

FINLANDIA

UNIVERSITY

ANNUAL SECURITY AND FIRE REPORT 2021

Enrollment: For the 2020-2021 academic year, Finlandia University enrollment was about 405 students. The student body is approximately 44% women and 55% men. For the fall 2020 semester, there were 383 full-time equivalent (FTE) students at the university, and 42% of those students lived in university-owned controlled housing.

Pandemic Protocols: Due to the ongoing global SARS-CoV-2 (Covid-19) pandemic, Finlandia developed clear plans and protocols to open the campus for an in-person and residential living for the 2021 calendar year. Plans were developed in coordination with information with the Centers for Disease Control (CDC), local public health experts, and the Michigan Department of Health and Human Services. These plans consider both a fully remote learning and working model for the spring semester as well as a hybrid of in-person and remote learning and working model for the fall semester. These plans took into consideration the number of cases presented on campus and in the community. It has never been more important for campus community members to follow sound safety practices, including stringent adherence to established public health guidelines and mitigation compliance. Any changes to policies and procedures that would impact the Annual Security and Fire Safety Report (ASFSR) policy statements in response to the pandemic are noted within this document.

The Department of Campus Safety and Security (DCSS) is responsible for policy enforcement, security and emergency response on the campus. The Department is under the leadership of the Manager of Campus Security and Safety who reports to the Assistant Dean of Students for Residence Life and Campus Safety. Institutional Clery compliance initiatives are managed by the Manager of Campus Security and Safety. The Department's seven Safety Officers, who report to the Manager of Campus Security and Safety are responsible for coordinating daily patrols, security and fire safety operations and activities of the Department. The Department is open and staffed 24 hours a day/7 day a week.

To be successful in providing the highest degree of public safety services on the campus, it is important that community members follow good safety practices and understand that safety is the responsibility of all community members, not just those officially and formally charged with enforcing the laws, policies, and rules. This includes, locking your valuables, and reporting suspicious/criminal activities.

This publication is intended to provide you with information on educational programs, safety practices, crime statistics, and policies regarding the reporting of emergencies and campus crime rates. It is the primary objective of DCSS to work collaboratively with campus community members in our collective efforts to continually enhance the safety of the campus environment, thereby affording opportunities for community members to work, live, study, and personally and professionally develop both intellectually and socially. Should you have questions, comments, or suggestions regarding the information contained within this publication or any related public safety policies, procedures, or operations, please feel free to contact the Vice President for Student Development and Dean of Students at (906) 487-7324.

Policies on Crime and Emergency Reporting

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. Department of Campus Safety & Security (DCSS) and/or Student Life are able to evaluate, consider and send timely warning notices, disclose crimes through ongoing disclosure processes and accurately document reportable crimes in its annual statistical disclosure.

Finlandia University further encourages accurate and prompt reporting to DCSS and/or the local police when the victim of a crime elects to, or is unable to, make such a report. 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 DCSS 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 the DCSS at 487-7307 (ext. 307 on-campus).

DCSS 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. DCSS can be reached at 487-7307 (ext. 307 on-campus) or 370-7307.

Reporting

If a student, staff, faculty and/or visitor to campus wanted to report a criminal action or other emergency they could reach out to the DCSS phone or go to the DCSS office located in Finlandia Hall. Students, staff, faculty and/or visitors can also report via our online reporting tool Maxient.

Primary Campus Security Authorities (CSA) or Preferred Receivers of Reports:

- Call the DCSS by dialing (906) 487-7307, on-campus extension 307, or (906) 370-7303.
- Report in person to the DCSS at Finlandia Hall.
- Crimes or emergency situations can be reported to the Hancock Police Department or local emergency services by dialing 911
 - Sex Offenses and other incidents of sexual or relationship violence can also be reported to the university's Title IX Coordinator, by dialing (906) 487-7301 or on-campus extension 301, or in person Mannerheim Hall), Room 150
 - Contact the Office of Human Resources (HR) by dialing (906) 487-7339 or on-campus extension 339, or in person at the HR office located on the 6th floor of the Jutilla Center.
 - Contact the Dean of Students by dialing (906) 487-7324 or on-campus extension 324, or in person Mannerheim 114.
 - Complete the online "Report and Incident" reporting form at:
<https://www.finlandia.edu/student-affairs/report-an-incident/> (This form should only be

used for non-emergency or non-urgent reporting)

Timely Warning Policy/Emergency Notification

The Finlandia University DCSS 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 Office Manager of Campus Safety & Security, Dean of Students, or other designated personnel.

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.

The DCSS issues Timely Warning Notices and Emergency Notifications in a variety of formats. Timely Warning Notices and Emergency Notifications may be issued through any or all of the following, as appropriate.

