

# FINLANDIA

---

## UNIVERSITY

### **2018-2019 Annual Security and Fire Safety Report**

**Published: September 26, 2019**



**DISTRIBUTION:** U.S. Department of Education  
University Employees  
Enrolled Students  
Prospective Students  
Public; upon request

## **INTRODUCTION**

### **University Mission Statement**

Finlandia University is a learning community dedicated to academic excellence, spiritual growth, and service. With its dedicated faculty and diverse student body, the university fosters intellectual challenge, open dialogue, service to others, and an entrepreneurial response to a world characterized by change.

### **University Size**

Finlandia University Enroll approximately 500 students from across the US and worldwide.

### **University History**

Founded in 1896, Finlandia University is a private, not-for-profit, co educational liberal arts college affiliated with the Evangelical Lutheran Church in America. It is located in the town of Hancock, in Michigan's Upper Peninsula. Finlandia competes in NCAA Division III athletics in 13 programs. Finlandia University is accredited by the Higher Learning Commission of the North Central Association for Colleges and Schools. At Finlandia you can earn degrees in the disciplines of Art and Design, Business Administration, Liberal Studies, and Health Science.

### **Annual Security Report**

At Finlandia University, the safety and security of our community is our primary concern. The Campus Safety & Security Department, in cooperation with other campus departments, works diligently to maintain and promote a safe learning environment.

In 1990 the Student Right to Know and the Campus Security Act was designed to "assist students in making decisions which affect their personal safety..." and "...to make sure institutions of higher education provide students, prospective students, faculty, and staff the information they need to avoid becoming the victims of campus crime." The Higher Education Act of 1998 and the subsequent amendment of the implementing regulations significantly expanded institutions' obligations under the Act. The Act was also renamed the "Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act." The Clery Act requires colleges and Universities to:

- Publish an annual report every year by October 1<sup>st</sup> that contains three years of campus crime statistics and certain campus security policy statements
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non campus facilities. The statistics must be gathered from campus police or security, local law enforcement, and other College officials who have significant responsibility for student and campus activities
- Provide "timely warning" notices of those crimes that have occurred and pose an ongoing "threat to employees and students".
- Disclose in a public crime log "any crime that occurred on campus ...or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department".

Campus community members are reminded that safety and security is everyone's responsibility and that our campus is made safer by each individual's actions and reporting.

### **Campus Safety & Security Services**

The Campus Safety and Security Department is located on the first floor of Finlandia Hall, located at 625 Summit Street. The Department is staffed 24 hours per day, 7 days per week. The Department is managed by the Director of Campus Safety & Security and is assisted by Campus Security Officers. The Office of Campus Safety and Security can be contacted at (906) 487-7307 or (906) 370-7307.

The Department provides campus patrols, access control to facilities, maintains key control, and issues vehicle permits to faculty, staff, students, and visitors. Identification cards are issued to students and employees. The Department enforces University parking policies and the Student Code. Additionally, it reports and investigates campus crimes and accidents. The Department maintains a Daily Complaint Log, central Lost & Found depository and compiles annual statistical data. CSSD is responsible for emergency planning and management, and ensuring compliance with regulations and laws of the state and federal governments. The Department works closely with the Hancock City Police and maintains liaison with other local, state, and federal agencies.

## **Enforcement**

The Department of Campus Safety and Security officers are responsible for enforcing the Student Code (residence life staff have the specific responsibility of enforcing the Student Code within the residence hall). Although officers of the Department of Campus Safety and Security have the specific responsibility of enforcing the Student Code for the entire campus setting, including the main campus and satellite campus sites of Finlandia University, the residence hall, and all events sponsored by the university, on or off campus, members of the university community are encouraged to hold each other accountable for the acceptable standards of behavior as outlined in the Student Code.

The Director of Living and Learning and/or designee(s) is responsible to mediate the disciplinary process of the Student Code. Violations of the Student Code reported to the Department of Campus Safety and Security are submitted to the Director of Living and Learning office in an incident report. Campus security will work with the Director of Living and Learning office in cases where criminal charges may be appropriate.

## **Reporting Crime or Emergencies**

The CCSD must be promptly notified in all cases involving loss, crime, suspicious activity, personal injury, safety hazards, auto accidents, or fire occurring on the campus of Finlandia University. CCSD can be reached at 487-7307 (ext. 307 on-campus) or 370-7307.

In the interest of personal and community safety, victims or witnesses of such events have a duty to report them. All campus community members share responsibility for the maintenance of safety and security at Finlandia University. The choice to prosecute an alleged offender generally rests with the victim of a crime. Crimes against the university will be acted upon by DCSS and prosecution and/or restitution shall be sought. To ensure safety, the CCSD must be notified of any potential threats or actions taken against or arranged by community members, such as a Personal Protection Order issued by a court prohibiting stalking, appearance at work/school, etc. If you have questions or concerns, contact the director of DCSS at 487-7307 (ext. 307 on-campus).

## **Relationship between Finlandia University and Local Law Enforcement**

The Department of Campus Safety & Security maintains a collegial working relationship with the City of Hancock Police Department and Houghton County Sheriff's Department, but since Campus Security is not a sworn law enforcement agency, there are no written agreements. Campus Security and local police officers and investigators regularly communicate at the scene of incidents and at other times around the campus area. It is important for police officers to be familiar with the Finlandia University campus and its facilities.

## **Finlandia University Emergency Response & Recovery Plan**

Anticipating the possibility of an emergency or major disaster on campus, Finlandia University has instituted an Emergency Response & Recovery Plan which is available by contacting the Finlandia University Department of Campus Safety & Security. The University will provide electronic copies of the plan at the beginning of each semester as well as during student orientation. No Emergency Response Plan can be all inclusive, but this plan has been developed to guide and assist in times of great emergency.

The Finlandia Emergency Response & Recovery Plan establishes a basic guide to faculty, staff and students for responding to major emergencies on the Finlandia University Campus. The Plan describes the roles and responsibilities of the various departments and personnel during an emergency situation. Personnel with specific responsibilities to be carried out during an emergency at both a departmental and university level are expected to understand the procedures for which they are responsible.

The Emergency Response & Recovery Plan is designed to protect lives and property through effective use of university and community resources. The Plan identifies specific departments and individuals that are responsible for emergency response with critical support services and it provides a management structure for coordinating and deploying essential resources.

## **POLICIES APPLICABLE TO COMMUNITY MEMBERS**

The policies adopted by the University are maintained by the Campus Safety and Security Department and reviewed annually by the Director of CSSD in collaboration with other University officials to ensure compliance with Federal directives. The policies listed below apply to all campus community members defined as; an employee, student, or visitor. The student handbook contains the full text of all policies regarding students. Every student will receive a copy of the student Handbook. Employees of the University will also receive a copy of an Employee Handbook upon hire and will receive a copy of the student handbook electronically.

### **A. General Campus Safety & Security Policies, Plans, and Guidelines**

- University Parking Policy
- University Emergency Response Plan
- University Key Control Policy
- University Employee Driver's Policy
- University Search and Seizure Policy
- University Use of Force Policy
- Self-Defense Spray Registration Guidelines

### **B. Campus Security Act & Clery Act – Required Policies**

- University Crime Reporting and Emergencies
- University Security and Access Control to Facilities
- University Enforcement and Arrest Authority of CSSD Personnel
- Responsibility for One's Own Security & Security of Others
- University Crime Prevention Programming
- University Prohibition of Alcohol & Drugs
- University Crime Statistics
- University Equal Opportunity, Harassment and Nondiscrimination Policy and Procedures
- University Weapons Policy
- University Drug Enforcement Policy
- University Residence Hall – Security & Fire Safety
- University Timely Warning Policy
- University Missing Student Policy

### **C. Timely Warning Policy/Emergency Notification**

The Finlandia University Department of Campus Safety & Security is responsible for providing timely information to the campus community when a threat exists. The decision to issue a timely warning to the Finlandia Campus rests with the Director of Campus Safety & Security.

A Campus Crime Alert will be distributed as soon as possible after an incident is reported. Finlandia University provides this information to the campus community in a timely manner with the intent that members may adjust their work or study patterns or habits to ensure a heightened degree of personal safety awareness within their lives.

Campus Crime Alerts are issued in two formats- hardcopy and electronic postings. Information will be disseminated through posted notices in campus buildings and on bulletin boards. They are posted in the residence hall and academic buildings by staff from the Department of Campus Safety & Security and the Department of Living and Learning. Electronic notices of the alerts are sent via e-mail and text messaging to students and employees.

In order to receive Campus Crime Alerts via text message, Finlandia University community members are required to independently register to Tatango by texting "FUALERT" to 33733. Subscription to the Tatango system, which is a free service, is open and available to all Finlandia University community members.

### **D. Missing Student Policy**

**Scope:** This policy applies to students who reside in campus housing.

**Purpose:** The purpose of this policy is to establish procedures for the college's response to reports of missing students, as required by the Higher Education Opportunity Act. For purposes of this policy, a student will be considered missing, if a roommate, classmate, faculty member, family member or other campus person has not seen

the person in a reasonable amount of time. A reasonable amount of time may vary with the time of day and information available regarding the missing person's daily schedule, habits, punctuality, and reliability. Individuals will be considered missing immediately, if their absence has occurred under circumstances that are suspicious or cause concerns for their safety. If the initial report that a person is missing is made to a department other than the Department of Campus Safety and Security, the employee receiving the report will ensure that the Department of Campus Safety is contacted immediately.

