

**JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT (CLERY ACT) AND THE SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT (DFSCA):  
POLICIES, REPORTING, WARNINGS, NOTIFICATIONS, AND SANCTIONS**

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The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, more commonly known as the Clery Act, is contained in section 485 of the Higher Education Act, codified at 20 U.S.C.S 1092. It requires all post-secondary education institutions to maintain records and report annually on the nature, date, time, and place of crimes occurring on campus, including hate crimes. It also prescribes a number of security related protocols for emergency response procedures, timely notifications for on-campus crimes, etc. The act is intended to provide students and their families, as higher education consumers, with accurate, complete, and timely information about safety on campus so that they can make informed decisions.

**Preparation of the Annual Security Report**

Northwestern Technological Institute prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This report is prepared annually in cooperation with local law enforcement agencies surrounding our main campus. Campus crime, arrest and referral statistics include those reported to designated school officials (including but not limited to the School Director), as well as local law enforcement agencies. Campus crime data is gathered the same day that it is reported. The resulting data is used to prepare the annual crime statistics report. Also included in this report is Northwestern Technological Institute's Drug and Alcohol Abuse Prevention Programs. Both the Annual Security Report and Drug and Alcohol and Abuse Prevention Programs are available online at [www.northwesterntech.edu](http://www.northwesterntech.edu).

**Alcoholic Beverages and Illegal Drugs**

Northwestern Technological Institute complies with the Drug-Free Schools and Campuses Act. The distribution, possession, use and sale of controlled substances, illicit drugs, and alcohol is illegal under state and federal law and is prohibited on the campus of Northwestern Technological Institute. Any persons appearing on campus while under the influence of alcoholic beverages, narcotics, and other drugs, will be subject to disciplinary and/or legal action. The possession of alcohol by anyone less than 21 years of age is illegal. Violators will be subject to disciplinary and/or legal action.

- Disciplinary actions may consist of a written reprimand, restriction of privileges, disciplinary probation, suspension, or dismissal.
- Legal actions may consist of the payment of fines, restitution of damages, and/or imprisonment.
- A determination is made by the Institute official as to whether a situation requires assistance from law enforcement officials.

**Drug/Alcohol Abuse Education Programs**

Information relative to available Drug/Alcohol Abuse Prevention programs can be found in Northwestern Technological Institute's Drug and Alcohol Prevention Program packet. This packet contains information regarding health risks, legal sanctions, assistance organizations, etc. Northwestern Technological Institute is committed to working with the community for drug abuse education and prevention. All employees and students receive a Drug-Free Awareness Statement containing information on the effects of certain drugs/narcotics and alcohol, the penalties of possession of drugs/narcotics and alcohol, and information on where assistance can be obtained if a problem exists.

**Annual Security Report**

Northwestern Technological Institute believes that an informed campus, including students, faculty, and staff promotes a healthier and more secure environment and we encourage all students, faculty and staff to accept responsibility for their own security as well as the security of other members of the Institute.

Northwestern Technological Institute's commitment to safety and security includes:

- Providing a secure and crime free environment for students, faculty and staff.
- Performing regular evaluation of security programs.
- Monitoring and following up on each crime reported at Northwestern Technological Institute.

As you read the following report, please address any comments, questions, or concerns to:

**Northwestern Technological Institute**  
**Attention: Lorne Gauthier, School Director**  
**24800 Northwestern Highway**  
**Southfield, MI 48075**

### **Distribution of the Annual Security Report**

The Annual Security Report is published and distributed annually by October 1st to all enrolled students and all employees. Prospective students and employees are made aware of this report via publication, are provided a general summary of its contents, and may request a copy prior to enrollment or employment.

### **Reporting of Criminal Offenses**

Northwestern Technological Institute is committed to creating an environment that both promotes and assists in the prompt reporting of all criminal offenses including domestic violence, dating violence, sexual assault, and stalking to provide a compassionate supportive environment for survivors.

Students, faculty, or staff who wish to report criminal actions are encouraged to accurately and promptly report any and all crimes or emergencies occurring on campus directly to the School Director. Students, faculty, and staff are cautioned to never attempt to apprehend or pursue a suspected criminal. If you have any doubts about whether to report something that has occurred, report it. Victims of, or witnesses to, crimes may disclose them directly to the School Director (Title IX Coordinator). The Title IX Coordinator can then determine whether the event constitutes a crime that has to be collected and statistically reported. Filing a report with the Institute does *NOT* obligate the victim to prosecute. An incident of sexual misconduct may be reported at any time, regardless of how much time has elapsed since the incident occurred. Any information given by the victim will remain confidential (in accordance with the Confidential Reporting Procedures below) and will not be shared without the victim's consent or unless the victim has also reported the incident to law enforcement. Your cooperation in timely reporting assists the school in issuing equally timely warnings to the Northwestern Technological Institute campus if necessary. Always use your eyes, ears, and (cell) phone to keep campus officials advised of what you see and hear. Contact the School Director (Title IX Coordinator) immediately, in person or via telephone (248) 358-4006, if you see any of the following:

- Strangers loitering in office areas, hallways, classrooms, or student lounge areas, etc.
- Unsecured doors or windows in the building that should be locked.
- Anyone tampering with a motor vehicle or loitering in the school parking lot.
- Persons publicly displaying a weapon on school property.
- Suspicious persons carrying articles, equipment, luggage, or other packages out of the building.

Crimes or suspected criminal activity should be reported to the School Director or, if appropriate, to 911. Criminal actions should then be immediately reported by students, faculty, or staff to the local authorities. During this time, an Incident Report Form will be completed by Northwestern Technological Institute, along with the person reporting the crime. This report should be filed as soon as possible with the School Director (Title IX Coordinator), who will follow up on the report personally or assign responsibility to another appropriate administrator to follow up and report on the outcome as well as determine any preventative measures necessary to ensure the safety and security of all staff, faculty, and students. All alleged criminal incidents reported to the Institute, including those not related to the Clery Act, are required to be recorded in a crime log, by the date in which they are reported. The crime log is available for review during School business hours and can be viewed in the School Director's office. In addition, Northwestern Technological Institute must report in its Annual Security Report and disclose the number of crimes that were "unfounded" (determined by a sworn or commissioned law enforcement officer to be false or baseless) to the Department of Education. Additional copies of the Northwestern Technological Institute Incident Report Form may be requested from the School Director's Office.

### **Confidential Reporting Procedures**

All incident reports received by the School Director (Title IX Coordinator), shall include the names of the alleged perpetrator and student/staff or faculty member involved in the sexual violence, as well as any relevant facts including the date, time, and location. If a victim discloses the incident directly to the Title IX Coordinator, but wishes to maintain confidentiality, or requests that no investigation into a particular incident be conducted or disciplinary action taken, the Title IX Coordinator will evaluate the request against the school's obligation to provide a safe environment for all students. If the school honors the request for confidentiality, a victim must understand that the school's ability to investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

## **Reporting Policy Relative to Counselors**

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f) clarification was given to those considered to be campus security authorities. At this time, the School Director (Title IX) is considered the only campus security authority. Campus "Pastoral Counselors" and Campus "Professional Counselors", when acting as such, are not considered to be a campus security authority and are not required to report crimes to the School Director (Title IX Coordinator) for inclusion into the annual disclosure of crime statistics without the victim's permission. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistic. Northwestern Technological Institute does not have an employee on staff who is a professional counselor, however, the Institute contracts with a licensed counselor in the event counseling services are needed.

The rulemaking committee defines counselors as:

### **Pastoral Counselor**

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

### **Professional Counselor**

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. Northwestern Tech. does not have an employee on staff who is a professional counselor, however, the Institute contracts with a licensed counselor in the event counseling services are needed.

### **Timely Warnings**

In the event a situation arises, is reported to a school official or local police, either on or off campus, that, in the judgment of the School Director, constitutes an ongoing or continuing threat to the student body, staff and or faculty, a campus-wide warning will be issued in a manner that is timely and aids in the prevention of similar crimes. The warning will be issued via memorandum, in-class announcements, or other appropriate means to all students, faculty, and staff. Anyone with information warranting a timely warning should immediately report the circumstance to the School Director, in person or via telephone at (248) 358-4006. In addition, the School Director may issue an alert regarding a crime occurring off-campus but in a location frequented by students, even though such a crime would not be included in the annual report. Timely warnings will withhold as confidential, the names of any victims.

### **Security and Access**

During business hours, the Institute is open to students, parents, guests, employees and invitees. During non-business hours, access to Institute facilities is by key, if issued. The building is equipped with a security system to include cameras which monitor student areas such as parking, vending, hallways and stairways, etc. The Institute maintains no campus residences or dormitories. Maintenance personnel have supervised and limited building access to the extent of completing their assigned maintenance and janitorial job duties.