- Finlandia University E-mail
- Text message to mobile devices
- Finlandia University Web Page
- Campus and Community Media outlets
- Finn TV (Electronic Display System)

Depending upon the particular circumstances of the crime, additional flyer notifications may be posted on the doors of the residence hall and other campus buildings as appropriate. If there is an immediate threat to the health or safety of students or employees occurring on campus requiring a warning notice, follow-up notices will be provided via the same avenues listed above, as appropriate.

If a situation (serious criminal incident, disaster or catastrophe) arises which, in the judgment of the Office Manager of the DCSS in conjunction with the Dean of Students and other designated personnel, poses a substantial and imminent risk to the campus community, the DCSS, will issue an Emergency Notification without delay, unless such notification will compromise efforts to assist a victim, or compromise efforts to contain, respond to, or otherwise mitigate the emergency.

Campus Crime Alerts will not disclose the name(s) of the victim(s), as those will remain confidential.

In order to receive Campus Crime Alerts via text message, Finlandia University community members are required to independently register at <https://emergencytext.paperform.co//>. This is a free service and is open and available to all Finlandia University community members.

Security and Access

The DCSS officers and other University officials are authorized to enforce University policies and may, in their discretion, restrict or prohibit access to University property, or prohibit certain activities on campus. Failure to abide by a DCSS officer's instruction may result in being reported to University official or to local law enforcement.

University owned buildings/facilities are generally open during school hours. The DCSS locks and secures each building every evening after all classes, events, or other scheduled open times have concluded for the day.

University-owned residence halls use an electronic card-key-access system that limits entry to residents and other users permitted by the University after hours. Emergency Fire exit doors are equipped with alarms that sound if a door is opened. DCSS personnel respond to such alarms to determine the cause of activation and to take action, where appropriate, to protect the well-being and safety of Finlandia's campus community.

Security Considerations Used in The Maintenance of Campus Facilities

Finlandia University facilities and landscaping are maintained in a manner that minimizes hazardous and unsafe conditions. Parking lots and pathways are illuminated with lighting. DCSS regularly patrols the campus and reports malfunctioning lights and other unsafe physical conditions to Facilities Management for correction. Campus community members can additionally report hazards directly to Facilities Management. The campus' overall safety and security program is supplemented by a variety of technological systems including: access control; security cameras; and fire detection, suppression, and reporting systems. Other members of the Finlandia community are helpful when they report equipment problems to DCSS or Facilities Management.

Testing of the Emergency Preparedness/Response Plan

In accordance with federal law, the Finlandia University Emergency Management Committee schedules and executes at least one test of Finlandia University's emergency response and evacuation procedures annually. The test may be announced or unannounced and will meet all of the following criteria: be scheduled; contain drills, exercises, follow-through activities; be designed for assessment and evaluation of emergency plans and capabilities.

The tests are in the form of one of the following: a mandatory emergency drill, tabletop, functional, or full-scale exercise. The tests, at a minimum, include testing of procedures for immediate emergency notifications of threats. All tests conducted are followed up by a review, by the committee, the purpose of which is to determine which procedures we need to sustain and how we need to refine or improve emergency response, evacuation and emergency notification procedures.

The current plan is tested in various areas across campus. Mass emails, and text alerts are tested regularly, and drills are conducted periodically in the residence hall. The University tests the emergency notification system once a semester, by sending a test message to the University community via text message, email, and digital signage. These tests are evaluated for timeliness of message distribution and allows the campus community to make sure their information in the system is accurate.

Campus Law Enforcement

DCSS officers are responsible for enforcing the Student Code of Conduct (residence life staff have the specific responsibility of enforcing the Student Code of Conduct within the residence hall). Although officers of the DCSS have the specific responsibility of enforcing the Student Code of Conduct for the entire campus setting, including the main campus 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 Handbook. The DCSS officers are not sworn law enforcement personnel and do not have the authority to make arrests. The Assistant Dean of Students and/or designee(s) is responsible to mediate the disciplinary process of the Student Code of Conduct. Violations of the Student Code of Conduct reported to the DCSS are submitted to the Assistant Dean of Students via a Maxient Incident Report. DCSS will work with the Assistant Dean of Students office in cases where criminal charges may be appropriate.

Relationship between Finlandia University and Local Law Enforcement

DCSS maintains a collegial working relationship with the City of Hancock Police Department, and Houghton County Sheriff's Department, Michigan Tech University Police Department and the Michigan State Police 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.

Accurate & Prompt Reporting

Finlandia University encourages accurate and prompt reporting of all crimes to the DCSS and/or the local police agency, when the victim of a crime elects to, or is unable to, make such a report. 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 DCSS 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 DCSS at 487-7307 (ext. 307 on-campus).

Voluntary Confidential Reporting

Finlandia University encourages anyone who is the victim or witness of any crime to promptly report the incident to DCSS or the Hancock Police Department. DCSS does not have a voluntary confidential reporting process because DCSS reports are educational records and not law enforcement reports, thus DCSS cannot hold reports of crime in confidence.