Procedure: Procedures for designation of emergency contact information

1) Students age 18 and above and emancipated minors

Students will be given the opportunity during each semester registration process to designate an individual or individuals to be contacted by the college "in case of emergency". In the event a student is reported missing college personnel will attempt to contact his/her emergency designee no more than 24 hours after the time that the student is determined to be missing in accordance with the procedures set forth below. An emergency contact designee will remain in effect until changed or revoked by the student.

2) Students under the age of 18

In the event a student who is not emancipated is determined to be missing pursuant to the procedures set forth below, the college is required to notify a custodial parent or guardian no more than 24 hours after the student is determined to be missing in accordance with the procedures set forth below.

Official Notification Procedures for Missing Persons

- a) Any individual on campus who has information that a residential student may be a missing person must notify the Department of Campus Safety and Security as soon as possible.

Note: In order to avoid jurisdictional conflicts when a commuter student is believed to be missing, the reporting person should immediately notify local law enforcement authorities. The Department of Campus Safety and Security will assist outside agencies with these investigations as requested.

- b) The Department of Campus Safety and Security will gather information about the residential student from the reporting person and from the student's acquaintances (description, clothes last worn, where student might be, who student might be with, vehicle description, information about the physical and mental well being of the student, an up-to-date photograph, class schedule, etc.). Appropriate campus staff will be notified to aid in the search for the student.
- c) If the above actions are unsuccessful in locating the student within 4 hours of the report or it is apparent immediately that the student is a missing person (e.g., witnessed abduction), the Department of Campus Safety and Security will contact the Hancock Police Department to report the student as a missing person and the local law enforcement agency will take over the investigation.
- d) No later than 24 hours after determining that a residential student is missing, the director of student affairs or designee will notify the emergency contact (\*for students 18 and over) or the parent/guardian (for students under the age of 18) that the student is believed to be missing.

**E. Daily Complaint Log Policy**

The Department of Campus Safety & Security maintains a daily complaint log that is available for public inquiry. Disclosure of log activities is restricted to the type of incident, time, date, and location. Names of victims or the accused are not released. CSSD reserves the right to preserve confidentiality in private investigations and safeguarding the confidential nature of open law enforcement investigations.

**SEX OFFENDER INFORMATION**

The Federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus how to obtain state law enforcement agency information concerning registered sex offenders. Information regarding registered sex offenders can be obtained from the Michigan Sex Offender Registry, located at [www.mipsor.state.mi.us](http://www.mipsor.state.mi.us)

**DRUG-FREE AND ALCOHOL-FREE SCHOOLS AND COMMUNITIES – ADVISORY**

**POLICY REGARDING THE USE OF DRUGS AND ALCOHOL BY STUDENTS**

The university's policy is to conform to all applicable laws (Michigan Health and Safety Code) and follows the

current stance of the medical and mental health professions regarding the use of psychoactive substances including stimulants, depressants, narcotics, inhalants, hallucinogens and marijuana.

The University expects all students and student groups to comply with all local, state, and federal laws. It is the responsibility of each individual to be aware of, and abide by, all federal, state, and local ordinances and university regulations.

Student involvement in underage consumption of alcohol, or the manufacture, use, possession, distribution or sale of illegal drugs (including the improper use of prescription drugs) is a matter of concern to the university and will subject a student so involved in disciplinary action by the university. Dependent upon the nature of the violation, assessing university sanctions may include educational intervention, fines, mandated community reparations, suspension, or expulsion aside from or in addition to prosecution under applicable state and federal laws. University action may be taken whether or not independent action is taken by civil authorities.

### **HEALTH RISKS ASSOCIATED WITH THE USE, MISUSE, OR ABUSE OF ALCOHOL AND DRUGS**

The use, misuse, or abuse of alcohol and other drugs is detrimental to the health of the user. Further, the use of drugs and alcohol is not conducive to an academic atmosphere. Drugs, including alcohol, impede the learning process and can cause disruption for other students and disturb academic activities. The use of alcohol and drugs in the work place may also impede the employee's ability to perform in a safe and effective manner, and may result in injuries to self or others. Early identification and treatment of alcohol and drug abuse is in the best interest of both the user and the university. The following is a partial list of drugs and the consequences of their use, misuse or abuse.

#### **ALCOHOL**

Alcohol is chemically classified as a mind-altering drug because it contains ethanol and has the chemical power to depress the action of the central nervous system. This depression affects motor coordination, speech, and vision. In large amounts, it can affect respiration and heart rate. Chronic alcohol abuse can lead to alcoholism, malnutrition, and cirrhosis of the liver. Alcohol abuse by pregnant women can cause fetal alcohol syndrome, the third leading cause of birth defects in the United States. Alcohol, in combination with other drugs, can be fatal. Traffic accidents involving drunk drivers, cirrhosis of the liver, other accidents involving alcohol, homicides where alcohol was consumed by a principal, alcohol-related suicides, and alcohol/drug combination overdoses cause over 250,000 deaths each year nationwide.

#### **MARIJUANA**

Marijuana is harmful to the health and impairs the short-term memory and comprehension of the user. Marijuana alters a person's sense of time and reduces the ability to perform tasks requiring concentration and coordination. It increases the heart rate and appetite. Motivation and cognition can be altered, making the acquisition and retention of new information difficult. Unlike alcohol, which is absorbed at the rate of one drink per hour, marijuana takes between five and eight days for half of the THC content (the main psychoactive ingredient in marijuana) of a single marijuana cigarette to be eliminated completely. One of the physical dangers of smoking marijuana is damage to the lungs. Marijuana has up to 50% more cancer-causing tars than tobacco. Because people who smoke marijuana usually hold it in their lungs as long as possible, the damage from the smoke is greatly increased. Marijuana may also cause a decrease in the production of the primary sex hormone, testosterone. It can also reduce the amount of sperm produced, but cannot be relied upon as a form of birth control. In women, heavy marijuana use can cause disruptions in the menstrual cycle.

#### **SYNTHETIC MARIJUANA (SPICE/K2)**

This is a fairly new drug. Studies and research into its use are limited. Initial reports and studies suggest that synthetic marijuana can cause acute psychosis, and may trigger a chronic psychotic disorder in someone who has a family history of mental illness. Other side effects reported are vomiting and agitation.

#### **AMPHETAMINES (SPEED, UPPERS)**

Amphetamines stimulate the central nervous system, increasing heart rate and blood pressure which can result in a stroke or heart failure. Deaths from heart failure have occurred among athletes who use amphetamines to increase energy, alertness, and endurance. Symptoms of amphetamine abuse include dizziness, sleeplessness and anxiety. Amphetamine use can also lead to psychosis, hallucinations, and paranoia. Overdoses may be followed by chills, collapse, and loss of consciousness. Prolonged use of amphetamines to counter fatigue is a form of psychological dependence.

#### **SEDATIVES (BENZODIAZEPINES)**

Common sedatives are Valium, Xanax, and Ativan, often prescribed for anxiety, insomnia, or agitation. When used as prescribed, these medications are generally safe and effective for short-term use. However, dependence can occur

with long-term use, with the possibility of withdrawal symptoms when discontinued. Common side-effects of benzodiazepines include, feeling drowsy or sleepy, dizziness, inability to concentrate, and lack of coordination. Abuse can intensify these effects and overdose can cause deep unconsciousness. Damage to the liver is also a potential risk in long-term use or misuse.

### **COCAINE/CRACK**

Cocaine and crack stimulate the central nervous system and are extremely addictive. They can cause psychological and physical dependency. Symptoms of cocaine or crack use include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, paranoia, and seizures. Repeated users of cocaine can also experience restlessness, extreme excitability, and anxiety. Chronic users suffer loss of appetite and weight, dehydration, constipation, rapid tooth decay, and difficulty urinating. Death can also be the result of cocaine or crack use. People who inject cocaine intravenously are at increased risk of overdose and infection, including AIDS from the use of non-sterile needles. A real danger for all cocaine users is that it can quickly produce both physical and psychological addiction. Cocaine may be the most powerful of all illicit drugs in producing psychological dependency.

Crack is the name for free-base cocaine that has been processed into crystals. Because crack is smoked, the effects of the drug are immediate and intense. The immediate effect of crack may dramatically and dangerously increase blood pressure and heart rate. Crack users may develop a chronic sore throat and hoarseness; lung damage can result from continuous use. An acute overdose could result in a heart attack or respiratory arrest.

### **HEROIN**

Heroin is a derivative of morphine. It is two-to-three times more potent as an analgesic pain reliever than morphine. Users of heroin experience euphoria and elevated sensory stimulation. Physical dependence is believed to develop very quickly. Health risks of heroin use include malnutrition caused by the drug's repression of hunger. The use of non-sterile needles to inject the drug can spread diseases such as AIDS. Heroin use can lead to overdose and possible death.

### **HALLUCINOGENS (PCP, LSD, ECSTASY)**

Use of these drugs cause hallucinations (to see or hear things that aren't there). Hallucinogens interrupt the brain messages that control the intellect and instincts. Use of these drugs causes a distortion of reality that may cause individuals to ignore dangerous situations. Use of some hallucinogens may cause sudden bizarre changes in behavior that could include violent acts toward others, "rebound" effects such as loss of concentration and memory, or behavioral problems, even when the dose has worn off. Large doses can produce convulsions, coma, and heart and lung failure. Chronic users complain of persistent memory and speech difficulties for up to a year after use. Because these drugs stop the brain's pain sensors, hallucinogenic drug experiences may result in severe self-inflicted or other types of injuries.