### **Campus Law Enforcement**

Northwestern Technological Institute is a non-residential School and does not employ specific campus security personnel. Responsibility of security rests with the employees of the Institute. Students and employees are strongly encouraged to immediately report all crimes/incidents to campus personnel. A determination is then made as to the necessity of outside local or State law enforcement agencies. Campus personnel do not possess arrest authority.

Voluntary confidential reporting: Since Northwestern Technological Institute is a non-residential School, and does not have a campus police force; all crimes must be reported to the local or State authorities.

All members of the school campus community are encouraged to assist one another by taking responsibility for personal safety and assisting with the security needs of others. While school staff and security measures may offer assistance regarding safety and security concerns, ultimately the primary responsibility for safety begins with each individual.

### **Personal Safety**

- Be aware of your surroundings and of those around you.
- Do not walk in dark, unlighted areas or surroundings.
- Walk in pairs or groups when entering and exiting the Institute.
- Avoid working or studying alone at night, in remote areas or offices, and keep your door locked if you have to work late.
- Have your keys ready and in hand when approaching your vehicle or office.

### **Vehicle Security**

- Park in well lighted areas and always lock your car.
- Secure your windows by rolling them up.
- Secure valuables such as radios, phones, books, and packages by placing them in the trunk or out of sight.
- Invest in a car alarm; kill switch, and/or steering wheel locking device.
- Park in authorized spaces and between the lines to reduce the chance of damage or vandalism to your vehicle.

### **Property Security**

- Lock and secure your desk and office when not in use.
- Lock up equipment when not in use.
- Do not leave books, bags, purses, wallets, keys or any other possessions unattended.
- Identify your valuables with tags, marker, etc...

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

Northwestern Technological Institute provides its students, staff and faculty with information on personal safety and crime prevention. Students and employees are made aware of campus crime through the following:

- Annual Reports: Each year, Northwestern Technological Institute prepares an annual disclosure of crime statistics with the assistance of the Southfield Police Department.
- Distribution of Crime Prevention/Security Awareness Material: Northwestern Technological Institute offers a variety of Crime Prevention/Security Awareness literature that is readily available to both students and employees.
- Student Services Program

### **Off-Campus Student Organizations/Criminal Activity**

Any criminal activity occurring off-campus that is Institute related will be appropriately recorded and monitored via communication with the suitable law enforcement agency.

### **Emergency Notification - Response and Evacuation Procedures**

Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff on campus, Northwestern Technological Institute will immediately notify, without delay, all offices, classrooms, and student areas simultaneously via intercom alert system. A warning may be withheld if the warning jeopardizes or compromises efforts to contain the emergency. To ensure, as far as practicable, that no individual suffers injury or illness as a result of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on campus, Northwestern Technological Institute has developed and implemented the following emergency response and evacuation procedures. Furthermore, Northwestern Technological Institute provides annual training to all faculty and staff as well as offers new students an overview of the Emergency Response and Evacuations Procedures. The procedures that follow are designed to assist in the organization and implementation of emergency evacuation procedures for all areas occupied by Northwestern Technological Institute.

### **Statement of Immediate Notification**

Northwestern Technological Institute will immediately notify the campus community upon confirmation of an emergency or dangerous situation.

### **How the Institution will Confirm that a Significant Emergency or Dangerous Situation Exists**

The School Director is responsible for confirming that an emergency or dangerous situation exists. In the event that the School Director is not available, the designated Program Coordinator, or the Admissions Director makes this confirmation. To make this confirmation, the School Director will gather all applicable information from all available resources at the time.

### **Segment or Segments of the Campus Community to Receive a Notification**

The entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation, or when a situation threatens the operation of the campus as a whole. If only specific segments of the campus are notified, there will be a continuing assessment of the situation, and additional segments of the campus community may be notified if a situation warrants such action.

### **Determining the Content of a Notification**

The School Director (or designated individual in the absence of the School Director) will determine how much information is appropriate to disseminate at different points in time. Depending on which segment or segments of the campus community the notification is targeting, the content may differ.

### **Initiating the Notification System**

The School Director (or designated individual in the absence of the School Director) will initiate notifying the campus security that there is an emergency or dangerous situation. In all cases of emergencies and/or dangerous situations, every attempt is made to alert first responders first, so that they are able to respond quickly to an emergency situation. The method(s) used to notify the campus community will differ depending upon the situation and may include fire alarms or public address systems to alert the community. Specific methods are discussed below where specific emergencies or dangerous situations are addressed.

### **Timeliness of Notification**

As soon as the Institute has confirmed that a significant emergency or dangerous situation exists, the Institution will:

- Take into account the safety of the campus community.
- Determine what information to release about the situation; and
- Begin the notification process.

The only time the Institution would not immediately issue a notification for a confirmed emergency or dangerous situation would be if doing so would compromise efforts to:

- Assist a victim
- Contain the emergency
- Respond to the emergency; or
- Otherwise mitigate the emergency

### **Persons Responsible for Carrying Out Confirmation and Notification Procedures**

- Lorne Gauthier, School Director
- Jon Daniels, Program Coordinator
- Eric Vuichard, Program Coordinator

### **Disseminating Emergency Information to the Larger Community Outside the Campus Community**

Not all emergencies require dissemination of information to the larger community outside of the campus community, and procedures differ depending on the situation. If disseminating information is necessary, the Institution will notify local radio/tv outlets in order to issue alerts, or the Institution may utilize its various social media accounts (ie.. website, twitter, Facebook) in order to issue alerts to the larger community.

#### **1. Emergency Response Team (ERT)**

Northwestern Technological Institute has developed an Emergency Response Team (ERT) to assist in the response and evacuation of an emergency situation on campus. The Emergency Response Team is comprised of individuals employed within Northwestern Technological Institute, who have been given specific responsibilities to ensure the safety of the students and staff and resolution of the situation at hand.

- The Emergency Response Team members are comprised of:
  - Rob Barr - Instructor
  - Jon Daniels – Program Coordinator
  - Lorne Gauthier – School Director
  - Monika Lapina – Financial Aid Director
  - Mike Reynolds – Instructor
  - Amy Roberts – Default Management
  - Eric Vuichard – Program Coordinator
  
- Location Responsibility Breakdown of Emergency Response Team
  - Monika Lapina (Primary) 1<sup>st</sup> Floor
  - Amy Roberts (Back Up) – 1<sup>st</sup> Floor
  - Mike Reynolds (Primary) 2<sup>nd</sup> Floor
  - Jon Daniels (Back-up) 2<sup>nd</sup> Floor
  - Eric Vuicard (Primary) – 3<sup>rd</sup> Floor
  - Rob Barr (Back-up) – 3<sup>rd</sup> Floor
  
- Responsibility Breakdown of Emergency Response Team
  - Assist individuals to safety wherever possible.
  - If possible, ensure that all individuals on their designated floor, including restrooms, have evacuated the building via the safest and nearest evacuation route.
  - Secure their designated floor to prevent unauthorized individuals from entering.
  - Perform secondary search of their entire designated floor area to ensure complete evacuation (if possible).

NOTE: In the event any of the individuals are not available during an emergency, the School Director or designee will provide alternate instructions to members of the ERT.

## 2. Emergency Response and Evacuation Practice Tests

Northwestern Technological Institute will annually test its Emergency Response and Evacuation procedures. All Emergency Response Team members will be notified prior to the test and their attendance is required. It is the School Director's responsibility to ensure that at least one emergency response and evacuation practice test is conducted each year. These tests may be announced or unannounced and each will be documented with a description of the exercise, the date, time, and whether the test was announced or unannounced. Northwestern Technological Institute will publicize its emergency response and evacuation procedures in conjunction with at least one test per calendar year, documenting, for each test, a description of the exercise, the date and time and whether it was announced or unannounced.

- Tests will use simulated scenarios Tests will contain drills, testing the various procedural operations of this plan
- Tests will contain simulated exercises to test coordination of efforts
- A follow-up email survey will be conducted with ERT members to review the test and obtain feedback.
- The goal of the tests is to ensure that all ERT members understand their roles and responsibilities
- All results and feedback from tests will be used to evaluate emergency plans and capabilities

### 3. Types of Emergencies Requiring Emergency Notification

Upon the confirmation of a significant emergency or dangerous situation involving a threat to the health or safety of students or staff on campus, Northwestern Technological Institute will immediately notify all offices, classrooms and student areas simultaneously via the Institute's intercom alert system. Please note, a warning may be withheld if the warning jeopardizes or compromises efforts to contain the emergency.