Confidential Reporting

Students may make confidential reports to Pastoral Counselor. Pastoral Counselor when acting in their capacity and function as a Finlandia counselor do not make identifiable reports of incidents to the Official On-Campus Resources unless the student specifically requests them to do so; however, Finlandia University encourages counsellors, if and when they deem it appropriate, to inform students they can report incidents of crime to DCSS, which can be done directly or anonymously through the anonymous reporting processes as outlined below.

Pastoral Counselor

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

Personal Safety

DCSS utilizes security officers to observe and detect crimes and threats on campus. The primary protective means used is restricting campus access and use to only those authorized students, staff, employees, or their guests for reasonable and safe purposes. A safe campus is everyone's responsibility. Do your part to protect yourself and others. Increased awareness by all of us can help prevent crime and keep our community safe. Listed below are ways you can help protect yourself from criminal activity on and off campus:

- Always secure your residence or office door whenever you leave (even for just a minute.)
- Do not store large amounts of money, jewelry, or other valuables in your room or office.
- Never leave your backpack or purse unattended in an office or open area. Always secure them in a filing cabinet or drawer and lock it.
- Never loan your keys or I.D. to anyone.
- Do not leave messages on your door that might indicate that you will be away for a period of time.
- If you see someone who looks suspicious on campus, call DCSS immediately. We want to verify if the individual has a valid reason to be on campus.
- Try not to walk alone at night. Should you have to, stay in well-lit areas. Walk with a purpose.
- Be aware of your surroundings. If you anticipate a dangerous situation, stay clear and call DCSS immediately.
- Always lock your vehicle. Put valuables and identifying papers in the trunk.
- When walking to your vehicle, have your keys ready before you get to the door.
- Check to make sure that no one is in your vehicle before you get inside.

- After entering your vehicle, lock all doors and get going.
- Don't carry large amounts of cash. A front pocket is safer for a wallet than a back one.
- Don't take unnecessary risks. You can never tell if a robber is armed. No amount of money is worth taking chances with your life.
- Stay away from isolated areas.
- Lock your bicycle when you're not using it.
- Be aware of your surroundings. Report any suspicious activity to DCSS or local police immediately. Try to give a description that includes approximate age, height, and weight and details on hair, clothing, shoes, jewelry, scars, and tattoos - anything that is noticeable.
- Always take steps to protect yourself. Using common sense is often your best protection.

Monitoring and Recording

Finlandia University does not use local police for the monitoring and recording of criminal activity by students at non-campus locations of student organizations officially recognized by the institution, as no officially recognized student organizations have any non-campus housing facilities.

Missing Student Notification:

The purpose of this policy is to establish procedures for the university'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. Reports of a missing student may be made to any faculty/staff member. 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 DCSS 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 university "in case of emergency". This information will remain confidential, and will only be accessible to authorized University officials and law enforcement, and may not be disclosed outside of a missing person investigation. In the event a student is reported missing, University 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 university 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

1. Any individual on campus who has information that a residential student may be a missing person must notify the DCSS 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. DCSS will assist outside agencies with these investigations as requested.
2. The DCSS 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 University staff will be notified to aid in the search for the student.
3. If the above actions are unsuccessful in locating the student within 24 hours of the report or it is apparent immediately that the student is a missing person (e.g., witnessed abduction), the DCSS 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.
4. 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) and the parent/guardian (for students under the age of 18) that the student is believed to be missing.

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. Depending 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.

Finlandia University is an alcohol-free campus. Possession of alcohol by students, regardless of

age is not permitted. Students are expected to adhere to all University policies as well as local, state, and federal law regarding the possession of alcohol on campus

Laws Relating to Use of Alcohol

All federal, state, and local laws, as well as University policy govern alcohol possession / use at Finlandia University

These summaries are an educational tool and other provisions not included may also apply:

- *Legal Age for Possession and Consumption of Alcohol* - It is illegal for a person under 21 years of age to purchase, consume, or possess alcoholic beverages.
- *Transporting Alcoholic Beverages* - It is a misdemeanor for a person under 21 years of age to knowingly transport alcoholic beverages in a motor vehicle.
- *Fraudulent Identification* - A person under 21 years of age who furnishes fraudulent identification, or who uses fraudulent identification to purchase alcoholic beverages and is guilty of a misdemeanor.
- *Regulation of Sale* - Under Michigan Law, the sale, trade, or giving away of alcoholic beverages, including alcoholic beverages for personal use, requires a license or other prior written authorization.
- *Open Container Laws* - It is illegal to transport or possess any alcoholic beverages in a container that is open, uncapped, or upon which the seal is broken within a motor vehicle on the highways in the state of Michigan.
- *City Ordinances* - The City of Hancock prohibits the consumption of alcoholic beverages on any public streets or sidewalks, in parks, or in any other public places.
- *Liability* - In the state of Michigan, a person who is injured by a visibly intoxicated person, who has been furnished alcohol unlawfully, has the right of action.
- *Drinking and Driving* - Michigan has a “zero-tolerance” law permitting no blood alcohol for drivers less than 21 years of age.
- *Alcohol and Sexual Assault* - Engaging in sexual activity with a person who is unable to consent is considered sexual assault and is punishable under Michigan law.
- *Disorderly Conduct* - In the state of Michigan, a person who is intoxicated in a public place and who is a danger to themselves or others is defined as a disorderly person