### **ROHYPNOL**

Rohypnol, a brand name for flunitrazepam, is generally in the form of white tablets and taken orally. Rohypnol is odorless and tasteless. It is known as the "date rape drug" because, when dropped into a drink, it causes blackouts which can lead to a potential rape situation. Only 10 minutes after ingesting Rohypnol, a person may begin to feel dizzy, disoriented, too hot and too cold, and nauseated. He/she then may have a difficult time speaking, followed by passing out. Sedation occurs 20-30 minutes after administration. A 2-mg tablet lasts approximately 8 hours. The person has no recollection of the events that occur while under Rohypnol's influence.

Other names for Rohypnol are roofies, rophies, ropies, ruffies, roche, la rocha, roachies, rope, R2, Mexican Valium, rib, roofenol, and robe.

Rohypnol is ten times stronger than Valium. Immediate effects include blackouts, amnesia, muscle relaxation, decrease in psychomotor performance, drowsiness, dizziness, disorientation, nausea, loss of inhibition, sense of fearlessness, and aggressiveness.

### **ALCOHOL ENERGY DRINKS**

Alcohol energy drinks were banned in Michigan in 2010. Alcohol is a depressant, while caffeine is a stimulant. Combining the two causes the user to feel less impaired than he or she really is, and therefore more likely to feel sober enough to drive or continue to drink, raising the blood alcohol content to dangerous levels.

### **"BATH SALTS"**

"Bath Salts," also known as "Ocean Snow," "Vanilla Sky," "White Lightning," and other names is a synthetic powder that contains amphetamines. "Bath Salts" can be taken orally, by inhalation, or by injection. These present a high abuse and addiction liability. In 2011, "bath salts" have been linked to a large number of ER visits after users experienced symptoms of chest pain, high blood pressure, increased heart rate, agitation, hallucinations, extreme

paranoia, and delusions.

### **PRESCRIPTION DRUG ABUSE**

If you take a prescription drug that is not your own, other than prescribed, or to increase a feeling it causes, it is considered abuse. The risks most associated with prescription drug abuse are addiction and overdose. All prescription drugs have potential side effects, and there may be serious consequences when mixed with other drugs or taken when you have certain medical conditions.

The university provides counseling and referral services for students and faculty concerned about alcohol and drug abuse. A variety of community and county resources are also available to assist individuals who need help. Additional information and confidential assistance may be obtained by calling the Dean of Students at 487-7324.

## **TREATMENT FACILITIES**

### **ASSESSMENT & REFERRAL SERVICE**

Western U.P. Substance Abuse Service

Coordinating Agency & Assessment Service

902 W. Sharon Ave.

Houghton, MI 49931

906-482-7473

<http://www.wupsasca.org/agency.index.html>

WUPSASCA is a private, non-profit, non-stock corporation designated to coordinate the delivery of comprehensive substance abuse prevention, treatment, and rehabilitation services, primarily through a contractual format with a network of service providers.

### **INPATIENT & OUTPATIENT TREATMENT**

Phoenix House Office

57467 Waterworks Street

Calumet, MI 49913

906-337-0763

[info@phoenixhouse.com](mailto:info@phoenixhouse.com)

[www.phoenixhouse.com](http://www.phoenixhouse.com)

Great Lakes Recovery, Inc.

Marquette, MI 49855

1-888-457-2732

<http://www.greatlakesrecovery.org/>

### **LOCAL COUNSELING SERVICES**

Northstar EAP

Jutila Center 3<sup>rd</sup> Floor

Hancock, MI 49930

906-225-3145

<http://northstareap.com/appointment-request/>

Copper Country Community Mental Health

901 Memorial Drive

Houghton, MI 49931

Access Screening: 1-888-906-9060

Copper Island Behavioral Health

Thomas Collins, LMSW, LPC, CAAC

810 West Quincy St.



Hancock, MI 49930  
906-482-9440

Dial Help, Inc. (counseling, driver's license restoration assessments, alcohol highway safety)  
609 Sheldon Ave.  
Houghton, MI 49931  
906-482-9077  
<http://www.dialhelp.org>

Indigo Creek Counseling Center  
Kim Menzel, LMSW, ACSW  
200 Michigan St. (Jutila Center)  
Hancock, MI 49930  
906-281-4852

Portage Psychological Services  
301 W. Lakeshore Ave.  
Houghton, MI 49931  
906-281-3459

Psychology Associates  
Susan Donnelly, PhD, LP & Robert Sharkey, PhD, LP  
56730 Calumet Ave.  
Calumet, MI 49913  
906-337-6839

#### SPECIALTY COUNSELING

Barbara Kettle Gundlach Shelter Home  
Free shelter and/or counseling for abused women  
P.O. Box 8  
Calumet, MI 49913  
906-337-5623

Rev. Kathryn Salmi, LPC, Christian Counseling  
100 W. Quincy St.  
Hancock, MI 49930  
906-482-2231

#### SUPPORT GROUPS

Alcoholics Anonymous  
906-482-7778  
Smart Recovery  
906-337-2310

**Equal Opportunity, Harassment and Nondiscrimination**  
**CIVIL RIGHTS EQUITY GRIEVANCE RESOLUTION FOR ALL STUDENTS, FACULTY, AND**  
**STAFF:**

**POLICY AND PROCEDURES:**

**Equal Opportunity, Harassment and Nondiscrimination**

Finlandia University affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. All policies below are subject to resolution using the University's Equity Grievance Process, as detailed below. The Equity Grievance Process is applicable regardless of the status of the parties involved, who may be members or non-members of the campus community, students, student organizations, faculty, administrators and/or staff. Finlandia University reserves the right to act on incidents occurring on-campus. The University also reserves the right to act on incidents occurring off-campus, when the off-campus conduct could have an on-campus impact or impact on the educational mission of Finlandia University.

The Director of Institutional Equity and Diversity serves as the Chief Equity Coordinator and oversees implementation of Finlandia University's Affirmative Action and Equal Opportunity plan and the University's policy on equal opportunity, harassment and nondiscrimination. Reports of discrimination, harassment and/or retaliation should be made to the Chief Equity Coordinator or Deputy Equity Coordinators promptly, but there is no time limitation on the filing of complaints. Note, however, that the institution's response may be more limited if the accused individual was a guest or is no longer subject to the University's jurisdiction. Reporting is addressed more specifically in Section 7: *Confidentiality and Reporting of Offenses Under This Policy*, below.

This policy applies to behaviors that take place on the campus, at Finlandia University-sponsored events and may also apply off-campus and to actions online when the Chief Equity Coordinator determines that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include, but is not limited to:

- a) Any action that constitutes criminal offense as defined by federal or state or local law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the municipality where the Finlandia University is located;
- b) Any situation where it appears that the accused individual may present a danger or threat to the health or safety of self or others;
- c) Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- d) Any situation that is detrimental to the educational interests of the University.
- e) Any online postings or other electronic communication, including cyber-bullying, cyberstalking, cyber-harassment, etc. occurring completely outside of university control (e.g. not on Finlandia University networks, websites or between Finlandia University email accounts) will only be subject to this policy when those online behaviors can be shown to cause a substantial on-campus disruption.

Inquiries about this policy and procedure may be made internally to:

Alyson DeLandsheer  
Title IX Coordinator  
487-7339

Erin Barnett  
Deputy Equity Coordinator  
487-7324

Fredi deYampert  
Deputy Equity Coordinator  
487-7301

Inquiries may be made externally to:

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

Regional Office:  
Office for Civil Rights, Cleveland Office  
U.S. Department of Education,  
600 Superior Avenue East, Suite 750  
Cleveland, Ohio 44114-2611.  
Phone: (216) 522-4970  
Fax: (216) 522-2573  
Email: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov).

Equal Employment Opportunity Commission (EEOC)  
Contact: <http://www.eeoc.gov/contact/>

## **1. Finlandia University Policy on Nondiscrimination**

Finlandia University adheres to all federal and state civil rights laws banning discrimination in private institutions of higher education. Finlandia University will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, hearing status, personal appearance, color, sex, pregnancy, political affiliation, source of income, place of business, residence, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, family responsibilities, sexual orientation, gender, gender identity, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status or any other protected category under applicable local, state or federal law, including protections for those opposing discrimination or participating in any complaint process on campus or within the Equal Employment Opportunity Commission or other human rights agencies.

This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment,

residential and/or social access, benefits and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the University policy on nondiscrimination. When brought to the attention of the University, any such discrimination will be appropriately remedied by the University according to the procedures below.

## **2. Finlandia University Policy on Accommodation of Disabilities**

Finlandia University is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking or caring for oneself.

The Director of Disability Services has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws.

Erin Barnett  
Dean of Students/ ADA/504 Coordinator  
487-7324

The Chief Equity Coordinator is responsible for the investigation of any complaint alleging noncompliance with these disability laws.

Alyson DeLandsheer  
Title IX Coordinator  
487-7339

### **a. Students with Disabilities**

Finlandia University is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the University.

All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Director of Disability Services who coordinates services for students with disabilities. The director reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate to the student's particular needs and academic programs.

### **b. Employees with Disabilities**

Pursuant to the ADA, Finlandia University will provide reasonable accommodation(s) to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship.