#### Lockdown

To ensure that all students and staff are safe, secured and accounted for, the school may proceed to a lockdown status. Conditions for which a Lockdown status may be activated include:

- Someone has a gun/weapon in or on campus.
- Someone with a gun/weapon is en-route to the campus.
- Shots are heard on campus.
- ERT (Emergency Response Team) action.
- Law Enforcement action.
- The pursuit or search of a dangerous individual.
  - I. If the need arises for the school to proceed into a "lockdown" status, the School Director (or designee) will contact 911, and announce the lockdown over the intercom alert system.
  - II. Once activated, all students and faculty are to immediately report to the nearest available classroom and staff are to seek the closest office available. Do not attempt to evacuate the building unless instructed to do so.
  - III. For safety, all individuals are to be directed away from doors and windows. If possible, close and lock all doors and windows and turn off all lights in the immediate area. Once on lockdown, no one is to leave their secured area for any reason. A lockdown may only be cleared by the School Director, or the designated back-up if serving in that role, who will announce over the intercom alert system when all is clear.

#### Fire Emergency

In the event of a fire emergency:

- Manually activate the building's fire alarm system by pulling down the arm of the alarm, which is automatically responded to by the City of Southfield Fire Department
- Follow the Emergency Response Team's directions.
- Close all doors and windows in your immediate area, if possible.
- Evacuate the building. Do not use the elevators.
- If you are caught up in smoke, drop to your knees and crawl to the nearest exit. If possible, use a wet shirt or towel to cover your mouth and nose.
- Report to the main entrance of the parking lot for a head count by faculty.

Fire extinguishers are located throughout the building and may be used to contain a small fire. If you decide to use a fire extinguisher, place yourself between the fire and your exit from the area. To use a fire extinguisher, follow the P.A.S.S. method:

Pull the pin to break the tamper seal.

Aim low and point the extinguisher nozzle at the base of the fire.

Squeeze the handle to release the extinguisher foam.

Sweep from side to side of the fire with the extinguisher until the fire is out.

#### Weather Emergency

In the case of a weather emergency (including, but not limited to an approaching tornado, or other extreme weather conditions):

- If possible, secure and store hazardous material such as propane and gasoline accordingly.
- Evacuate to the 1<sup>st</sup> floor lobby of the building for safety and a head count.
- Do not use the elevators.
- Stay away from windows and glass.
- Follow the Emergency Response Team's directions.

Tornado Watch: A tornado(s) is possibly in the area.

Tornado Warning: A tornado has been spotted or is imminent in the area.

Thunderstorm Watch: Severe weather is possibly in the area.

Thunderstorm Warning: Severe weather is imminent in the area.

### **Tornado Emergency Procedure**

In the event of a tornado warning, the City of Southfield will sound the alarm, followed by the School Director's announcement to ERT members to execute Tornado Emergency Procedures. In the event of a tornado warning, please refer to these procedures for everyone's safety and security:

- All those located on the first floor are to utilize the School Library, Student Lounge, and first floor hallways in the event of a tornado emergency. In the event that more space is needed, the first floor bathrooms and lobby may be used.
- All those located on the second floor are to take the stairs to the first floor and utilize the School Library, Student Lounge, and first floor hallways in the event of a tornado emergency. In the event that more space is needed, the first floor bathrooms and lobby may be used.
- All those located on the third floor are to take the stairs to the first floor and utilize the School Library, Student Lounge, and first floor hallways in the event of a tornado emergency. In the event that more space is needed, the first floor bathrooms and lobby may be used.
- All staff are to secure doors and windows after leading those to safety. Students will be instructed to sit facing forward in a crouched position holding their heads down for proper safety until the threat has passed. The School Director will then announce when it is safe for staff and students to return to their designated areas.

### **Medical Emergency**

If a medical emergency arises (including, but not limited to outbreak of meningitis, norovirus, or other serious illness):

- Call 911.
- Do not move the individual unless there is an immediate threat to life or if it is necessary to provide assistance.
- Follow the Emergency Response Team's directions.
- If the medical emergency is on the scale of an illness outbreak that would require notification of the Oakland County Health department, they will be notified by the School Director or designee.

Note: These same procedures are to be followed in the event of the medical emergency of an individual, employee or student (ie. heart attack, seizure, or any other similar medical emergency that would not require emergency notification of the campus community.

### **Gas Leak or Hazardous Chemical Situation Nearby**

In the event of a gas leak or hazardous chemical situation nearby:

- Follow the Emergency Response Team's directions.
- If a leak or situation is located outside of the building, close and seal off all doors and windows.
- If a leak is located inside of the building, evacuate the building.
- If it is determined first responders are necessary, the fire alarm will be activated and the City of Southfield Fire Department will respond to automatically.

## **Bomb Threat**

If a bomb threat is received:

- Call 911.
- Follow the Emergency Response Team's directions for safety and possible evacuation procedures.
- Do not attempt to approach, move or disarm the potential bomb.

## **4. Situations that Would Not Require Emergency Notification**

### **Power Outage**

In the event of a power outage:

- Follow the Emergency Response Team's directions.
- Unplug any and all electrical equipment.
- Do not light candles or use items that have a flame for lighting.
- If possible, secure and store hazardous materials such as propane and gasoline accordingly.

### **Snow Closure**

In the event of a snow closure:

- Status of classes will be made available to students via the school's text messaging service.
- Students may tune in to the following TV and radio stations for class status information:  
WJBK-Fox 2, WDIV-Channel 4, WXYZ- Channel 7, WKBD (CW50), WWJ News Radio 950, and WJR 760

## **5. Emergency Response Contact Information**

To report any police, fire, or medical emergency, dial 911.

### **Poison Control**

(313) 745-5711

### **Southfield Fire Department**

2600 Evergreen  
Southfield, MI 48076  
(248) 796-5000

### **Southfield Police Department**

2600 Evergreen  
Southfield, MI 48076  
(248) 796-5500

## **6. Instructions for Using Classroom Phones**

### **Calling 911 Emergency**

Classroom phones are equipped to dial out only to 911 Emergency if needed. Once a dial tone is heard, dial 911.

## **Campus Sexual Violence Elimination Act**

The Campus Sexual Violence Elimination Act, or Campus SaVE Act (SaVE), is a 2013 amendment to the federal Jeanne Clery Act. SaVE was designed by advocates along with victims/survivors and championed by a bi-partisan coalition in Congress as a companion to Title IX, to help bolster the response and prevention of sexual violence in higher education. President Obama signed the measure into law as part of the Violence Against Women Reauthorization Act of 2013 on March 7, 2013.

SaVE requires colleges and universities, both public and private, participating in federal student aid programs to increase transparency about the scope of sexual violence on campus, guarantee victims enhanced rights, provide for standards in institutional conduct proceedings, and provide campus community wide prevention educational programming. In addition, SaVE requires schools to educate students, staff, and faculty on the prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking.

Northwestern Technological Institute strictly prohibits all offenses of sexual misconduct, including sexual assault, domestic violence, dating violence, and stalking and attempts to protect members of the school community, including visitors, from such offenses. This policy applies to all students, staff, and faculty, regardless of sexual orientation or gender identity. Northwestern Technological Institute offers any student, faculty or staff member who survives a sexual assault that occurs within the context of the school community the support necessary to enable them to continue to pursue their academic or career goals. In addition, Northwestern Technological Institute has support staff available to assist victims in notifying appropriate law enforcement authorities regarding such crimes, if so requested by the victim.

Northwestern Technological Institute has adopted The Centers for Disease Control and Prevention (CDC) definition as its own of unwanted sexual contact as the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person without his or her consent, or of a person who is unable to consent or refuse. Unwanted sexual contact can be perpetrated against a person or by making a person touch the perpetrator. Unwanted sexual contact could be referred to as “sexual harassment” in some contexts, such as a school or workplace. Northwestern Technological Institute strictly prohibits the offenses of sexual assault, domestic violence, dating violence, and stalking and attempts to protect members of the school community, including visitors, from such offenses. Northwestern Tech. offers any student, faculty or staff member who survives a sexual assault that occurs within the context of the school community the support necessary to enable them to continue to pursue their academic or career goals. In addition, Northwestern Technological Institute has support staff available to assist victims in notifying appropriate law enforcement authorities regarding such crimes, if so requested by the victim.