Finlandia University is a drug free University. Finlandia University prohibits the possession, use, or sale of any substance that is illegal under local, state or federal law. Finlandia University DCSS will work with local, state, and federal authorities to enforce laws regarding illegal

possession, use, sale, or other use of illegal substances.

The penalty for the illegal possession, use, sale, or delivery of controlled substances depends on the quantity of the drug, and to which Schedule it belongs, Schedule I drugs carrying the most severe penalty, and Schedule V drugs carrying the least severe penalty. If the sale or transport of drugs crosses interstate lines, federal law and penalties will apply. Federal drug trafficking penalties can be found at:

https://www.ssc.edu/wp-content/uploads/2014/07/trafficking_penalties.pdf

Finlandia University strives to improve the quality and types of education provided to students about the dangers of alcohol and drug use, including presentations, postings, and other campus activities.

Crime Statistics

Crime statistics which are provided in this institution's Annual Security Report are based upon incidents reported by campus security authorities and local police agencies. This institution shall annually report statistics for the three most recent calendar years concerning the occurrence on campus, in or on non-campus buildings or property, and on public property (as those terms are defined and interpreted for purposes of the Clery Act) for occurrences of murder, manslaughter, sexual misconduct, including, (forcible and non-forcible) sexual assault, domestic violence, dating violence and stalking, robbery, arson, aggravated assault, burglary, and motor vehicle theft; statistics on arrests for violations of liquor or drug abuse as well as weapons possession violations; disciplinary referrals for liquor, drug and weapons violations; and statistics on Hate Crimes that are reported to local police agencies or to campus security authorities. DCSS will make the determination as to whether a reportable offense has occurred. These reports will be compiled to prepare the annual Campus Crime and Security Survey for submission to the United State Department of Education, Office of Postsecondary Education. This report will be made available to the public by October 1st of each year. This report will be posted to the Finlandia website for viewing.

Crime Definitions:

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 USC § 1092(f) et.seq., and its implementing regulations require colleges and universities across the United States to disclose information about crime on and around their campuses. This section includes information on crime statistics specific to Finlandia University and are reflective of the calendar years 2019, 2020 and 2021. Crime statistics reported within the table below are in accordance with the definitions of crimes provided by the FBI for use in the Uniform Crime Reporting (UCR) system. This report includes statistics for crimes reported which occurred within the Finlandia University Clery geography and were reported to the Department of Campus Safety and Security. The report also includes statistics for referrals for campus disciplinary action for categories required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. These categories include liquor, drug and weapon law

violations. Statistical information for certain off campus locations or property owned or controlled by the University, as well as public property within or immediately adjacent to campus, is gathered by DCSS after requesting such information from those local law enforcement agencies.

The crime statistic tables appearing on the following page(s) are prepared using data from documents provided, maintained and reviewed by the DCSS, Human Resources, Title IX, Athletics, designated Campus Security Authorities (CSAs), Responsible Employees, and cooperating external law enforcement agencies.

Geography Definitions from the Clery Act:

On-Campus defined as:

1. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and
2. Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or retail vendor).

On-campus Student Housing Facility defined as:

Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. This category is considered a subset of the On-Campus category.

Non-Campus Building or Property defined as:

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

The Non-Campus geography definition includes buildings or properties under temporary control during institutionally sponsored short-stay-away domestic or international trips for students of more than one night, or buildings or properties under temporary control during institutionally sponsored domestic or international trips for students to repeated locations.

- For example, students in the debate club take a trip to Washington, D.C. and stay at the same hotel every year. In this example, the institution must include in their Clery Act crime statistics any Clery Act crimes that occur in the rooms used by the students and

any common areas used to access those rooms; including the lobby, elevator and staircases.

Public Property defined as:

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

Reasonably Contiguous is defined as:

Any building or property an institution owns or controls that is in a location that students consider to be, and treat as, part of the “campus.” Generally speaking, Finlandia University considers locations within one mile from the core or main campus border to be reasonably contiguous with the campus.

The Finlandia University crime statistics do not include crimes that occur in privately-owned homes or businesses within or adjacent to the campus boundaries.