An employee with a disability is responsible for requesting an accommodation in writing to the Director of Disability Services and provide appropriate documentation. The Director of Disability Services will work with the

employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

### **3. Policy Expectations With Respect To Consensual Intimate Relationships**

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

#### **i. Faculty-Student Relationships**

Personal relationships between faculty and students are at the heart of intellectual and professional development of well-rounded graduates. Finlandia University recognizes the benefits of and strongly encourages faculty to mentor students as part of their academic roles. However, certain relationships are unethical and can undermine the integrity of the pedagogical relationship between teacher and student. The University's educational mission is promoted by ethics and professionalism in faculty-student relationships. In order to maintain mutual trust and respect within the faculty-student interactions, sexual or romantic relationships between student and faculty or staff members who function in an instructional context with the student are prohibited at Finlandia University.

#### **ii. Direct Supervisory/Evaluative Roles and Intimate Relationships**

Finlandia University does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the University. However, consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are or become involved in such relationships must bring those relationships to the timely attention of their supervisor so measures can be taken to protect both parties involved from any actual or perceived impropriety. This includes CAs and students over whom they have direct responsibility. While these relationships are not prohibited by this policy, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

### **4. Finlandia University Policy on Discriminatory Harassment**

Students, staff, administrators, and faculty are entitled to a working environment and educational environment free of discriminatory harassment. Finlandia University's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under University policy.

#### **a. Discriminatory and Bias-Related Harassment**

Harassment constitutes a form of discrimination that is prohibited by law. Finlandia University's harassment policy explicitly prohibits any form of harassment on the basis of actual or perceived membership in a protected class, by any member or group of the community, which creates an objectively hostile environment.

A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent or pervasive so as to interfere with, limit or deny the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.<sup>1</sup>

Discriminatory harassment may include, but is not limited to, the following:

---

<sup>1</sup> This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: Department Of Education Office For Civil Rights, Racial Incidents And Harassment Against Students At Educational Institutions Investigative Guidance. The document is available at <http://www.ed.gov/about/offices/list/ocr/docs/race394.html>.

epithets or slurs; negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and display or circulation (including through electronic communications) of written or graphic material in the learning, living, or working environment.

Merely offensive conduct and/or harassment of a generic nature not on the basis of a protected status may not result in the imposition of discipline under University policy, but will be addressed through civil confrontation, remedial actions, education and/or effective conflict resolution mechanisms. For assistance with conflict resolution techniques/options, contact the Director of Institutional Equity and Diversity.

Finlandia University condemns and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of any status protected by university policy or law.

#### **b. Sexual Harassment**

Both the Equal Employment Opportunity Commission and the State of Michigan regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. Finlandia University has adopted an amended version of the EEOC definition of sexual harassment, in order to address the special environment of an academic community, which consists not only of employer and employees, but of students as well.<sup>2</sup>

The amended definition is as follows:

Sexual harassment is:

- unwelcome, sexual or gender-based verbal, written or physical conduct that is,
- sufficiently severe, persistent or pervasive that it,
- has the effect of unreasonably interfering with, denying or limiting employment opportunities or the ability to participate in or benefit from the university's educational, social and/or residential program, and is
- based on power differentials (*quid pro quo*), the creation of a hostile environment or retaliation.

Examples of Sexual Harassment may include, but is not limited to, the following behaviors:

sexual jokes and innuendo; obscene comments or gestures of a sexual nature; verbal abuse of a sexual nature, such as, leering or catcalls; commentary about an individual's body, sexual prowess or sexual deficiencies; physical sexual assault or coerced sexual intercourse; direct or implied threats that submission to sexual advances will or could be a condition of employment, work status, promotion, performance evaluation, grades, letters of recommendation, or other work or educational benefits; unwelcome physical contact, such as, hugging, patting or pinching; and the display or circulation (including through electronic communications) of sexually suggestive or explicit objects or pictures) in the learning, living, or working environment.

Sexual harassment may involve individuals of the same or different sex. The reporting party does not necessarily have to be the person sexually harassed, but could be anyone affected by the above described offensive conduct or behavior.

#### **c. Sexual Misconduct**

State law defines various violent and/or non-consensual sexual acts as crimes. Additionally, Finlandia University has defined categories of sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, Finlandia University considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, the University reserves the right to impose any level of sanction, up to and including suspension or expulsion/termination, for any act of sexual misconduct or other gender-based offenses based on the facts and circumstances of the particular complaint. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved. Violations include:

---

<sup>2</sup> Also of relevance is the Office of Civil Rights 2001 statement on sexual harassment, "Revised Sexual Harassment Guidance: Harassment Of Students By School Employees, Other Students, Or Third Parties, Title IX," which can be found at <http://www2.ed.gov/legislation/FedRegister/other/2001-1/011901b.html>, as well as the April, 2011 Dear Colleague Letter on Campus Sexual Violence, which can be found at: [http://www.whitehouse.gov/sites/default/files/dear\\_colleague\\_sexual\\_violence.pdf](http://www.whitehouse.gov/sites/default/files/dear_colleague_sexual_violence.pdf)

**i. Sexual Harassment (as defined in section b above)**

**ii. Non-Consensual Sexual Intercourse**

Defined as:

- any sexual penetration or intercourse (anal, oral or vaginal)
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

**iii. Non-Consensual Sexual Contact**

Defined as:

- any intentional sexual touching
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

**iv. Sexual Exploitation**

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of sexual harassment, non-consensual sexual intercourse or non-consensual sexual contact. Examples of sexual exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed)
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent)
- Prostitution
- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent

**v. Consent**

Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the

responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the individual respondent of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

In Michigan State, a minor (meaning a person under the age of 17 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 17 years old is a crime, as well as a violation of this policy, even if the minor wanted to engage in the act.

**[See Appendix A for the state of Michigan’s definition of consent]**

The state of Michigan has its own definition of consent, which is applicable to criminal prosecutions for sex offenses, but may differ from the definition used on campus to address policy violations.

#### **4. Other Civil Rights Offenses, When the Act is Based Upon the Status of a Protected Class**

- Threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class
- Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of their actual or perceived membership in a protected class
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a protected class
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the Finlandia University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the hazing policy) on the basis of actual or perceived membership in a protected class; hazing is also illegal under Michigan State law and prohibited by Finlandia University policy
- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class



- Violence between those in an intimate relationship to each other on the basis of actual or perceived membership in a protected class (this includes romantic relationships, domestic and/or dating violence)
- Stalking, defined as a course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome and would cause a reasonable person to feel fear
- Any other Finlandia University rules, when a violation is motivated by the actual or perceived membership of the victim in a protected class, may be pursued using this policy and process

**[See Appendix B for the state of Michigan’s definition of domestic violence]**

The state of Michigan has its own definition of domestic violence, which is applicable to criminal prosecutions for domestic violence offenses, but may differ from the definition used on campus to address policy violations.

**[See Appendix C for the state of Michigan’s definition of stalking]**

The state of Michigan has its own definition of stalking, which is applicable to criminal prosecutions for stalking offenses, but may differ from the definition used on campus to address policy violations.

## **5. Retaliation**

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a complainant or for assisting in providing information relevant to a claim of harassment, is a serious violation of University policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Chief Equity Coordinator or to any of the Deputy Equity Coordinators (see below) and will be promptly investigated.

Alyson DeLandsheer  
Title IX Coordinator  
487-7339

Erin Barnett  
Dean of Students/Deputy Equity Coordinator  
487-7324

Fredi deYampert  
VP of Academic Affairs/Deputy Equity Coordinator  
487-7301

Finlandia University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

## **6. Remedial Action**

Finlandia University will implement initial remedial and responsive actions upon notice of alleged harassment, retaliation and/or discrimination, and will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor who has been found to engage in harassing or discriminatory behavior or retaliation. Procedures for handling reported incidents are fully described below. Deliberately false and/or malicious accusations of harassment, as opposed to complaints which, even if erroneous, are made in good faith, are just as serious an offense as harassment and will be subject to appropriate disciplinary action.

## **7. Confidentiality and Reporting of Offenses Under This Policy**

Finlandia University officials, depending on their roles at the University, have varying reporting responsibilities and abilities to maintain confidentiality. In order to make informed choices, one should be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform an outside agency or individual unless you have requested information to be shared. Other resources exist for you to report crimes and policy violations and

these resources will take action when you report victimization to them. Most resources on campus fall in the middle of these two extremes; neither the University, nor the law, requires them to divulge private information that is shared with them, except in rare circumstances. The following describes the three reporting options at Finlandia University:

#### **a. Confidential Reporting**

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with on-campus counselors or our campus chaplain, off-campus local rape crisis counselors, domestic violence resources, local and/or state assistance agencies who will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Campus counselors are available to help free of charge and can be seen on an emergency basis during normal business hours.

##### **University Chaplain**

Call 487-7239 or ext. (239) on-campus. Soren Schmidt, the University chaplain is available to give confidential support through any crisis or problem.

##### **Counseling Services**

Call 906-225-3145 or visit [www.northstareap.com](http://www.northstareap.com) to access free and confidential personal counseling to students going through any crisis or problem.

##### **Dial Help Rape Victim Support Team**

482-4357 and 1-800-562-7622: Dial Help provides 24 hour on-site support and assistance to sexual assault survivors, families and friends. Services include medical, legal, and personal support information. Referrals to other resources are available and many services are free of charge.