### **Title IX**

Title IX is a federal civil rights law passed as part of the Education Amendments of 1972, designed to protect those from discrimination on the basis of sex in an education program or the activity that it operates. The U.S. Department of Education’s [Office for Civil Rights](#) (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Effective August 14, 2020, revised federal regulations now “require schools to act in meaningful ways to support survivors of sexual misconduct, without sacrificing important safeguards to ensure a fair and transparent process. We can and must continue to fight sexual misconduct in our nation’s schools, and this rule makes certain that fight continues.” -U.S. Secretary of Education Betsy DeVos, Press release May 6, 2020

Title IX applies to any institution receiving federal financial assistance from the Department of Education, including state and local educational agencies. Educational programs and activities that receive federal funds from the Department of Education must operate in a nondiscriminatory manner. Also, a recipient may not retaliate against any person for opposing an unlawful educational practice or policy, or because a person made charges, testified, or participated in any complaint action under Title IX.

### **Title IX at Northwestern Technological Institute**

Consistent with Title IX of the Education Amendments of 1972, Northwestern Technological Institute does not discriminate against students, faculty or staff based on sex within its program or activities it operates, including but not limited to, educational programs, employment, and admission. “Education program or activity” includes location, events, or circumstances over which the Institute exercises substantial control over both the respondent (an individual who has been reported to be the perpetrator of conduct) and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

Sexual harassment, including sexual assault and sexual violence, is a kind of sex discrimination and is prohibited by Title IX and by the Institute. Sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following:

- An employee of the Institute conditioning the provision of an aid, benefit, or service of the Institute on an individual’s participation in unwelcome sexual conduct
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Institute’s education program or activity; or
- “sexual assault”, “dating violence,” “domestic violence,” or “stalking” as defined for VAWA (Violence Against Women Act)

Northwestern Technological Institute is committed to ensuring a safe campus climate for all our students, staff, and faculty. Any student who believes he/she has, or is being subjected to discrimination or sexual harassment, or has questions or concerns regarding possible sexual harassment, should contact our Title IX Coordinator immediately at:

Northwestern Technological Institute  
School Director/Title IX Coordinator: **Lorne Gauthier**  
24800 Northwestern Highway  
Southfield, MI 48075  
[Lgauthier@northwesterntech.edu](mailto:Lgauthier@northwesterntech.edu)  
(248) 358-9000

It is the goal of Northwestern Technological Institute to respond promptly and with supportive measures, to any student, staff, or faculty member believed to be a victim of sexual harassment, and to resolve allegations of sexual harassment promptly and accurately under a fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment, and effectively implement outcomes for the victim(s). Once actual knowledge of sexual harassment within our education program or activities of the Institution has been made aware to our School Director (Title IX Coordinator), Northwestern Technological Institute will respond in a manner that treats all parties equitable and is not deliberately indifferent (we are deliberately indifferent only if our response to sexual harassment is clearly unreasonable in-light of known circumstances). From there, our School Director (Title IX Coordinator) will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without filing a formal complaint, and explain to the complainant the process for filing a formal complaint. It is important to note that Northwestern Technological Institute's Student and Staff/Faculty Conduct Policies still apply to all students, staff, and faculty and will be strictly adhered to regardless of the sexual harassment outcome.

#### **Procedures to Follow if a Sexual Offense has Occurred/How to File a Disciplinary Complaint**

If you are a victim of a sexual offense, domestic violence, dating violence, sexual assault, or stalking at Northwestern Technological Institute, your first priority should be to get to a place of safety. Medical attention and/or treatment should then be obtained as quickly as possible following the incident. Any individual, student, staff, or faculty member, who wishes to file a Disciplinary Complaint of sexual harassment, sexual violence or other gender-based harassment, must fill out a Title IX Complaint Form directly with the School Director (Title IX Coordinator) at (248) 358-4006, and/or contact local law enforcement authorities. If a student chooses, our School Director (Title IX Coordinator) will assist the student in notifying the proper law enforcement authorities. Because of the importance of preserving evidence in order to provide proof of criminal domestic violence, dating violence, sexual assault, or stalking, or for obtaining a protection order, students should contact either our School Director (Title IX Coordinator) or the proper law enforcement as soon as possible after the incident (Please see page 19 for more information on Preserving Evidence after a Sexual Assault.).

If the assailant is identified as a Northwestern Technological Institute student, the President/CEO will determine the appropriate course of action in accordance with Title IX regulations and the Student Conduct Policy and Procedures. Potential school sanctions may include emergency removal from the CCT program and/or permanent termination from the program.

If the assailant is a Northwestern Technological Institute employee, the President/CEO will determine the appropriate course of action in accordance with Title IX regulations. Potential school sanctions may include administrative leave and/or termination of employment.

#### **The Federal Campus Sexual Assault Victims' Bill of Rights**

##### **Grievance Process; Implementation and Disclosure of Procedures for Institutional Disciplinary Action in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking (The Federal Campus Sexual Assault Victims' Bill of Rights)**

Northwestern Technological Institute will do its best to provide a prompt, fair, and impartial investigation and resolution on all possible known violations of school policies, including but not limited to, Disciplinary Proceedings, on all cases of alleged domestic violence, dating violence, sexual assault, and stalking. The Institution will decide the case based on a preponderance of the standard of evidence (whether it is more likely than not that the incident occurred). Based on the standard of evidence, the Institute or accuser, may wish to begin the process of either an Informal or Formal Complaint Resolution Proceeding. The process of Disciplinary proceedings is available to all Northwestern Technological Institute students, staff and faculty. Any individual who wishes to file a Disciplinary Complaint of sexual harassment, sexual violence or other gender-based harassment must fill out a Title IX Complaint Form directly with the School Director (Title IX Coordinator) at (248) 358-4006, and/or contact local law enforcement authorities. Those specifically involved in the grievance process include Northwestern Technological Institute's Title IX Coordinator, Investigator, and Decision Maker. Title IX

training is provided on an annual basis to those individuals and they must act with impartiality and be free of any conflict or bias. Unless otherwise specified, the Title IX Coordinator will also act as the Investigator during the process and the President/CEO of Northwestern Technological Institute will act as the Decision Maker.

### **Conflict of Interest**

The Disciplinary Proceedings will be administered in a manner that is free from bias and or conflict of interest (real or perceived) by those individuals presiding over the procedures. Anyone who feels there is a conflict of interest related to the Title IX Coordinator or Investigator, should immediately report their concerns to the School President/CEO. Any decision to possibly remove the Title IX Coordinator or Investigator from the process is at the discretion of the School President/CEO.

### **Types of Institutional Disciplinary Proceedings**

- **Informal Disciplinary Complaint Proceeding**

An Informal Disciplinary Complaint Proceeding is not an option in cases of VAWA (alleged domestic violence, dating violence, sexual assault and stalking) violations. For cases where it is unclear if the Institute's rules and regulations policy was violated, an informal review may be requested by either the accuser or the Institute.

- **Formal Disciplinary Complaint Proceeding**

For known cases of Institutional rules and regulations policy violations, including all cases of alleged dating violence, domestic violence, sexual assault or stalking, a Formal Disciplinary Complaint Proceeding will be initiated.

### **Investigation of an Informal Disciplinary Complaint**

For Informal Disciplinary Complaint Proceedings, the School Director (Title IX Coordinator) will obtain information from the accuser concerning the objectionable behavior and will discuss the accuser's desired resolution. The School Director (Title IX Coordinator) will then meet with the accused and document the meeting. During this meeting the School Director (Title IX Coordinator) will listen to the accused's understanding of what transpired and will present the accused with the accuser's complaint and desired resolution. The School Director (Title IX Coordinator) will explain the Institute's policy and the prohibition of retaliation. At any point, either side may opt out of this proceeding.

At any point, the School Director (Title IX Coordinator) may obtain a signed agreement from the accused agreeing to comply with the Institute's rules and regulations policy and may outline appropriate future conduct and behavior necessary to continue their program/job at the Institute during the proceeding. The School Director (Title IX Coordinator) will maintain a written record that will be kept on file. If any party, including the School Director (Title IX Coordinator), is not satisfied with the progress or result of the Informal Disciplinary Complaint Proceedings, the party may ask to begin the Formal Disciplinary Complaint Proceedings. Use of the informal proceedings set forth in this section is not a prerequisite to initiating a formal complaint. Upon completion of the Informal Disciplinary Complaint Proceeding, the School President/CEO will impose sanctions, if applicable, and the proceeding will then be considered resolved. The Institute will endeavor to resolve all informal complaints within sixty (60) days of the initial report, absent any extenuating circumstances (such as School breaks). The Institution will keep both parties informed regarding the need for any extensions of this period.