Clery Reporting Crime Definitions:

The Clery Act divides reportable crimes into four categories to assist with a better understanding of each type of crime. The four categories, as reflected below, are Criminal Offenses, Hate Crimes, Violence Against Women Act Offenses, and Arrest and Referrals for Disciplinary Action. The following definitions and statistics are reported in accordance with those guidelines.

Criminal Offenses:

MURDER/NON-NEGLIGENT MANSLAUGHTER

The willing (non-negligent) killing of one human by another. NOTE: deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

MANSLAUGHTER BY NEGLIGENCE

The killing of another person through gross negligence.

SEX OFFENSES

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. An offense that meets the definition of rape, forcible fondling, incest, or statutory rape as used in the FBI’s UCR program.

1. 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.
2. Fondling: The touching of the private 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.

3. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

ROBBERY

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

AGGRAVATED ASSAULT

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

BURGLARY

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

MOTOR VEHICLE THEFT

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

ARSON

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

Violence Against Women Act Offenses

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.

1. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
2. For the purposes of this definition:
 - a. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b. Dating violence does not include acts covered under the definition of domestic violence.

DOMESTIC VIOLENCE

A Felony or misdemeanor crime of violence committed:

1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common;
3. By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
4. 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
5. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

STALKING

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for the person's safety or the safety of others; or
2. Suffer substantial emotional distress.
3. For the purposes of this definition:
 - a. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property;
 - b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and
 - c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Arrest and Disciplinary Referrals Definitions

ARREST

An arrest for Clery Act purposes is defined as persons processed by arrest, citation or summons.

DISCIPLINARY REFERRAL

Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

LIQUOR LAW VIOLATIONS

The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

DRUG ABUSE VIOLATION

The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics—manufactured narcotics that can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

WEAPON LAW VIOLATIONS

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

Hate Crimes

HATE CRIME DEFINITIONS

The Clery Act defines a Hate Crime as a criminal offense (larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, and other Clery Act crimes) that manifests evidence that the victim was intentionally selected because of the perpetrator's bias (race, ethnicity, national origin, gender, gender identity, sexual orientation, religion and/or disability) against the victim.

In addition to any of the above Clery crimes, the following acts are reportable as Hate Crimes under the Clery Act. A crime is classified as a Hate Crime when the evidence suggests the victim was intentionally selected because of the victim's actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.

Finlandia University is also required to report statistics for bias-related (hate) crimes by the type of bias as defined below for all of the above Clery crimes and the additional hate crimes listed here. Although there are many possible categories of bias, under the Clery Act, only the below eight categories are reported.

Additional Hate Crimes

1. Larceny-Theft: the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
 - a. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.
2. Simple Assault: an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or

aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

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

4. Destruction/Damage/Vandalism of Property is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Bias Categories

1. Race: a preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

2. Religion: a preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

3. Sexual Orientation: a preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

4. Gender: pre-formed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

5. Gender Identity: a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender nonconforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

6. Ethnicity: a preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

7. National Origin: a preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or

accents associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of

a certain national origin.

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

Hierarchy Rule

When counting multiple offenses, we are required to use the FBI's UCR Hierarchy Rule. Under this rule, when more than one criminal offense was committed during a single incident we must only count the most serious offense. A single incident means that the offenses were committed at the same time and place. Beginning with the most serious offense, the hierarchy for reporting Clery offenses is: Murder and Non-negligent Manslaughter, Manslaughter by Negligence, Sexual Assault, Robbery, Aggravated Assault, Burglary, and Motor Vehicle Theft.

The crimes of Arson, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Hate Crimes are not governed by the hierarchy rule, and statistics for these incidents are reported in these categories in addition to any other crime category covered under the hierarchy rule if applicable. The crime statistics also reflect no hierarchy rule for drug, liquor and weapon law violations, where the institution chooses the most severe infraction to count. An example of this would be if a person was arrested or referred for drug and liquor violations; a drug statistic would be counted and not the alcohol and an arrest is counted over a referral.

Unfounded Crimes

Under the reauthorization of the Violence against Women Reauthorization Act regulations, an institution may withhold or subsequently remove a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore unfounded. Only sworn or commissioned law enforcement personnel may "unfound" a crime report. The recovery of stolen property, the low value of stolen property, refusal of the victim to cooperate with the prosecution, the failure to make an arrest, and a determination by a coroner, court or jury are not adequate grounds for unfounding a crime report.

Crime Statistics

Below are the tables containing the crime statistic information for the calendar years of 2019, 2020, and 2021 — for Finlandia University. Keep in mind the tables are divided by Clery geography and include information obtained from local law enforcement when appropriate. The University made a reasonable and good faith effort to request and retrieve statistics from all local law enforcement agencies with jurisdiction over the University's identified Clery geography. Reportable Clery crime data received from agencies who responded to these requests are included in the crime statistics. Not all of these agencies responded to these requests for crime statistics.