#### **b. Private Reporting**

Those seeking to report misconduct may seek advice from certain resources who are not required to initially tell anyone else your private, personally identifiable information unless there is a pattern of abuse, cause for fear for your safety or the safety of others. These resources include employees without supervisory responsibility or remedial authority to address discrimination, harassment, retaliation and/or sexual misconduct, such as resident advisors (CAs), non-supervisory faculty members, advisors to student organizations, admissions officers, student activities personnel and many others. **If a reporting party is unsure of someone's duties and ability to maintain privacy, ask them before talking to them.** They will be able to explain and help a reporting party to make decisions about who is in the best position to help. All these resources, such as CAs, are instructed to share incident reports with their supervisors, but they do not share any personally identifiable information about the report unless the reporting party gives permission, except in the rare event that the incident reveals a need to protect the reporting party and/or other members of the community. If personally identifiable information is shared, it will be shared with as few people as possible and all efforts will be made to protect privacy to the greatest possible extent.

#### **c. Formal Reporting Options**

Complainants are encouraged to speak to Finlandia University officials, such as the Chief Equity/Title IX Coordinator or Deputies, Student Conduct Officers, or Campus Security to make formal reports of incidents of sexual misconduct. Complainants have the right, and can expect, to have complaints taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through these procedures. **Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told.** Information will be shared as necessary with investigators, witnesses and the accused student/respondent. The circle of people with this knowledge will be kept as tight as possible to preserve a complainant's rights and privacy.

#### **8. Federal Timely Warning Obligations**

Victims of sexual misconduct should be aware that Finlandia University administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus

community. The University will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

### **EQUITY GRIEVANCE PROCESS FOR RESOLVING COMPLAINTS OF HARASSMENT, SEXUAL MISCONDUCT AND OTHER FORMS OF DISCRIMINATION**

Finlandia University will act on any formal or informal complaint or notice of violation of the policy on Equal Opportunity, Harassment and Nondiscrimination.

The procedures described below will apply to all complaints involving students, staff or faculty members.

Redress and requests for responsive actions for complaints brought against non-members of the community are also covered by these procedures.

#### **1. Filing a complaint**

Any member of the community, guest or visitor who believes that the policy on Equal Opportunity, Harassment and Nondiscrimination has been violated should contact the Title IX Coordinator or any Deputy Equity Coordinator. It is also possible for employees to notify a supervisor, or for students to notify an administrative advisor, faculty member or Student Conduct Officer, or any member of the community may contact Campus Security. These individuals will in turn notify the Title IX Coordinator.

All employees receiving reports of a potential violation of University policy are expected to promptly contact the Title IX Coordinator, within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with the maximum possible privacy: specific information on any complaints received by any party will be reported to the Chief Equity Coordinator, but, subject to the University's obligation to redress violations, every effort will be made to maintain the privacy of those initiating a report of a complaint. In all cases, Finlandia University will give consideration to the complainant with respect to how the complaint is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when an alleged victim chooses not to initiate or participate in a formal complaint.

#### **2. Complaint Intake**

Following receipt of notice or a complaint, the Title IX Coordinator<sup>3</sup> will, generally begin within two business days, an initial determination whether a policy violation may have occurred and/or whether conflict resolution might be appropriate. If the complaint does not appear to allege a policy violation or if conflict resolution is desired by the complainant, and appears appropriate given the nature of the alleged behavior, then the complaint does not proceed to investigation.

#### **3. Investigation<sup>4</sup>**

---

<sup>3</sup> If circumstances require, the Title IX Coordinator may designate another person to oversee the process below, should a complaint be made against the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

<sup>4</sup> During the investigation, if any, both parties to a complaint related to sexual assault, dating violence, domestic violence and stalking may have an advisor of their choice present, however that advisor will not be allowed to participate in any meeting(s).

A full investigation will necessarily be pursued if there is evidence of a pattern of misconduct or a perceived threat of further harm to the community or any of its members and serves as a hearing for the parties involved. The University aims to complete all formal investigations within a 60 business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties.

Investigation of complaints brought directly by those alleging harm should be completed expeditiously, generally within 10 business days of notice to the Title IX Coordinator. Investigation may take longer when initial complaints fail to provide direct first-hand information. The University may undertake a short delay (3-10 days, to allow evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. University action will not be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

#### **4. Interim Remedies**

The Title IX Coordinator (or designee) may provide interim remedies intended to address the short or long-term effects of harassment, discrimination and/or retaliation, (i.e. No-Contact Order, interim suspension, etc.), to redress harm to the alleged victim and the community and to prevent further harassment or violations. Interim remedies may also be used when, in the judgment of the Title IX Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the accused individual or the ongoing activity of a student organization whose behavior is in question.

These remedies may include referral to counseling and health services or to the Employee Assistance Program, education to the community, altering the housing situation of an accused student or resident employee (or the alleged victim, if desired), altering work arrangements for employees, providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc.

The University may interim suspend a student, employee or organization pending the completion of the investigation. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the opportunity to meet with the Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator has sole discretion to implement or stay an interim suspension under the policy on Equal Opportunity, Harassment and Nondiscrimination, and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to University housing and/or the University campus/facilities/events. As determined by the appropriate administrative officers and the Title IX Coordinator or designee, this restriction includes classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Coordinator or designee, alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student.

#### **5. Complaint Resolution**

During or upon the completion of the initial investigation, the Title IX Coordinator will make a decision on whether there is reasonable cause to proceed with the complaint. If the Title IX Coordinator decides that no policy violation has occurred or that the preponderance of evidence (i.e., whether it is more likely than not that the accused individual committed each alleged violation) does not support a finding of a policy violation, then the process will end unless the complainant requests that the Title IX Coordinator makes an extraordinary determination to re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator. If there is reasonable cause,

the Title IX Coordinator will direct the investigation to continue<sup>5</sup>, or if there is a preponderance of evidence of a violation, then the Title IX Coordinator may recommend conflict resolution, a resolution without a hearing or a formal hearing, based on the below criteria.

#### **a. Conflict Resolution**

Conflict resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal hearing process to resolve conflicts. The Title IX Coordinator will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, a trained staff member or designee will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

Conflict resolution **will not** be the primary resolution mechanism used to address complaints of sexual misconduct or violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the formal process is completed should the parties and the Title IX Coordinator believe that it could be beneficial. It is not necessary to pursue conflict resolution first in order to make a formal complaint, and anyone participating in conflict resolution can stop that process at any time and request a formal investigation.

#### **b. Resolution Without an Investigation**

Resolution without an investigation can be pursued for any behavior that falls within the policy on Equal Opportunity, Harassment and Nondiscrimination, at any time during the process. The Title IX Coordinator will provide written notification of a complaint to any member of the University community who is accused of an offense of harassment, discrimination, or retaliation. The respondent may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If so, the Title IX Coordinator will render a finding that the individual is in violation of University policy for the admitted conduct, and will normally proceed to convene an investigation on any remaining disputed violations. For admitted violations, the Title IX Coordinator (and appropriate administrative staff, when necessary) will determine an appropriate sanction or responsive action. If the sanction/responsive action is accepted by both the complainant and respondent, the Title IX Coordinator will ensure it is implemented, and act promptly and effectively to remedy the effects of the admitted conduct upon the victim and the community. If either party wishes to appeal the sanction/responsive action, the Equity Grievance Appeals Panel will convene to evaluate the sanction/responsive action only.

#### **c. Sanctions**

Sanctions or responsive actions will be determined by the Title IX Coordinator. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous complaints or allegations involving similar conduct

---

<sup>5</sup> In cases involving sexual assault, dating violence, domestic violence and stalking, both the respondent and the complainant will be given notice of the outcome of the investigation within the same 24-hour period.

- Any other information deemed relevant by the Title IX Coordinator
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the victim and the community

#### **i. Possible Student Sanctions**

The following are, but are not limited to, the usual sanctions that may be imposed upon students or organizations singly or in combination:

- *Warning:* A formal statement that the behavior was unacceptable and a warning that further infractions of any Finlandia University policy, procedure or directive will result in more severe sanctions/responsive actions.
- *Probation:* A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any Finlandia University policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, no-contact orders and/or other measures deemed appropriate.
- *Suspension:* Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at Finlandia University. This sanction will be noted as a Conduct Suspension on the student's official transcript.
- *Expulsion:* Permanent termination of student status, revocation of rights to be on campus for any reason or attend Finlandia University-sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript.
- *Withholding Diploma.* The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has a complaint pending, or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree.* Finlandia University reserves the right to revoke a degree awarded from the University for fraud, misrepresentation or other violation of University policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions.* Deactivation, de-recognition, loss of all privileges (including University registration), for a specified period of time.
- *Other Actions:* In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

#### **ii. Possible Employee Sanctions**

Responsive actions for an employee who has engaged in harassment, discrimination and/or retaliation may include, but is not limited to

- *Warning – Verbal or Written*
- *Performance Improvement/Management Process*
- *Required Counseling,*

- *Required Training or Education*
- *Probation*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions: In addition to or in place of the above sanctions, Finlandia University may assign any other sanctions as deemed appropriate.*

#### **d. Withdrawal or Resignation While Charges Pending**

Students: Finlandia University does not permit a student to withdraw if that student has a complaint pending for violation of the policy on Equal Opportunity, Harassment and Nondiscrimination, or for charges under the Code of Student Conduct. Should a student decide to leave and not participate in the investigation, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to Finlandia University unless all sanctions have been satisfied.

Employees: Should an employee resign while charges are pending, the records of the Title IX Coordinator will reflect that status, as will University responses to any future inquiries regarding employment references for that individual. The Title IX Coordinator will act to promptly and effectively remedy the effects of the conduct upon the victim and the community.