### **Investigation of a Formal Disciplinary Complaint**

For known cases of Institutional rules and regulations policy violations, including all cases of alleged dating violence, domestic violence, sexual assault or stalking, a Formal Disciplinary Complaint Proceeding will be initiated. This investigation will involve interviews with the accuser and accused, and as well as any known or possible witnesses. The entire process will be overseen by the School Director (Title IX Coordinator) and decided on a preponderance of the evidence standard, on whether or not the School policy was violated, and will include a final decision and recommendation of sanctions, if necessary, by the School President/CEO. During a Formal Disciplinary Complaint Proceeding, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on Northwestern Technological Institute, and not on other parties. Written statements will be collected from all parties, including any pertinent information regarding the date and time of the alleged sexual harassment, sexual misconduct, dating violence, domestic violence or stalking, the name of the accused, the circumstances of the alleged misconduct, and the identity of any persons who may have knowledge or information regarding the circumstances. At this point, both parties involved will be reminded that they may opt out of the Formal Disciplinary Complaint Proceedings at any point. However, the investigation will proceed even if the accused opts out of the Formal Disciplinary Complaint Proceedings. While the accuser may opt out of the Formal Disciplinary Complaint Proceedings, the accuser should be aware that in instances where there is an ongoing threat to the Institute's ability to maintain

a safe, nondiscriminatory campus, the Institute may decide to investigate and take action, despite an accuser's decision to opt out of or terminate the Formal Disciplinary Complaint Proceedings.

The School Director (Title IX Coordinator) may provide on-going information and guidance to all parties regarding the proceeding. The accuser and the accused are entitled to the same opportunities to have others present during a Disciplinary Proceeding, including, but not limited to, the opportunity to be accompanied to any related meeting or proceeding by advisors of their choice. To the extent permitted by law, the accuser and accused will be afforded the same rights and opportunities throughout the investigation, including an equal opportunity for both parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Northwestern Technological Institute will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. However, the decision to interview specific witnesses or consider evidence offered by the parties is within the sole discretion of the School Director (Title IX Coordinator). The Institute's investigation does not require or permit the accuser and accused to interact/communicate directly or indirectly, at any point during the proceeding.

The accuser and accused will be asked to identify all relevant evidence they would like the School Director (Title IX Coordinator) to review, as well as witnesses they would like the School Director (Title IX Coordinator) to interview. The School Director (Title IX Coordinator) is not required to consider the evidence submitted or interview any particular witness(es), even if identified by one of the parties, nor to ask questions provided by either party. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Disciplinary Complaint. However, in determining whether to interview witnesses or review evidence, the School Director will consider such factors as fairness, thoroughness, and the impartial treatment of both parties.

All participants in the investigation are expected to cooperate fully by providing complete, accurate, and truthful information. They may also be expected to sign statements or other documents verifying the information they have provided is truthful and may be asked to keep the context of the interview confidential. Failure to cooperate fully with the School Director (Title IX Coordinator) or the proceeding may result the individual to the full range of disciplinary sanctions, as applicable. The School Director (Title IX Coordinator) will provide, to all parties whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investitive interviews, or other meetings, with sufficient time for the party to prepare to participate. In addition, the School Director (Title IX Coordinator) will create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report, for their review and written response.

If the School Director (Title IX Coordinator) finds that there is insufficient evidence that a violation of the school policy occurred, the School President/CEO will inform the accuser and the accused, simultaneously, in writing, and the proceeding will then be considered resolved. If the School Director (Title IX Coordinator) finds that the accused has engaged in conduct that violates the school policy, the School Director (Title IX Coordinator) will inform the accuser and the accused of that, simultaneously, in writing, and invite each party to formally submit any information they would like the School President/CEO to consider when deciding remedies and/or sanctions. The School President/CEO will take into consideration any such statements; its findings regarding the case; and any relevant prior misconduct. In explaining the rationale for the result and sanctions, the School President/CEO will explain how she weighed the evidence and information presented during the proceeding and explain how the evidence and information support the result and sanctions. Once the School President/CEO has defined and imposed any necessary remedies and/or sanction(s), the proceeding will then be considered resolved. The Institute will endeavor to complete its investigation and hearing process within sixty (60) days of the initial report to the Institute, excluding any extenuating circumstances (such as School breaks). The Institute will keep both parties informed regarding the need for any extensions of this period.

#### **Disciplinary Complaint Proceedings (Hearings)**

The Formal Institutional Disciplinary Complaint Proceeding shall be conducted live, and by The School Director (Title IX Coordinator), who receives training on an annual basis on issues related to domestic violence, dating violence, sexual assault, and stalking, with respect on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. However, any outcome regarding the disciplinary hearings will be determined by the President/CEO of Northwestern Technological Institute, who will also be in attendance during the proceedings. In most cases, the Institution will not wait until a criminal case is formally resolved before

proceeding with the institutional process. In addition, if the School Director (Title IX Coordinator) has a reasonable belief that a reportable crime has been committed, she or he may be obligated to report that to law enforcement if police have not already been notified. In general, most cases of alleged domestic violence, dating violence, sexual assault, and stalking investigations within the Institute may take up to 60 days to be resolved, depending on the complexity of the case. Live hearings may be conducted with all parties physically present in the same geographic location or, at the recipient's discretion. Any or all parties, witnesses, and other participants may appear at the live hearing virtually. At request of the party, the Institution must provide for the live hearing to occur with the parties located in separate rooms, with technology enabling the School Director (Title IX Coordinator), School President/CEO, and all parties to simultaneously see and hear the party or the witness answering questions (ex. Zoom, Skype). However, all parties must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Throughout the live Proceedings, the School Director (Title IX Coordinator) will allow each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those that challenge credibility. If a party does not have an advisor present at the live hearing, the Institution must provide, without fee or charge, an advisor of the recipient's choice, who may be, but is not required to be, an attorney. Cross-examination at the live hearing must be conducted orally, and in real time by the party's advisor of choice, and never by a party personally. Before a complainant, responder, or witness is permitted to answer a cross-examination, the School Director (Title IX Coordinator) must first determine whether the question(s) are relevant and explain any decisions to exclude a question as not relevant. Questions and evidence pertaining to the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence 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. If a party or witness does not submit to cross-examination at the live hearing, the President/CEO must rely on any statement of that party or witness in reaching a determination regarding responsibility.

#### **Dismissal of a Formal Complaint**

**Northwestern Technological Institute must dismiss a Formal Complaint if:**

- The conduct alleged in the Formal Complaint would not constitute sexual harassment under Title IX even if proved,
- Did not occur on the Institution's education program or activity, or
- Did not occur against a person in the United States

**Northwestern Technological Institute may dismiss a Formal Complaint if:**

- A complainant notifies the School Director (Title IX Coordinator) in writing that the complainant would like to withdraw the formal complaint,
- The respondent is no longer enrolled or employed by the Institution, or
- Specific circumstances prevent the Institution from gathering sufficient evidence to reach a determination as to the Formal Complaint or allegations therein
- Such a dismissal does NOT preclude action under another provision of the Institution's Student and Staff/Faculty Code of Conduct Policies.

#### **Determination of Responsibility from Disciplinary Proceedings (Hearings)**

Upon completion of the disciplinary proceeding, the Institute's President/CEO will determine the final outcome regarding responsibility, and inform all parties simultaneously, in writing, of:

- The identification of the allegations potentially constituting sexual harassment
- Step by step account from the receipt of the formal complaint through the determination
- Findings of facts supporting the determination
- Conclusions regarding the application of the Institution's Student and Staff/Faculty Code of Conduct Policies to the facts
- A statement of, and rational for, the result as to each allegation
- Any change in the results that occurs prior to the time the results become final
- The Institution's procedures and permissible bases for an appeal. The School Director (Title IX Coordinator) is responsible for effectively implementing any remedies set forth by the President/CEO regarding responsibility from any disciplinary proceedings (hearings).

### **Informal Resolution Process**

At any time prior to reaching a determination regarding responsibility, the Institution may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and decision, provided the Institution:

- Provides to the parties a written notice disclosing the allegations and the requirements of the informal resolution process
- Notifies all parties that any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint
- Obtains the parties' voluntary, written consent to the informal resolution process
- Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

### **Appeals**

Northwestern Technological Institute will consider an appeal from either party regarding determination of responsibility, and/or from the Institution's dismissal of a formal complaint or allegations therein, on the following basis:

- Procedural irregularity that affected the outcome of the matter
- 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
- The School Director (Title IX Coordinator), or President/CEO had a conflict of interest or bias that affected the outcome

### **Remedies/Sanctions**

Northwestern Technological Institute will utilize sanctions as the penalty for those individuals found to have violated school rules and regulations policies, including all VAWA policies (alleged dating violence, domestic violence, sexual assault or stalking). The severity of the Sanctions imposed will be decided at the discretion of the School Director.

