purposes, any open flame device or object including candles, candle warmers, incense, and related accessories, hot plates, slow cookers, deep fryers, electric skillets, electric woks, griddles, sandwich makers/grills and other similar type of products, toaster ovens for cooking/warming purposes, flammable combustible liquids for recreational/personal use, fireworks, firecrackers, rockets, flares, sparklers and other devices, halogen lamps, ceiling/wall tapestries, live Holiday trees or non- fire retardant artificial Holiday trees. The “cooking” and “warming” options exclude cooking and warming done in areas designed and built for such purposes.

The University is committed to promoting and maintaining a healthy work and academic environment that is as close to tobacco free as practically 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.

Students who violate this policy are subject to disciplinary action in accordance with the provisions of the Student Conduct Code. Sanctions for violations may include verbal warning, formal reprimand, probation, suspension or dismissal.

## Daily Fire Log

A daily fire log is available for review 24 hours a day at [EMU Fire Log](#) or at the Eastern Michigan University Police Department at 1200 Oakwood St. 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 and Annual Fire Safety Report is available 24 hours a day on the EMU DPS web site at: [Annual Security Report](#).

## Fire Safety

Your worst enemy during a fire is smoke. If you're surrounded by smoke, get down on the floor and crawl to safety. Hold your breath and close your eyes if you can. Close doors behind you as you escape. Always use stairs to escape. **Never** use an elevator. Here are a few simple fire safety tips:

- Make sure there is a working smoke detector near your sleeping quarters.
- Learn the location of fire exits and alarm pull stations near you and know the emergency number for assistance – 911.
- Sound the fire alarm if you see smoke or detect a burning odor.
- Have a prepared escape plan and know your escape route.
- Remember to remain calm.
- Use exit stairs. **Never** use elevators.
- Close doors behind you as you escape. In most cases, this will prevent smoke damage and fire from entering the room you are exiting.
- Do not re-enter a fire-damaged building until it has been declared safe.
- If you become trapped, seal off cracks around doors and vents with cloth or rugs. (Soak them in water if possible.)
- Shut off fans and air conditioners.
- Signal for help from a window. If a campus phone is still operational, call EMU Police Emergency at 911. If you are using a cell phone, call 734.487.1222.

## False Fire Alarm

Activating a fire alarm while knowing that there is not a fire, is a crime. The guilty party can receive up to one year in jail and/or a fine of up to \$500. False fire alarms waste time, money and, most importantly, can cost human lives.

## 2018 EMU Housing and Residence Life Facility Fires

EMU Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Reported that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
600 W. Forest Ave. Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
601 W. Forest Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Best Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Brown Apartments Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Buell Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. A Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. B Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. C Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. D Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. E Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. F Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. G Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. H Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. K Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Downing Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Hill Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Hoyt Hall Eastern Michigan University Ypsilanti, MI 48197	1	1	Intentional 2 <sup>nd</sup> Floor	0	0	\$0-99

<b>EMU Residential Facilities</b>	<b>Total Fires in Each Building</b>	<b>Fire Number</b>	<b>Cause of Fire</b>	<b>Number of Injuries Reported that Required Treatment at a Medical Facility</b>	<b>Number of Deaths Related to Fire</b>	<b>Value of Property Damage Caused by Fire</b>
Munson Apartments Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Phelps Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Pittman Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Putman Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Sellers Hall Eastern Michigan University Ypsilanti, MI 48197	1	1	Intentional Dorm room	0	0	\$0-99
Village Apartments - Bldg. A Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Village Apartments - Bldg. B Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Village Apartments - Bldg. C Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Village Apartments - Bldg. D Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Village Apartments - Bldg. E Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Village Apartments - Bldg. F Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Walton Hall Eastern Michigan University Ypsilanti, MI 48197	1	1	Intentional Dorm Lounge	0	0	\$100-999
Westview Apartments - Bldg. A Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. B Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. C Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. D Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. E Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. F Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. G Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0

EMU Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Reported that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Westview Apartments - Bldg. H Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. I Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. J Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. K Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. L Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. M Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. N Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. O Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. P Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. Q Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. R Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. S Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. T Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. U Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. V Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. W Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. X Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Wise Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0

## 2019 EMU Housing and Residence Life Facility Fires

EMU Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Reported that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
600 W. Forest Ave. Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
601 W. Forest Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Best Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Brown Apartments Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Buell Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. A Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. B Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. C Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. D Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. E Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. F Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. G Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. H Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. K Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Downing Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Hill Hall * Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Hoyt Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0



EMU Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Reported that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Munson Apartments Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Phelps Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Pittman Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Putman Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Sellers Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Village Apartments - Bldg. A Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Village Apartments - Bldg. B Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Village Apartments - Bldg. C Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Village Apartments - Bldg. D Eastern Michigan University Ypsilanti, MI 48197	1	1	Bathroom Fan – electrical fire in ceiling	0	0	\$10,000-\$24999
Village Apartments - Bldg. E Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Village Apartments - Bldg. F Eastern Michigan University Ypsilanti, MI 48197	1	1	Bathroom Fan – electrical fire in bathroom	0	0	\$1,000-9,999
Walton Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. A Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. B Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. C Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. D Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. E Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. F Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. G Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0

EMU Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Reported that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Westview Apartments - Bldg. H Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. I Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. J Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. K Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. L Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. M Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. N Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. O Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. P Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. Q Eastern Michigan University Ypsilanti, MI 48197	1	1	Oven- manual fire in oven	0	0	0\$100-999
Westview Apartments - Bldg. R Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. S Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. T Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. U Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. V Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. W Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. X Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Wise Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0

\* Hill Hall closed during 2019 – unoccupied.