#### **e. Appeals**

All requests for appeal considerations must be submitted in writing to the Title IX Coordinator within three business days of the delivery of the written finding of the investigation.

A three-member Equity Grievance Appeals Panel who was not involved in the complaint previously will consider all appeal requests. Any party may appeal, but appeals are limited to the following:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed fall outside the range of sanctions the University has designated for this type of offense

The Equity Grievance Appeals Panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. When any party requests an appeal, the other party (parties) will be notified and joined in the appeal. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately.

Where the Equity Grievance Appeals Panel finds that at least one of the grounds is met, and proceeds, additional principles governing the hearing of appeals include the following:

- Appeals decisions by the Equity Grievance Appeals Panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-investigations of the complaint. In most cases, appeals are confined to a review of the written documentation of findings and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original investigators for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or evaluated by the three-member Equity Grievance Appeals Panel.



- Sanctions imposed are implemented immediately unless the Title IX Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The Title IX Coordinator will normally, after conferring with the Equity Grievance Appeals Panel, finalize and render a written decision on the appeal to all parties within 2-3 business days from hearing of the appeal.
- All parties should be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.
- Once an appeal is decided, the outcome is final: further appeals are not permitted.

#### **f. Failure to Complete Sanctions/Comply with Responsive Actions**

All respondents are expected to comply with conduct sanctions/responsive/corrective actions within the time frame specified by the Title IX Coordinator. Failure to follow through on conduct sanctions/responsive/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from Finlandia University and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

#### **g. Records**

In implementing this policy, records of all complaints, resolutions, and hearings will be kept by the Title IX Coordinator.

#### **h. Statement of Complainant's Rights**

- To be treated with respect by Finlandia University officials.
- To take advantage of campus support resources (such as Counseling & Psychological Services, the Office of the Chaplain, or EAP services for employees).
- To experience a safe living, educational and work environment.
- To have an advocate during this process.
- To refuse to have an allegation resolved through conflict resolution procedures.
- To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- To be free from retaliation.
- To have complaints heard in substantial accordance with these procedures.
- To full participation of the injured party in any Equity Grievance process whether the injured party is serving as the complainant or the University is serving as complainant.
- To be informed in writing of the outcome/resolution of the complaint, sanctions where permissible and the rationale for the outcome where permissible.

#### **i. Statement of Respondent's Rights**

- To be treated with respect by Finlandia University officials.
- To take advantage of campus support resources (such as Counseling & Psychological Services, the Office of the Chaplain, or EAP services for employees).
- To have an advocate during this process.
- To refuse to have an allegation resolved through conflict resolution procedures.
- To have complaints heard in substantial accordance with these procedures.
- To be informed of the outcome/resolution of the complaint and the rationale for the outcome, in writing.



## 6. Revision

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. The Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. In addition, the Title IX Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will apply. Policy in effect at the time of the offense will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.

This policy and procedure was implemented in July 2014.

USE AND ADAPTATION OF THIS MODEL WITH CITATION TO THE NCHERM GROUP/ATIXA IS  
PERMITTED THROUGH A LICENSE  
TO FINLANDIA UNIVERSITY.  
ALL OTHER RIGHTS RESERVED.  
©2013. THE NCHERM GROUP, LLC/ATIXA

## **APPENDIX A:**

### **State of Michigan Definition of Consent**

THE MICHIGAN PENAL CODE (EXCERPT)  
Act 328 of 1931

#### **750.520i Resistance by victim not required.**

Sec. 520i.

A victim need not resist the actor in prosecution under sections 520b to 520g.

**History:** Add. 1974, Act 266, Eff. Apr. 1, 1975

**Compiler's Notes:** Section 2 of Act 266 of 1974 provides: "Saving clause. "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or begun before the effective date of this amendatory act."

<http://www.legislature.mi.gov/%28S%28o55xmxntzf3kod45kgutes45%29%29/mileg.aspx?page=getObject&objectName=mcl-750-520i&highlight=rape>

## **APPENDIX B:**

### **State of Michigan Definition of Domestic Violence**

Defined in Criminal Laws

Citation: Comp. Laws §§ 750.81; 750.81a

An individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household is guilty of a misdemeanor.

An individual who commits an assault or an assault and battery and who has two or more previous convictions for assaulting or assaulting and battering his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household is guilty of a felony.

An individual who assaults his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of the same household without a weapon and inflicts serious or aggravated injury upon that individual without intending to commit murder or to inflict great bodily harm less than murder is guilty of a misdemeanor.

An individual who commits an aggravated assault and battery and who has one or more previous convictions for assaulting or assaulting and battering his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of the same household is guilty of a felony.

#### **Persons Included in the Definition**

**Citation: Comp. Laws § 400.1501**

'Family or household member' includes any of the following:

- A spouse or former spouse
- An individual with whom the person resides or has resided
- An individual with whom the person has or 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 above

'Dating relationship' means frequent, intimate associations primarily characterized by the expectation of affectional involvement. 'Dating relationship' does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.

## **APPENDIX C:**

### **State of Michigan Definition of Stalking**

MCLS § 750.411h. Stalking; definitions; violation as misdemeanor; penalties; probation; conditions; evidence of continued conduct as rebuttable presumption; additional penalties. (1998)

(1) As used in this section:

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

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

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

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

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

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

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

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

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

(v) Contacting that individual by telephone.

(vi) Sending mail or electronic communications to that individual.

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

(f) "Victim" means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

<http://www.victimsofcrime.org/our-programs/stalking-resource-center/stalking-laws/criminal-stalking-laws-by-state/michigan>

## ON CAMPUS SUPPORT SERVICES

### **The Director of Academic Success and Student Life**

Call 487-7324 or ext. (324) on-campus. Mannerheim 114

The Director of Academic Success and Student Life office serves a primary role in advocating on behalf of students and helping students to make meaningful connections to the campus community. Support is provided through the identification of resources and support services for students. In addition, The Office of Academic Success and Student Life assists with identifying opportunities for student involvement at the university, fostering student leadership development, and promoting student participation in campus life. The programs and services offered through this office include: the Orientation Leader Program, New Student Orientation, First-Year Experience, Residence Life, student activities and governance, Academic Support, tutoring, student handbook, and counseling.

### **University Chaplain**

Call 487-7239 or ext. (239) on-campus. The university chaplain is available to give support through such a crisis.

### **Counseling Services**

Free counseling service is provided by Northstar EAP to currently enrolled Finlandia students. Students may seek counseling for depression, anxiety, stress, relationship issues, identity concerns, family problems, and any other reason that causes emotional distress. All services are confidential and not part of a student's academic record. No information can be release without written permission from the student.

To make an appointment for this free service, visit

[www.northstareap.com/AppointmentRequest.en.html](http://www.northstareap.com/AppointmentRequest.en.html)

or call 906-225-3145.

### **Department of Campus Safety and Security**

Call 487-7307 or ext. (307) on-campus. The director of DCSS or designee will assist victims by contacting the support person of their choice, provide transportation to a medical facility or other appropriate agencies, contact the Hancock city police and protect the crime scene. The director of DCSS will also advise victims of other options, such as legal contacts and support agencies.

The Department of Campus Safety and Security will promptly assist and cooperate with law enforcement agencies by investigating, safeguarding, collecting, and preserving evidence pertaining to sexual assaults occurring on campus. They will also notify the campus community when a rape or assault is reported on or near the campus. This will enable the community to take appropriate preventive steps to deter future incidents of sexual assault. The Department of Campus Safety and Security will not identify the victim or disclose information pertaining to the offense. Finlandia University will strive to balance its concern for the welfare of victims of sexual assault and fulfill its duty to warn members of the campus community when serious crimes are reported.

### **VICTIM'S OPTIONS**

As stated earlier, a victim of sexual assault should report the incident immediately to the Department of Campus Safety and Security, Director of Institutional Equity and Diversity, or other on-campus support personnel. The Department of Campus Safety and Security will contact the Hancock city police and inform them that a sexual assault incident has been reported to the university. The area where the incident took place will be sealed, when feasible, until police arrive. The victim will be transported to the nearest medical facility, if the victim agrees.

A survivor of sexual assault has several options:

1. Filing a police report and pressing charges
2. Filing a formal complaint with the Department of Campus Safety and Security or Director of Institutional Equity and Diversity to facilitate administrative process/hearing
3. Filing an anonymous "Third Party Report" with a rape crisis advocate
4. Taking no action
5. Seeking counseling support

### **ON-CAMPUS PREVENTION PROGRAMS**

The Director of Institutional Equity and Diversity or the Department of Campus Safety and Security can provide information concerning prevention programs. Information sessions are provided during the year and at orientation.

Topics range from sexual assault, acquaintance rape, crime/assault prevention, bystander intervention and other personal safety topics. The university will support any victim of sexual assault by working with the student or employee in any capacity necessary and appropriate. This may include: contacting law enforcement authorities,

providing transportation to the hospital, providing alternative classes or housing if feasible and necessary in order to avoid contact with the assailant, notifying one's academic advisor.

A victim of sexual assault may use any of the on-campus support mechanisms listed below without choosing to press charges or file a formal complaint with the Department of Campus Safety and Security, and/or the Hancock city police. The earlier the incident is reported and evidence is collected, the better the chance for prosecution and conviction. It is important that survivors seek psychological support as well as medical attention.

If you would like more information regarding options for medical care, reporting an incident, filing criminal charges, filing internal complaints, or for counseling, please contact the director of DCSS or the university chaplain. Any of these people can anonymously refer a victim to a support person or agency.