#### **Possible Student Sanctions for Informal/Formal Complaint Proceedings**

- Verbal or written warning
- Leave of absence (length to be determined at the end of the proceeding)
- Reassignment or transfer of school schedule
- Dismissal from school

#### **Possible Employee Sanctions for Informal/Formal Complaint Proceedings**

- Verbal or written warning
- Temporary or permanent transfer to a different position
- Probation
- Termination from employment

### **Protections against Retaliation**

Retaliation against an individual for reporting discrimination or harassment or assisting in providing information relevant to a claim of discrimination or harassment is a serious violation of Northwestern Technological Institute's policy and is strictly prohibited. No person or the Institution may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. The Institution must keep confidential (except as otherwise noted in Title IX regulations), the identity of any individual who has made a report or complaint of sex discrimination, including any complaint, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and/or any witness. If an individual makes a false statement in bad faith during the course of a grievance proceeding, it does not constitute retaliation, provided that a determination regarding responsibility, alone, is sufficient to conclude that any party made a materially false statement in bad faith.

If the Institute concludes that any individual has attempted to intimidate, threaten, or take adverse actions against someone for bringing forward a good faith complaint of discrimination or harassment, the person found to have engaged in retaliatory conduct will be subject to appropriate disciplinary action, including but not limited to change in work assignment, disciplinary probation, mandatory training, suspension, and/or dismissal/termination from the Institute or program. Any concern of retaliation should be reported immediately to the School Director (Title IX Coordinator) and the Institute will promptly investigate.

### **Recordkeeping**

In response to receipt of actual knowledge of sexual harassment, Northwestern Technological Institute must create, and maintain for a period of seven years, records of any actions including any supportive measures, taken in response to a report or formal complaint of sexual harassment. Furthermore, Northwestern Technological Institute must maintain, for a period of seven years, records of:

- Each sexual harassment investigation, including any determination regarding responsibility, and any audio or audiovisual recording or transcript required, any disciplinary sanctions imposed, and any remedies provided
- Any appeal and the result thereof
- Any informal resolution process and the result thereof
- All materials used to train the Title IX Coordinator

### **Additional Information**

The Institute will illustrate how it will protect the confidentiality of victims and other necessary parties, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law. In addition, Northwestern Technological Institute will maintain as confidential, any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. Northwestern Technological Institute will provide information on how to obtain orders of protection, no-contact orders, restraining orders, or similar orders issued by a criminal, civil, or tribal court.

- All parties involved will be provided, in writing, of 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 around the community.
- Northwestern Technological Institute will provide written notification (if reasonably available), to victims regarding options for available assistance in, and how to request changes to academic, living, working, or transportation situations, regardless of whether the victim chooses to report the crime to the Institute or local law enforcement. Accommodations or protective measures are provided if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the Institute or local law enforcement.
- Following the final determination of an Institute Disciplinary Proceeding (Hearings), for those found to have violated VAWA related offenses such as domestic violence, dating violence, sexual assault or stalking, the Institute will impose sanctions such as termination from the program in the case of a student, and termination of employment in the case of an employee. If the alleged victim is deceased as a result of the crime or offense, the school must provide the results of the disciplinary hearing to the victim's next of kin, if so requested. Please note; nothing in the law shall be construed to permit a school to take retaliatory action against anyone with respect to the implementation of the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act".
- Any student or employee who reports to the Institute that they have been a victim of one of the aforementioned crimes shall be provided with a written explanation of their rights and options, regardless of whether the crime took place on or off campus.
- All current students and employees will be made aware of incidents of sexual assault and other crimes via this Campus Crime Report publication, which is distributed to all employees in their employment packet and to students on their first day of classes. This report is updated annually and is distributed to both new and current students and employees.

### **Sexual Assault Prevention Programs/Reporting Procedures**

Northwestern Technological Institute has established an ongoing primary prevention program for incoming students and new employees, to help prevent as well as promote awareness of dating violence, domestic violence, sexual assault and stalking as well as offer procedures to follow if an offense has occurred. Northwestern Technological Institute requires all new employees to complete on-line VAWA training when first hired as an effective primary prevention program and campaign. In addition, trained staff review VAWA

training materials with incoming students during the time in which they complete their enrollment paperwork. Ongoing prevention and awareness campaigns for students and employees are programs sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

Primary prevention programs are initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

In effort to provide a safe environment for our students, staff, and faculty, Northwestern Technological Institute provides prevention and awareness programs (referenced above) to enhance awareness of sexual assault and the condition that fosters this offense on school campuses. Northwestern Technological Institute undertakes efforts to safeguard the rights and interests of the survivor and pursues sanctions against the perpetrator(s) of sexual assault. Any individual who has been sexually assaulted, including date or acquaintance rape, is strongly encouraged to report the incident to the local police (if off-campus), the School Director (Title IX Coordinator) as well as any civil authorities that an individual deems appropriate. Furthermore, Northwestern Technological Institute prohibits any and all retaliation by its faculty and staff against a person who exercises his or her rights or responsibilities under any provision of the Campus SaVE Act.

Sex crimes, including but not limited to sexual assault, domestic violence, dating violence, and stalking, represent violations of criminal and civil law, and constitute a serious breach of student or employee conduct. All parties engaging in sexual activity must be based upon explicit consent among the parties. Verbal communications of non-consent, non-verbal acts of resistance or rejection, or mental impairment of the victim due to any cause including the victim's use of alcohol or drugs may constitute lack of consent. The use of alcohol or drugs will not be accepted as an explanation for the actions of any individual charged with a violation of this policy.

### **Educational Programs**

In compliance with the SaVE act requirements for primary prevention and awareness of these offenses, Northwestern Technological Institute has implemented an educational program for students, staff, and faculty to prevent and promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking which shall include primary prevention and awareness programs for incoming students and new employees, as well as ongoing prevention awareness programs for students and faculty, that includes, but is not limited to the following:

- Sexual Violence Prevention and Awareness Training (presented at time of student's enrollment with the School).
- Widespread distribution and publication of campus security information.
- Nationally recognized handouts available (School Library) on awareness and prevention of Sexual Violence.
- Training for School Officials on Campus Sexual Violence.
- Distribution of Campus Sexual Misconduct Policy.

### **Campus Sex Crimes Prevention Act - Sex Offender Information**

In accordance with the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, Northwestern Technological Institute is providing a link to the State of Michigan Sex Offender Registry. This act requires Institutions of higher education to provide a method whereby the campus community can obtain law enforcement information provided by the State concerning registered sex offenders. The Michigan State Police is responsible for maintaining this registry. Follow the link to access the Michigan State Police Website at <http://www.mipsor.state.mi.us/>. Information is also available in the United States Department of Justice national sex offender registry at <http://www.nsopw.gov/core/portal.aspx>.

### **Sexual Assault Policy & Procedures**

It is Northwestern Technological Institute's policy that any form of sexual assault is strictly prohibited. The Institute will make all responsible efforts to maintain a campus environment free from sexual assault.

### **What is Sexual Assault?**

The Campus SaVE Act defines Sexual Assault, as an offense classified as a forcible or non-forcible sex offense under the Uniform Crime Reporting (UCR) system of the Federal Bureau of Investigation. The State of Michigan defines Sexual Assault (often known as rape) as forcing or coercing an individual to engage in any non-consensual sexual contact or sexual penetration. In Michigan, the law regarding sexual assault is called the Criminal Sexual Conduct Act. It is gender neutral and includes marital, stranger, date, acquaintance, and child sexual assault.

There are four degrees of criminal sexual conduct. First and third degrees involve forced or coerced penetration. This can involve vaginal, anal or oral intercourse, or putting a finger or object in another person's genital or anal opening. The second and fourth degrees involve forced or coerced sexual contact. This includes touching the groin, genital area, inner thighs, buttocks, breasts or the clothing covering these parts.

How serious the crime is considered by the prosecutor depends on various factors such as: more than one assailant, a weapon, a physical injury other than sexual assault, extortion or the element of surprise. The charges of criminal sexual assault are viewed as more serious if the victim is under 13 years of age, from 13-15 years of the age and the assailant is a member of the family or in a position of authority over the victim, such as a teacher, counselor, clergy or doctor. Criminal sexual conduct does not require a witness other than the victim. It is also a crime if the assailant is your dating partner or spouse ([www.michigan.gov/datingviolence](http://www.michigan.gov/datingviolence)).