Finlandia University 601 Quincy Street Hancock, Michigan 49930

Criminal Offenses						
Crime Classification	Year	On-Campus Student Housing	On-Campus Total	Non-Campus Property	Public Property	Total
Murder/Non-Negligent Manslaughter	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Manslaughter by Negligence	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Sex Offense: Rape	2021	0	0	0	1	1
	2020	0	0	0	0	0
	2019	1	0	0	1	2
Sex Offense: Forcible Fondling	2021	0	0	0	0	0
	2020	1	0	0	0	1
	2019	2	0	0	0	2
Sex Offense: Incest	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Sex Offense: Statutory Rape	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Robbery	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Aggravated Assault	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Burglary	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Motor Vehicle Theft	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Arson	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Unfounded Crime	2021	Zero (0) Unfounded Crimes				
	2020	Zero (0) Unfounded Crimes				
	2019	Zero (0) Unfounded Crimes				

Violence Against Women Act Offenses						
Crime Classification	Year	Student Housing	Campus Total	Campus Property	Public Property	Total
Dating Violence	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	1	0	0	0	1
Domestic Violence	2021	0	0	0	9	9
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Stalking	2021	0	0	0	0	0
	2020	1	0	0	0	1
	2019	2	0	0	0	2
Unfounded Crime	2021	Zero (0) Unfounded Crimes				
	2020	Zero (0) Unfounded Crimes				
	2019	Zero (0) Unfounded Crimes				

Arrests						
Crime Classification	Year	Student Housing	Campus Total	Campus Property	Property	Total
Liquor Law Arrest	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Drug Law Arrest	2021	0	0	0	0	0
	2020	0	0	0	3	3
	2019	0	0	0	0	0
Weapon Law Arrest	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Unfounded Arrest	2021	Zero (0) Unfounded Crimes				
	2020	Zero (0) Unfounded Crimes				
	2019	Zero (0) Unfounded Crimes				

Referrals for Disciplinary Action						
Crime Classification	Year	Student Housing	Campus Total	Campus Property	Property	Total
Liquor Law Violations Referred for Disciplinary Action	2021	5	5	0	0	5
	2020	3	0	0	0	3
	2019	5	0	0	0	5
Drug Law Violations Referred for Disciplinary Action	2021	4	4	0	0	4
	2020	0	1	0	0	1
	2019	2	0	0	0	2
Weapon Law Violations Referred for Disciplinary Action	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Unfounded Referrals	2021	Zero (0) Unfounded Crimes				
	2020	Zero (0) Unfounded Crimes				
	2019	Zero (0) Unfounded Crimes				

Hate Crimes						
Crime Classification	Year	Student Housing	Campus Total	Campus Property	Public Property	Total
Ethnic Intimidation	2021	0	0	0	1	1
	2020	0	0	0	0	0
	2019	0	0	0	0	0
Other Hate Crimes not listed above	2021	0	0	0	0	0
	2020	0	0	0	0	0
	2019	0	0	0	0	0

Unfounded Hate Crimes	
2021	Zero (0) Unfounded Hate Crimes
2020	Zero (0) Unfounded Hate Crimes
2019	Zero (0) Unfounded Hate Crimes

The On-Campus geography category is divided into two groups; On-Campus Student Housing and the On-Campus total. The on-campus total number is a combination of incidents that occurred within a student housing facility and incidents that occurred on campus. The number reflected in the Student Housing category includes only those incidents that occurred within one of the residential facilities on campus, Finlandia Hall or the Servant Leadership House

Violence Against Women (VAWA)

Sexual Misconduct Policies, Services, Resources, And Protocols

Finlandia University prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the university community. Toward that end, Finlandia University issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

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

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

Domestic Violence:

- i. A Felony or misdemeanor crime of violence committed by—
 - A) a current or former spouse or intimate partner of the victim;
 - B) a person with whom the victim shares a child in common;
 - C) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - D) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;or
 - E) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Definition of a **Crime of Violence**: According to Section 16 of Title 18 of the United States Code, the term "crime of violence" means:

- i. An offense that has an element of the use, attempted use, or threatened use of physical force against the person or property of another; or,
- ii. Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

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

i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

ii. For the purposes of this definition—

A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

B) Dating violence does not include acts covered under the definition of domestic violence

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

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

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

Stalking:

i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- A) Fear for the person's safety or the safety of others; or,
- B) Suffer substantial emotional distress.

ii. For the purposes of this definition—

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

B) Reasonable Person means a reasonable person under similar circumstances and with similar identities to the victim.

C) Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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

Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Sexual Assault:

i. The state of Michigan defines the legal term used for "rape," "sexual assault," and "sexual battery" is **Criminal Sexual Conduct (CSC)** (Michigan Penal Code Section 750.520). Under Michigan law, there are four degrees of CSC and they cover a range of sexual contact and levels of force or intimidation. The following table highlights the main provisions of Michigan's CSC laws.