#### **UNIVERSITY PROCEDURES: INTRODUCTION**

If the assailant is a student and the victim elects to have an administrative hearing of the alleged incident, the Director of Institutional Equity and Diversity will be contacted to determine the appropriateness of such a hearing. Hearing guidelines are presented below. Director of Institutional Equity and Diversity will also request statements and evidence from the Department of Campus Safety and Security in order to establish any preponderance of evidence against the accused.

#### **UNIVERSITY SANCTIONS**

If a student is charged with criminal sexual conduct off-campus, that student may be suspended pending the outcome of that criminal proceeding.

Possible sanctions for rape, acquaintance rape, or other sex offenses (forcible or non-forcible) following on-campus disciplinary procedures include possible suspension or dismissal from the residence halls or the university and/or referral for prosecution and/or counseling/education.

If the assailant is an employee of the university, complaints should be directed to the Director of Institutional Equity and Diversity or an appropriate university official such as the Director of Campus Safety and Security. Regardless of who is informed, a meeting will take place that includes the Director of Institutional Equity and Diversity and the person informed of the violation. Allegations against an employee will be referred to the Sexual Assault Conduct Committee. A victim has the right to seek prosecution under any circumstances. If this option is chosen, the president will be consulted on appropriate steps for the university to take pending an outcome of the criminal process.

#### **UNIVERSITY PROCEDURES INCLUDING A HEARING OR MEDIATION**

##### **Introduction**

In cases of alleged sexual assault, the accused and the accuser possess the same opportunities to have support persons present during campus disciplinary proceedings. A support person may be any member of the university community. A support person has the right to attend but may not participate in any session of the hearing in which the accused or the accuser's presence is required. Such persons will be required to sign statements of confidentiality.

The victim and the assailant shall both be informed of the proceeding's outcome. If a hearing conclusion finds that sexual assault occurred, the accused will be subject to discipline, up to and including dismissal or expulsion. Whenever appropriate and feasible, on-campus living arrangements, class schedules, or other changes reasonably available will be made by the Director of Institutional Equity and Diversity, as requested by the accuser. During the process, a victim/complainant has the right to not have her or his irrelevant past sexual history discussed during the hearing, the right to present a victim impact statement and suggest an appropriate penalty if the accused is found in violation of the law and/or school policy, and the right to be informed of the hearing outcome at the conclusion of the hearing.

##### **Procedures**

A written and signed complaint must be submitted to the Director of Institutional Equity and Diversity by the victim. If criminal charges are also filed, university disciplinary procedures will be deferred pending the outcome of a police investigation and subsequent legal action. However, students who are charged with behavior threatening or contrary to the policies and lifestyles of the Finlandia University community may be subject to an interim suspension by the Director of Institutional Equity and Diversity prior to the court hearing. Students living on campus who have been charged with criminal sexual conduct may be suspended pending the outcome of legal proceedings.

The accused student(s) has three days to respond to the written complaint; the response must be in writing. During this three-day period, the Director of Institutional Equity and Diversity will initiate an investigation of the complaint. Completion of the hearing process is dependent upon the investigatory stage, a stage that may not be concluded quickly. Mediation, as noted below, is not dependent upon the investigation.

The Director of Institutional Equity and Diversity, after consulting with the alleged victim and the alleged assailant, will decide what course of action to take. Mediation and referral to the Sexual Assault Conduct Committee are two possible choices. A victim may also explore prosecution through the criminal justice system at any time.

#### **Option I: Mediation**

If the parties choose mediation, the Director of Institutional Equity and Diversity will pursue a mediation process with the victim and the accused in order to resolve the complaint by mutual consent. Sanctions agreed upon in the mediation process will be recorded and become part of the disciplinary file of the student(s) responsible for the assault. The mediation process should be resolved within seven days. Mediation results are final as far as on-campus proceedings are concerned. Mediation by its nature is not dependent upon an investigation; however, the investigation may inform the Director of Institutional Equity and Diversity as to the appropriateness of pursuing mediation. Therefore, in some cases an investigation may proceed simultaneously with the mediation process.

The process of complaint, response, and mediation will not normally exceed 10 calendar days. The alleged assailant must be advised that any statements made during the mediation process could be used in any subsequent criminal proceeding.

#### **Option II: Hearing**

If the parties choose not to participate in mediation, or if the Director of Institutional Equity and Diversity decides to hold a hearing based on the merits of the case, the case will be considered by a committee made up of two faculty members, the Director of Institutional Equity and Diversity and one staff person appointed by the Director of Institutional Equity and Diversity. This committee shall be known as the Sexual Assault Conduct Committee. The faculty members will be appointed by the chief academic officer. The role of the Director of Institutional Equity and Diversity is to train, organize and advise the committee on procedural matters. The hearing may be video- or audio-taped. The committee is expected to hear the case and render a decision within four working days of the accused's written response to the charge, assuming the investigation has been concluded.

In the event a university employee or official is personally involved in a sexual assault allegation, or cannot due to conflict of interest or prejudice, perform his/her role, another person shall be designated to handle the complaint.

#### **Written Notification**

The accused and the alleged victim will receive written notification of the decision and sanctions within one working day of the decision. The Director of Institutional Equity and Diversity is responsible for the enforcement of imposed sanctions.

#### **University Sanctions**

Possible sanctions for sexual assault, following an on-campus disciplinary hearing, may include any of the following:

- a. Disciplinary probation for the assailant
- b. Restitution to the victim for out-of-pocket expenses
- c. Community service for the assailant
- d. Requirement for the assailant to move off-campus
- e. Suspension of the assailant
- f. Expulsion of the assailant

#### **APPEAL**

Both the student(s) found responsible for sexual assault and the victim(s) have the right to appeal the decision. Appeals must be made in writing to the president of the university within 72 hours of the written notification outlining the Committee's decision. The president has the authority to completely review the case if the appeal so merits. This review may include a review of all written information and the tape of the hearing. It may include interviews with the accused, the victim, and/or any witnesses. Decisions of the president are final.

The "right" of appeal does not entitle a student to a full rehearing of the entire case. Rather, the president may limit his review to the record of the original hearing:

- a. Was the original hearing conducted in such a way that the accused had an adequate opportunity to prepare and

present his or her defense?

- b. Was the evidence presented at the hearing “substantial” enough to justify a decision against the student(s)?
- c. Was the sanction imposed in keeping with the gravity of the wrongdoing?

If, in the opinion of the president, the appeal lacks merit, the president has the power to refuse to accept it.

If you would like more information regarding your options for medical care, counseling, reporting an incident, filing criminal charges, or filing internal complaints, please contact the director of campus safety and security, the University Chaplain or the Director of Institutional Equity and Diversity. Any of these people can refer you to a support person by calling appropriate persons or agencies. Provided in Sections V and VI of this policy is a list of university services available to you free of charge, as well as other support agencies in the local area.

#### IF YOU WITNESS ASSAULTING OR THREATENING BEHAVIOR

If you are a witness to behavior that you believe is assaultive or threatening, you are encouraged to address this behavior. You may choose to help the victim take appropriate steps as outlined in this policy or you may speak to any of the persons mentioned in this policy.

Note: This policy may be amended as needed; the university community will be notified of such amendments in a timely fashion.

#### WEAPONS

No student shall keep, possess, display, use, or carry any weapon on the campus of Finlandia University. Weapons include, but are not limited to, knives with a blade three inches or larger; rifles; shotguns; handguns; BB and/or pellet guns; cross bows; bows and arrows; martial arts weapons; paint, splat ball, and water guns; or other lethal or dangerous devices capable of casting a projectile by air, gas, explosives, or other mechanical means. Weapons used for recreational purposes may be registered and stored in the Department of Campus Safety and Security office at the discretion of the director of the Department of Campus Safety and Security and must be transported directly from the Department of Campus Safety and Security office to points outside the campus of Finlandia University and transported directly back from such points to the Department of Campus Safety and Security office. The means of transportation must be in accordance with the Department of Campus Safety and Security office instructions and the weapon(s) transported must be unloaded, and when possible, encased, dismantled, or broken down. Finlandia University and Department of Campus Safety and Security are not responsible for lost, damaged, or stolen items

#### CAMPUS AND PUBLIC CRIME STATISTICS

Campus Security prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act) (20 USC § 1092). The definitions for these crimes are taken from the FBI’s Uniform Crime Reporting Program (UCR), as modified by the Hate Crimes Act and the Higher Education Act.

- **Criminal Homicide** –The willful killing of one person by another
- **Manslaughter by Negligence** –The killing of another person through gross negligence.
- **Sex Offenses:**
  - a. A forcible sex offense is any sexual act directed against another person forcibly and/or against that person’s will or where the victim is incapable of giving consent.
  - b. Non-forcible sex offenses are acts of “unlawful, non-forcible sexual intercourse” and include incest and statutory rape.
- **Aggravated Assault** –An unlawful attack for the purpose of inflicting severe or aggravated bodily injury. Offense usually accompanied by a weapon or by means likely to produce great bodily harm.
- **Burglary** –Unlawful entry into a building with intent to commit a felony or theft. Forced entry not required if entry was unlawful, such as a trespass.
- **Robbery** –Taking or attempting to take anything of value from a person by force or threat of force.
- **Motor Vehicle Theft** –The theft or attempted theft of a motor vehicle.
- **Arson** –Any willful burning or attempt to burn the property of another.
- **Alcohol Violations** –Violations of law or ordinances prohibiting:
  - a. Possession or use of alcohol by a person under the age of 21.
  - b. Providing alcohol to a person under the age of 21.
  - c. Sale of alcohol without the required license.