### **Sexual Harassment**

Sexual harassment defined by the State of Michigan as the unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature under the following conditions ([www.legislature.mi.gov/](http://www.legislature.mi.gov/)):

- Submission to the conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or public services, education, or housing.
- Submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting the individual's employment, public accommodations or public services, education, or housing.
- The conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment.

### **Domestic Violence**

Domestic Violence is defined by the State of Michigan as the occurrence of any of the following acts by a person that is not an act of self-defense: causing or attempting to cause physical or mental harm to a family or household member; placing a family or household member in fear of physical or mental harm; causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress; and/or engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested (<http://www.michigan.gov/dhs>). Further, the act defines "family or household member" to include any of the following:

- A spouse or former spouse.
- An individual with whom the person has or has had a dating relationship.
- An individual with whom the person is or has engaged in a sexual relationship.
- An individual to whom the person is related or was formerly related by marriage.
- An individual with whom the person has a child in common.
- The minor child of an individual described in the above bullet points.

### **Dating Violence**

Dating violence is a pattern of assaultive and controlling behaviors that one person uses against another in order to gain or maintain power and control in the relationship. The abuser intentionally behaves in ways that cause fear, degradation and humiliation to control the other person. Forms of abuse can be physical, sexual, emotional and psychological. Victims and abusers come from all social and economic backgrounds, faith communities, and racial and ethnic backgrounds. Abuse also occurs in same-sex relationships. Both females and males can be victims of dating violence, but numerous studies reveal the reality that the majority of victims are females (usually more than 95 percent). Victims are often referred to as females and abusers as male. That reference does not change the fact that every survivor -- male or female -- deserves support, options, resources and safety.

Abusers attempt to control their partners in a variety of ways. The following is a list of common controlling behaviors:

- **Isolation:** Trying to cut off the victim's relationship with family and friends; using jealousy to justify behavior.
- **Emotional:** Humiliating the victim in front of friends or making the victim feel guilty when she confronts the abuser about the abuse.

- **Intimidation:** Making the victim fearful by using threatening behavior, abuse of animals, verbal aggression or destruction of property.
- **Coercion:** Threatening to find someone else if the dating partner doesn't comply with the abuser's wishes or demands. Threats to harm self or others if the dating partner leaves.
- **Physical:** Using or threatening to use physically assaultive behaviors such as hitting, shoving, grabbing, slapping, beating, kicking, etc.
- **Sexual:** Touching or forcing the victim to engage in unwanted sexual activity.

At the beginning stages of the dating relationship, these behaviors may not be apparent or the use of them is so subtle that they may be mistaken for the abuser's caring and concern. For example, the abuser may suggest that the couple spend all their time together because when they are apart, they will miss each other. If the victim spends time with other friends, the abuser may appear to be sad or disappointed. As the relationship becomes more involved, the abuser may gradually escalate the use of these behaviors to include severe jealousy, which is not a sign of love as many in our society believe ([www.michigan.gov/datingviolence](http://www.michigan.gov/datingviolence)).

### **Stalking**

Stalking is defined as 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 (Michigan Penal Code MCLA750.411 h). In this definition, "willful course of conduct" refers to a pattern of behavior made up of a series of two or more separate non-continuous acts which share the same purpose. The term harassed is defined as repeated or continuing unconsented contact directed toward a victim resulting in emotional distress [https://www.michigan.gov/documents/mdch/Stalking\\_Brochure\\_2\\_175588\\_7.pdf](https://www.michigan.gov/documents/mdch/Stalking_Brochure_2_175588_7.pdf).

### **Definition of consent applicable to sexual conduct and the role of alcohol and drugs:**

Currently, the State of Michigan does not provide a specific definition for the term "consent". The standard used in the sexual assault statutes is whether the accused used "force or coercion to accomplish the sexual [act]." (<https://apps.rainn.org/policy/policy-crime-definitions-export.cfm?state=Michigan&group=9>).

### **Communicating Consent:**

- Consent to sexual activity can be communicated in a variety of ways, but one should presume that consent has not been given in the absence of a clear, positive agreement.
- While verbal consent is not an absolute requirement for consensual sexual activity, verbal communication prior to engaging in sex helps to clarify consent. Communicating verbally before engaging in sexual activity is imperative. However potentially awkward it may seem, talking about your own and your partner's sexual desires, needs, and limitations provide a basis for a positive experience.
- Consent must be clear and unambiguous for each participant at every stage of a sexual encounter. The absence of "no" should not be understood to mean there is consent.
- A prior relationship does not indicate consent to future activity.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Consent can be withdrawn at any time.
- Silence or an absence of resistance does not imply consent.
- Coercion, force, or threat of either invalidates consent.

### **Alcohol and Drugs:**

- A person who is asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, is not capable of giving valid consent.
- The use of alcohol or drugs may seriously interfere with the participants' judgment about whether consent has been sought and given.

In Michigan, the age of consent is 16, and people who engage in sexual activity with children who are underage may be convicted of statutory rape (also called criminal sexual conduct). Michigan's laws also prohibit teachers from engaging in sex with students 17 years of age and under. In statutory rape cases, the determinative fact is the age of the child. Even if the underage person pursues or agrees to the sexual relationship, the defendant can still face criminal conviction. Of course, people who commit sex acts against others without their consent can also be convicted of sexual assault or assault and battery.

### **Statutory Rape**

Under Michigan's laws a person commits criminal sexual conduct in the third degree by engaging in sexual penetration (intercourse, oral or anal sex, or digital penetration) with:

- A child under the age of 16 but over the age of 13, or
- A child age 16 or 17 if the defendant is a teacher or school employee.

Any sexual activity (including, but not limited to sexual penetration) with a child under the age of 13 or with a child between the ages of 13 and 16 by an adult who is in the child's family or household or in a position of authority over the child is punished more severely, as first or second degree criminal sexual conduct (Mich. Comp. Laws Ann. §§ 750.520b, 750.520c, 750.520d.).

### **Other Sexual Conduct**

It is a lesser crime (criminal sexual conduct in the fourth degree) to engage in sexual activity short of sexual penetration with:

- A child under the age of 16 but over the age of 13, when the defendant is at least five years older, or
- A child age 16 or 17 if the defendant is a teacher or school employee. (Mich. Comp. Laws Ann. §§ 750.520e.)

### **Child Enticement and Exploitation**

In Michigan, people who lure or encourage children under the age of 16 to engage in any sexual conduct, commit the crime of child enticement, even if no sexual conduct ever results. A common scenario that results in enticement charges is a defendant who meets a child online and arranges to visit the child for sex. Sexual exploitation" includes allowing, permitting, or encouraging a child to engage in prostitution, or allowing, permitting, encouraging, or engaging in the photographing, filming, or depicting of a child engaged in a listed sexual act as defined in section 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c ([www.legislature.mi.gov/](http://www.legislature.mi.gov/)).

### **Risk Reduction to Recognize Warning Signs of Abusive Behavior**

Risk reduction is defined as the 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.

Northwestern Technological Institute has made available to its student body, staff, and faculty, reading material on recognizing the warning signs of abusive behavior as well as information on how to avoid potential attacks. This material is located in the Student Library.

Suggestions to Reduce Risk – On and Off Campus:

- Drink responsibly or not at all.
- Remain Drug-Free.
- Strength in numbers: Have a preplanned signal to let your friend know that you want to leave or if you need help.
- Know your limits. It's never too late to say "no". Never be embarrassed or ashamed to say "no" or ask someone to stop.
- Verbalize your expectations and be up front. A potentially embarrassing conversation could save you from a traumatic situation.
- Trust your gut instinct and guard your personal space. If someone makes you uncomfortable, remove yourself from the situation.
- Believe in yourself. You are in charge of your body and you can say "NO".
- End the night early if your date becomes drunk or abusive. No one deserves physical or emotional abuse.

### **Importance of Preserving Evidence after a Sexual Assault**

Evidence of a sexual assault should be preserved as soon as possible after the incident, even if the reporting student is unsure about reporting a or filing criminal charges.