## 2020 EMU Housing and Residence Life Facility Fires

EMU Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Reported that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
600 W. Forest Ave. Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
601 W. Forest Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Best Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Brown Apartments Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Buell Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. A Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. B Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. C Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. D Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. E Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. F Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. G Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. H Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Cornell Court Apartments Bldg. K Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Downing Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Hoyt Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Munson Apartments Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0

EMU Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Reported that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Phelps Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Pittman Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Putman Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Sellers Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Village Apartments - Bldg. A Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Village Apartments - Bldg. B Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Village Apartments - Bldg. C Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Village Apartments - Bldg. D Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Village Apartments - Bldg. E Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Village Apartments - Bldg. F Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Walton Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. A Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. B Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. C Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. D Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. E Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. F Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. G Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0

EMU Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Reported that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Westview Apartments - Bldg. H Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. I Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. J Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. K Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. L Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. M Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. N Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. O Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. P Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. Q Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. R Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. S Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. T Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. U Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. V Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. W Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Westview Apartments - Bldg. X Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0
Wise Hall Eastern Michigan University Ypsilanti, MI 48197	0	0	0	0	0	0

## EMU Fire Safety Systems Matrix

EMU Residential Facilities	Fire Alarm Monitoring Done On Site (by EMUPD)	Partial 1 Sprinkler System	Full 2 Sprinkler System	Horn/Strobe	Strobe	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans / Placards	Number of Evacuation Fire Drills 2020
<b>600 W. Forest</b> Eastern Michigan University Ypsilanti, MI 48197	X			X	X	X	X	X	4
<b>601 W. Forest</b> Eastern Michigan University Ypsilanti, MI 48197	X	X		X	X	X	X	X	4
<b>Best Hall</b> Eastern Michigan University Ypsilanti, MI 48197	X			X	X	X	X	X	3
<b>Brown Apartments*</b> Eastern Michigan University Ypsilanti, MI 48197	X			X	X	X	X	X	8
<b>Buell Hall</b> Eastern Michigan University Ypsilanti, MI 48197	X		X	X	X	X	X	X	1
<b>Cornell Court Apts** Bldg. A</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Cornell Court Apts ** Bldg. B</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Cornell Court Apts** Bldg. C</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Cornell Court Apts** Bldg. D</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Cornell Court Apts** Bldg. E</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Cornell Court Apts** Bldg. F</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Cornell Court Apts** Bldg. G</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Cornell Court Apts** Bldg. H</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Cornell Court Apts** Bldg. K</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Downing Hall</b> Eastern Michigan University Ypsilanti, MI 48197	X		X	X	X	X	X	X	3
<b>Hoyt Hall</b> Eastern Michigan University Ypsilanti, MI 48197	X	X		X	X	X	X	X	4
<b>Munson Apartments</b> Eastern Michigan University Ypsilanti, MI 48197	X			X	X	X	X	X	8
<b>Phelps Hall</b> Eastern Michigan University Ypsilanti, MI 48197	X	X		X	X	X	X	X	4

<b>EMU Residential Facilities</b>	<b>Fire Alarm Monitoring Done On Site (by EMUPD)</b>	<b>Partial 1 Sprinkler System</b>	<b>Full 2 Sprinkler System</b>	<b>Horn/Strobe</b>	<b>Strobe</b>	<b>Smoke Detection</b>	<b>Fire Extinguisher Devices</b>	<b>Evacuation Plans / Placards</b>	<b>Number of Evacuation Fire Drills 2020</b>
<b>Pittman Hall</b> Eastern Michigan University Ypsilanti, MI 48197	X	X		X	X	X	X	X	4
<b>Putnam Hall</b> Eastern Michigan University Ypsilanti, MI 48197	X	X		X	X	X	X	X	3
<b>Sellers Hall</b> Eastern Michigan University Ypsilanti, MI 48197	X	X		X	X	X	X	X	4
<b>Village Apartments - Bldg. A</b> Eastern Michigan University Ypsilanti, MI 48197	X		X	X	X	X	X	X	7
<b>Village Apartments - Bldg. B</b> Eastern Michigan University Ypsilanti, MI 48197	X		X	X	X	X	X	X	7
<b>Village Apartments - Bldg. C</b> Eastern Michigan University Ypsilanti, MI 48197	X		X	X	X	X	X	X	7
<b>Village Apartments- Bldg. D</b> Eastern Michigan University Ypsilanti, MI 48197	X		X	X	X	X	X	X	7
<b>Village Apartments - Bldg. E</b> Eastern Michigan University Ypsilanti, MI 48197	X		X	X	X	X	X	X	7
<b>Village Apartments - Bldg. F</b> Eastern Michigan University Ypsilanti, MI 48197	X		X	X	X	X	X	X	7
<b>Walton Hall</b> Eastern Michigan University Ypsilanti, MI 48197	X	X		X	X	X	X	X	3
<b>Westview Apartments** Bldg. A</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. B</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. C</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. D</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. E</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. F</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. G</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. H</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. I</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0

EMU Residential Facilities	Fire Alarm Monitoring Done On Site (by EMUPD)	Partial 1 Sprinkler System	Full 2 Sprinkler System	Horn/Strobe	Strobe	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans / Placards	Number of Evacuation Fire Drills 2020
<b>Westview Apartments** Bldg. J</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. J</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. K</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. L</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. M</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. N</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. O</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. P</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. Q</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. R</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. S</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. T</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. U</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. V</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. W</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Westview Apartments** Bldg. X</b> Eastern Michigan University Ypsilanti, MI 48197						X	X		0
<b>Wise Hall</b> Eastern Michigan University Ypsilanti, MI 48197	X	X		X	X	X	X	X	4

\* Brown & Munson Halls have a linked alarm system.

\*\* The Cornell Courts and Westview complexes do not have centralized fire alarm systems.