- **Drug Violations** –Possession, manufacture, distribution, or use of any controlled substance and the equipment or devices utilized in their preparation and/or use.
- **Weapons Violations** –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.
- **Hate Crimes** –Crime categories of criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, intimidation, vandalism (including destruction and/or damage to property), simple assault, and any other crime involving bodily injury are hate crimes if evidence is discovered that the victim was intentionally targeted because of the perpetrator’s bias. Bias categories are race, religion, gender, gender identity, sexual orientation, disability, religion, ethnicity or national origin.
- **Rape** – The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent.
- **Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - Fear for the person’s safety or the safety of others; or
  - Suffer substantial emotional distress.
- **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 the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
  - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - Dating violence does not include acts covered under the definition of domestic violence.
- **Domestic Violence** - 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 cohabitating with, or has cohabitated 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.

#### A. Statistics

The following statistics are selected crimes reported to CSSD. Statistics for the past three calendar years are tabulated for comparison and informational purposes.

All crimes are student vs. student/property, unless denoted otherwise.



Offense (Reported by hierarchy)	Year	On Campus	Non-Campus	Public Property	Total	Residential Facilities
Murder/Non Negligent Manslaughter	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Negligent Manslaughter	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Rape	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Fondling	2018	0	1	0	1	0
	2017	0	0	0	0	0
	2016	2	0	0	2	2
Incest	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Statutory Rape	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Robbery	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Aggravated Assault	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	1	0	1	2	0
Burglary	2018	1	0	0	2	1
	2017	1	0	0	1	1
	2016	2	0	0	2	2
Motor Vehicle Theft	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Arson	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0

Offense (Reported by hierarchy)	Year	On Campus	Non-Campus	Public Property	Total	Residential Facilities
Domestic Violence	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Dating Violence	2018	0	0	1	1	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Stalking	2018	0	0	1	1	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Liquor Law Arrests	2018	0	0	2	2	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Drug Law Arrests	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Weapons Law Arrests	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	3	0	0	3	3
Liquor Law Disciplinary Action	2018	1	0	0	3	2
	2017	5	0	0	5	5
	2016	6	0	1	7	5
Drug Law Disciplinary Action	2018	0	0	0	5	5
	2017	1	0	0	1	1
	2016	3	0	0	3	3
Weapons Law Disciplinary Action	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	3	0	0	3	3



[illegible]

[illegible][illegible]

### Hate Crimes – On Campus 2017

Offense	2017 Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity / Nat. Org.
Murder/Non Negligent Manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Burglar	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0
Destruction / Damage / Vandalism of Property	0	0	0	0	0	0	0	0

### Hate Crimes – On Campus Residential Facilities 2017

Offense	2017 Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity / Nat. Org.
Murder/Non Negligent Manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Burglar	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0
Destruction / Damage / Vandalism of Property	0	0	0	0	0	0	0	0

### Hate Crimes – Public Property 2017

Offense	2017 Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity / Nat. Org.
Murder/Non Negligent Manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Burglar	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0
Destruction / Damage / Vandalism of Property	0	0	0	0	0	0	0	0



### Hate Crimes – On Campus 2016

Offense	2016 Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity / Nat. Org.
Murder/Non Negligent Manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Burglar	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0
Destruction / Damage / Vandalism of Property	0	0	0	0	0	0	0	0

### Hate Crimes – On Campus Residential Facilities 2016

Offense	2016 Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity / Nat. Org.
Murder/Non Negligent Manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Burglar	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0
Destruction / Damage / Vandalism of Property	0	0	0	0	0	0	0	0

### Hate Crimes – Public Property 2016

Offense	2016 Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity / Nat. Org.
Murder/Non Negligent Manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Burglar	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0
Destruction / Damage / Vandalism of Property	0	0	0	0	0	0	0	0

## **FIRE SAFETY**

Finlandia University believes that fire safety and education is an important component to our residential living program. Each year, new and returning students are educated by professional staff members on evacuation procedures, location of fire extinguishers, and the importance of self-reporting any potential problems with smoke detectors as well as not tampering with these devices.

## **EMERGENCY EVACUATION PROCEDURE**

**When resident students hear their building's fire alarm, they are expected to:**

- a) Immediately exit the building, closing their room door;
- b) Always assume an emergency, never a false alarm;
- c) Use stairs, not elevators;
- d) If the door or handle is warm to the touch or smoke is in the hallway, stay in the room with the door closed, call 911, and attract attention at a window; and
- e) Crawl on floor or stairs, where air is fresher, if smoke is encountered.

**When resident students see smoke or fire, they are instructed to:**

- a) Pull the nearest building alarm,
- b) Close their room door and safely exit the building,
- c) Call 911,
- d) Never attempt to fight or put out a fire, and
- e) Tell fire authorities or police the location of fire or smoke.

## **ELECTRICAL EQUIPMENT AND APPLIANCES**

TELEVISION SETS, STEREOS, AND COMPUTERS ARE PERMITTED IN RESIDENCE HALL ROOMS, PROVIDING ALL OCCUPANTS OF THE ROOM AGREE. BOTH THE PERMITTED APPLIANCE AND ANY CORD USED IN CONNECTION WITH IT MUST HAVE UNDERWRITER'S LABORATORIES (UL) APPROVAL. CORDS MUST HAVE SURGE PROTECTION AND BE 14-GAUGE. SUN LAMPS, CLAMP-ON BED LAMPS, ELECTRICAL HEATERS, OPEN-ELEMENT POPCORN POPPERS AND TOASTERS, HOT PLATES, TOASTER OVENS, HAZARDOUS ELECTRICAL APPLIANCES, AND APPLIANCES IN NEED OF ELECTRICAL REPAIR ARE SPECIFICALLY PROHIBITED. CLOTHING IRONS ARE PERMITTED IN RESIDENCE HALL ROOMS, BUT RESIDENTS ARE STRONGLY URGED TO USE CAUTION WHEN USING THEM. REGULAR-SIZE REFRIGERATORS ARE PROHIBITED. STUDENTS MAY USE SMALL DORM-SIZE REFRIGERATORS. SELF-CONTAINED HEATING ELEMENTS SUCH AS MICROWAVES, SIX-CUP HOT POTS, COFFEE MAKERS, POPCORN POPPERS, AND RICE COOKERS THAT ARE SELF-CONTAINED UNITS ARE ACCEPTABLE APPLIANCES.

## **DANGEROUS MATERIALS AND OPEN FLAME**

No student shall possess, store, mix, or experiment with any chemical or explosive materials including, but not limited to, gunpowder, gasoline, or fireworks. This regulation shall not apply to instructor supervised learning activities.

No student shall use or create an open flame, or live or glowing embers including, but not limited to, candles, incense, or charcoal in any university buildings. This regulation shall not apply to instructor supervised learning activities.

No student shall possess, explode, or cause to explode any type of fireworks in any building or on any property owned or controlled by the University. Fireworks shall be confiscated and disposed of by the Department of Campus Safety and Security.

**FIRE SAFETY STATISTICS:**

As required by the Higher Education Opportunity Act of 2008, the following are fire statistics prepared by CSSD.

LOCATION	2016	2017	2018	INJURIES
FINLANDIA HALL	0	0	0	NA
MANNERHIEM HALL	0	0	0	NA
WARGELIN HALL	0	0	0	NA
NIKANDER HALL	0	0	0	NA
JUTILA CENTER	0	0	0	NA
PAAVO NURMI CENTER	0	0	0	NA

**RESIDENCE HALL FIRE ALARM/SUPPRESSION SYSTEM**

Finlandia Hall, the lone residence hall, has a fire alarm/suppression system consisting of the following:

**1<sup>st</sup> Floor** - Fire Alarm, Sprinkler System (Throughout), Heat Detection, Extinguishers and Evacuation Plan

**2<sup>nd</sup> Floor** - Fire Alarm, Sprinkler System (Stairwells), Heat Detection (Stairwells), Extinguishers and Evacuation Plan

**3<sup>rd</sup> Floor** - Fire Alarm, Sprinkler System (Stairwells), Heat Detection (Stairwells), Extinguishers and Evacuation Plan

**4<sup>th</sup> Floor** - Fire Alarm, Sprinkler System (Stairwells), Heat Detection (Stairwells), Extinguishers and Evacuation Plan

**5<sup>th</sup> Floor** - Fire Alarm, Sprinkler System (Throughout), Heat Detection (Stairwells), Extinguishers and Evacuation Plan

**EMERGENCY INFORMATION: Emergency Telephone Numbers**

Finlandia University Dept. of Campus Safety & Security: (906) 487-7307 Cell #: (906) 370-7307

Hancock Police Department: 911 (using campus phone: 9911)

Houghton County Sheriff Department: 911 (using campus phone: 9911)

Hancock Fire Department: 911 (using campus phone: 9911)

Mercy Ambulance: 911 (using campus phone: 9911)

Poison Control Center: 1-800-562-9781

Crisis Center (Dial Help): (906) 482-4357

Copper Country Mental Health: (906) 482-9404

Community members are reminded to report all campus crimes, safety hazards, fires, events, security risks, and accidents to Campus Safety & Security.

Finlandia University  
601 Quincy St.  
Hancock, MI 49931  
(906) 482-5300  
<http://www.finlandia.edu>