- A Sexual Assault Forensic Examination (SAFE) will preserve evidence and may be done up to 72 hours after an assault.
- A SAFE may be done regardless of whether or not the student receiving the examination wants to pursue criminal charges.
- The student does not need to provide his/her name to police to have the exam and for the evidence to be preserved.
- Preserving evidence, including from a SAFE, does not obligate the student to pursue criminal charges or appear in court.
- Steps to preserve evidence:
  - Do not shower or douche
  - Try not to urinate. Urinating may reduce the ability to detect “date rape” drugs
  - If there was oral contact, do not smoke, eat, or brush teeth
  - Do not change clothes. If you have already changed your clothes, place them in a paper bag (plastic may destroy evidence) If you haven’t changed, keep the original clothes on and bring an extra set to wear home from the hospital
  - Go to a hospital with the ability of providing a SAFE exam. The cost of a SAFE examination is paid for from a state fund

### **Discussion**

If a student is sexually assaulted, preserving any available evidence, including the results of a SAFE, blood tests for “date rape” drugs, and/or testing urine, allows the student to leave open the option of criminal prosecution in the future without obligating the student to take that step. Moreover, because some kinds of evidence may only be collected within a short period of time after an assault, delaying action to preserve evidence immediately after an assault may reduce the chances for a successful criminal prosecution in the future. After a sexual assault, you may not feel like having a rape kit done or reporting the sexual assault to law enforcement. However, you may still wish to seek medical attention. A Rape Response Services advocate can accompany you to any medical appointment and will not pressure you to file a report to law enforcement or have a Sexual Assault Forensic Examination. What you want to do is always your choice. To reach an advocate, call 1-800-310-0000.

### **Medical Examination without a Police Report**

Hospitals will provide a SAFE, including appropriate blood and urine tests, even if the student does not want to make a police report. These examinations are referred to as “Non-Reporting” SAFEs, or “Jane Doe” examinations. This option allows the student to have potential evidence collected and preserved without giving his/her name to the police, or being obligated to pursue criminal charges. Hospital staff will conduct the non-reporting SAFE in the same manner as if a police report were being made so that the evidence is usable by police detectives and potentially admissible in court. Hospital staff will contact police once the examination is completed. A police officer will respond to collect the evidence and assign a police report number (without the student’s name), and will enter any evidence collected into police evidence. However, the evidence will not be processed or examined by detectives unless the student subsequently makes a report to police.

### **Costs of a SAFE and Medical Care**

The cost of the Sexual Assault Forensic Examination is covered by a state fund. However, if the student requires additional medical care for injuries suffered during the assault or follow up care, those costs may be billed to the student’s health insurance. If criminal charges are filed, a state victim’s compensation fund may cover some or all of the costs for medical care.

### **What is a bystander?**

A bystander is a person or group of people who intervene in a safe and positive way to prevent harm or provide resources to a person in need.

## **Bystander Intervention Options**

Bystander intervention is a primary prevention tool that encourages prevention before it has the potential of possibly happening. Bystander intervention programs teach potential witnesses safe and positive ways that they can act to prevent 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.

### **Why should bystanders be accountable?**

In the past, people were comfortable in a passive role, only being responsible for themselves. The bystander approach acknowledges the fact that we are all interdependent and can all have a positive impact on each other. If we keep our eyes open to potentially dangerous situations, we can step in before something bad happens. As people feel empowered to become “active” bystanders, it will, in turn empower others surrounding them. The goal of this program is engaging members of our campus community to realize its true potential to influence others, and potentially save lives.

### **Risk Reduction:**

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. Risk reduction tips may include but are not limited to:

- Be aware of your surroundings.
- Establish a plan of action.
- Remain calm.
- Ask for help from other bystanders or friends.
- Intervene early and in a safe manner.
- Consider multiple options.
- Don't make assumptions about the people involved or the situation.
- Keep your eyes open for red flags.
- Don't be afraid to call for help.

Remember, that safely stepping into a situation may give the person you are concerned about a chance to get to a safe place or leave the situation. Take the steps to protect someone who may be at risk in a way that fits your comfort level, but that never puts your own safety at risk.

### **Violence Against Women Reauthorization Act of 2013 (VAWA)**

On March 7, 2013 President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA). Among other provisions, this law amended the Clery Act to require postsecondary institutions to include in the Annual Security Report all instances of domestic violence, dating violence and stalking; and instances of gender identity and national origin crimes which fall under the category of Hate Crimes. The Clery Act requires Northwestern Technological Institute to report of the following offenses:

#### **Reportable Offenses under the Clery Act**

- Murder/Non-Negligent Manslaughter
- Negligent Manslaughter
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Sexual Offenses:
  - Rape
  - Fondling
  - Statutory Rape
  - Incest
- Hate Crimes: Where the victim is intentionally selected because of his/her actual or perceived race, gender, religion, sexual orientation, ethnicity, and or disability.
  - Larceny-Theft
  - Simple Assault
  - Intimidation
  - Destruction, damage, or vandalism of property
- Violence Against Women:
  - Sexual Assault
  - Domestic Violence
  - Dating Violence
  - Stalking
- Arrests, or persons referred for campus disciplinary action for liquor law violations
- Arrests, or persons referred for campus disciplinary action for drug-related violations
- Arrests, or persons referred for campus disciplinary actions for weapons possession

### Crime Statistics Table

Category	2020 On- Campus	2020 Public Property	2019 On- Campus	2019 Public Property	2018 On- Campus	2018 Public Property
<b>Criminal Homicides Reported:</b>						
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
<b>Sex Offenses*:</b>						
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Larceny – Theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction \Damage \Vandalism of Property	0	0	0	0	0	0
<b>Violence Against Women:</b>						
Sexual Assault	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
<b>Number of persons arrested or referred for campus disciplinary actions:</b>						
Liquor Law Violations	0	0	0	0	0	0
Drug Related Violations	0	0	0	0	0	0
Illegal Weapons Possession Violations	0	0	0	0	0	0
<b>Number of unfounded Crimes:</b>						
	0	0	0	0	0	0

*On-Campus* is defined as any building or property owned or controlled by the institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to its educational purposes. Northwestern Tech does not own the building in which it is located, however, as a tenant; the Institute does control all of the 1<sup>st</sup> and 2<sup>nd</sup> floors as well as a majority of the 3<sup>rd</sup> Floor.

*Public Property* is defined as all public property including thoroughfares, streets, sidewalks, and parking facilities that is within the same campus or immediately adjacent to and accessible from the campus. This would not include, for example, highways that are adjacent to the campus, but that are separated from the campus by a fence or other man-made barrier. Northwestern Technological Institute is surrounded on three sides primarily by adjacent office and/or commercial, privately owned buildings. Immediately in front of the Institute is the Lodge Freeway/Northwestern Highway Service Drive.

*\*Victims of a sexual assault are encouraged to report the crime immediately, and directly to the Title IX Coordinator (School Director; Lorne Gauthier).*

## **Definitions: as Defined by the Federal Bureau of Investigation's Uniform Crime Reporting Program's (UCR) Summary Reporting System**

### **Murder/Non-Negligent Manslaughter**

The willful (non-negligent) killing of a human being by another.

### **Negligent Manslaughter**

The killing of another human being through gross negligence.

### **Sex Offenses:**

- Rape: 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.
- Forcible Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest: Sexual intercourse between persons who are related to each other within the degree wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

### **Robbery**

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

### **Aggravated Assault**

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

### **Burglary**

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

### **Motor Vehicle Theft**

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

### **Arson**

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

### **Hate Crimes**

Any criminal act against a person, group of persons, or the property of any person or group of persons involving one or more of the above listed crimes, or the crimes of Simple Assault, Intimidation, Vandalism, and Larceny which was motivated by a bias against the victim's ethnicity, race, national origin, religion, gender, gender identity, sexual orientation, gender identity, disability or the perception that the person or group has one or more of these characteristics.

- **Simple Assault**

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

- **Larceny – Theft**

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.

- **Intimidation**

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

- **Destruction\Damage\Vandalism of Property**

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### **Liquor Law Violations**

The violation 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.

### **Drug Related Violations**

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. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

### **Illegal Weapons Violations**

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.

### **Violence Against Women Reauthorization Act (VAWA):**

#### **Sexual Assault**

The term “sexual assault” covers behavior from unwanted touching to rape. Each state has its own legal definition and code, and thus definitions of acts that constitute sexual assault vary. These definitions are gender neutral because sexual assault happens to both males and females, although the vast majority of sexual assault victims are females. Rape, as defined by the UCR is 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.

### **Dating Violence**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type or relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purpose of this definition:
  - A social relationship of a romantic or intimate nature means a relationship which is characterized by the expectation of affection or sexual involvement between the parties.
  - Dating violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual or physical abuse.
  - Dating violence does not include acts covered under the definition of domestic violence.

### **Domestic Violence**

Domestic violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual, or physical abuse.

- A felony or misdemeanor crime of violence committed
  - By a current or former spouse or intimate partner of the victim;
  - By a person with whom the victim shares a child in common;
  - By a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner;

- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or,
- 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.

### **Stalking**

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
  - Fear for his or her safety or the safety of others; or
  - Suffer substantial emotional distress.
- For the purpose of this definition
  - Course of conduct is defined as two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
  - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.