- A) **1st degree (felony):** A sexual act involving penetration (broadly defined) and any of the following:
 - Victim is under 13 years old;
 - Victim is 13-15 years old + is a blood affiliation to the defendant, lives in the defendant's household, or the defendant is in an authority position to the victim;
 - Multiple actors are involved and force/coercion was used to accomplish the sexual penetration or the victim is incapacitated (physically helpless, mentally incapacitated or mentally defective) weapon involved;
 - Personal injury + force/coercion;

- Personal injury + victim incapacitated (Unable to consent to due age, mental challenged or due to intoxication, date rape drug, etc.); or
 - Defendant is in the process of committing another felony.
- B) **2nd degree** (felony): Sexual contact (No penetration) with the genital area, groin, inner thigh, buttock or breast, AND any of the circumstances listed for 1st Degree CSC.
- C) **3rd degree** Sexual Penetration and any of the following:
- Victim is 13-15 years old;
 - Force or coercion; or
 - Victim is incapacitated (unable to consent to due age, mental challenges, intoxication, date rape drug, etc.)
- D) **4th degree** (misdemeanor): Sexual Contact and any of the following:
- Force or Coercion
 - Victim incapacity (unable to consent to due age, mental challenges, intoxication, date rape drug, etc.)
 - Defendant works for the Department of Corrections and the victim is an inmate.

Domestic Violence/Abuse: The state of Michigan defines domestic violence (MCL § 400.1501) as a pattern of learned behavior in which one person uses physical, sexual, and emotional abuse to control another person against a household or family member. You don't have to be married to someone to be a victim of domestic violence. Any crime can be an act of domestic violence if perpetrated as a means of controlling another person who is a family or household member including:

- Arson;
- Assault;
- Extortion;
- Homicide or attempted murder;
- Kidnapping or unlawful imprisonment;
- Obstruction of justice;
- Prohibited conduct against a pregnant woman causing death, miscarriage, stillbirth, or physical injury to the embryo or fetus.

Dating Violence: The state of Michigan does not have a definition of Dating Violence.

Stalking: The state of Michigan defines stalking (750.411h and 750.411i) willful course of conduct involving repeated or continuing harassment that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel such. Aggravated stalking: stalking and violation of restraining order or injunction, violation of probation, pretrial release or bond release, or threats against victim, victim's family or an individual living with victim; or previous stalking conviction.

Consent: The state of Michigan does not have a definition of Consent. Finlandia University defines consent as follows:

Permission that is clear, knowing, voluntary, and expressed prior to engaging in and during an act. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as Consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

A. Consent to any one form of sexual activity cannot automatically imply Consent to any other forms of sexual activity.

B. Consent may be withdrawn at any time.

C. Previous relationships or prior Consent cannot imply Consent to future sexual acts; this includes “blanket” Consent (i.e., permission in advance for any/all actions at a later time/place).

D. Consent cannot be given by an individual who one knows to be – or based on the circumstances should reasonably have known to be – substantially impaired (e.g., by alcohol or other drug use, unconsciousness, etc.).

i. Substantial impairment is a state when an individual 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).

ii. This also covers individuals whose substantial impairment results from other physical or mental conditions including mental disability, sleep, involuntary physical restraint, or from the consumption of alcohol or other drugs.

iii. Being impaired by alcohol or other drugs will never function as a defense for any behavior that violates this policy.

E. It is the obligation of the person initiating the sexual activity to obtain Consent.

F. An individual cannot Consent who has been coerced, including being compelled by force, threat of force, or deception; who is unaware that the act is being committed; or who is coerced by a supervisory or disciplinary authority.

i. Force: violence, compulsion, or constraint; physically exerted by any means upon or against a person.

ii. Coercion: the application of pressure by the Respondent that unreasonably interferes with the Complainant's ability to exercise free

will. Factors to be considered include, but are not limited to, the intensity and duration of the conduct.

G. A person who does not want to Consent to sex is not required to resist or verbally object.

H. Withdrawal of Consent can be manifested through conduct and need not be a verbal withdrawal of Consent (i.e. crying, pulling away, pushing away, not actively participating, laying there, uncomfortable or upset facial expression).

I. Consent may not be given by an individual who has not reached the legal age of Consent under applicable law

How to Be an Active Bystander

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and acting to intervene. Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”¹ We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, call the DCSS at (906) 4877-7307, or the local police by dialing 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Be direct, delegate responsibility, or cause a distraction when you see a person secludes, hits on, tries to make out with, or has sex with people who are incapacitated.
- Intervene when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on- or off-campus resources listed in this document for support in health, counseling, or with legal assistance.

¹ Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792 4 Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money and/or an on-demand driver app loaded.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get them to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
 - Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.

– Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

– Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.

– Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault, and Stalking

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

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

Finlandia University's educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees that:

- Clearly communicate that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act);
- Provide the definitions of domestic violence, dating violence, sexual assault, and stalking according to any applicable jurisdictional definitions of these terms;

- Define consent and describe what behaviors and actions constitute consent, in reference to sexual activity as defined by the student and employee codes of conduct;
- Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and acting to intervene;
- Provide information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
- Provide an overview of information contained in the Annual Security and Fire Safety Report in compliance with the Clery Act;

Primary Prevention and Awareness Programs

Finlandia University provides primary prevention and awareness programs to all incoming students and employees that involves the distribution of educational materials to new students, participating in and presenting information and materials during new student and employee orientations, providing programs by invitation at staff meetings and/or academic programs. These trainings include:

- Clearly articulated statements that the University prohibits the crimes of domestic violence, dating violence, sexual assault and stalking;
- The Federal and State definitions of domestic violence, dating violence, sexual assault and stalking;
- The University's definition of consent;
- A description of safe and positive options for bystander intervention;
- Information on specific risk reduction strategies.

Ongoing Prevention and Awareness Campaigns

Finlandia University provides an annual educational campaign for all students and employees designed to provide ongoing education and programming around issues of sexual violence – including sexual assault, domestic violence, dating violence, and stalking. Campaign strategies

employed include face-to-face presentations, online training programs, printed materials, tabling displays and related lectures.

Ongoing prevention and awareness campaigns include; domestic violence prevention events and activities; sexual assault and awareness activities, which includes presentations and an annual “Let’s End campus sexual assault” event; and bystander intervention programming.

The following are some specific examples of annual programs currently offered by the university. This list is not all inclusive:

- Orientation Programing: Incoming first year students participate in a series of information sessions about Title IX information and bystander education, in addition to learning about the Sexual Misconduct Policy, bystander intervention, and resources. New faculty and employees receive Clery Act and Title IX information during their orientation programs.
- “The Bystander Moment” Training: Video and discussion on how students can become bystanders why helping to change societal expectations about sex, masculinity and gender violence.

Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurs

Finlandia University complies with Michigan State law in recognizing orders of protection.

Any person who obtains an order of protection from Michigan or any reciprocal state should provide a copy to the DCSS and the Title IX Coordinator. A complainant may then meet with the Title IX Coordinator and Manager of Campus Safety and Security to develop a Safety Action Plan, which is a plan for Campus Security and the victim to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom/work site location, or working with Academic Advising on alternative class possibilities, allowing a student to complete assignments from home, allowing an employee to develop a flexible work schedule, etc. Finlandia University cannot apply for a legal order of protection, No Contact order, or restraining order for a victim from the applicable jurisdiction(s).

On- and Off-campus Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, Finlandia University will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and assistance in notifying appropriate local law enforcement. If a sexual assault or rape should occur on campus, staff on-scene, including DCSS, will offer the

victim a wide variety of services. This information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for Finlandia University.

These resources include the following:

On Campus	Employees	Students
Counseling/Mental Health		
Health Services		
Title IX Coordinator	Julia Center Room 604 906-487-7537	Mannerheim Hall 150 906-487-7301
VISA and Immigration Assistance/International Student Support and Services		Nikander Hall N31 906-487-7260
Student Financial Aid		Mannerheim Hall Room 212 906-487-7240
Pastoral Counseling		Finlandia University Pastor 532 Franklin Street Hancock, MI 49930 906-487-7239
Department of Campus Safety and Security	Finlandia Hall Non-emergency 906-487-7307 or 906-370-7307 Emergency 911	Finlandia Hall Non-emergency 906-487-7307 or 906-370-7307 Emergency 911
Dean of Students		Mannerheim Hall Room 114

Sexual Misconduct Resource Site	https://www.finlandia.edu/offices-services/human-resources/	https://www.finlandia.edu/student-affairs/title-ix-office/
Facilitated Anonymous Reporting		<p>A student can go to the campus Chaplain to submit an anonymous report in person.</p> <p>A student can submit an anonymous report electronically via the reporting link located on the https://www.finlandia.edu/student-affairs/report-an-incident/ webpage.</p> <p>The amount of detail provided in an anonymous report will determine the University's ability to investigate or respond.</p>
Off Campus	Employees	Students
Counseling/Mental Health	Dial Help, Inc 609 Sheldon Ave. Houghton, MI 49931 906-42-9077	Dial Help, Inc 609 Sheldon Ave. Houghton, MI 49931 906-42-9077
Health Services	UP Health System - Portage 906-483-1000	UP Health System - Portage 906-483-1000
Victim Advocacy	Dial Help, Inc. Victim Services Program (CA, DV, SA, UN) (906) 482-9077 www.dialhelp.org	Dial Help, Inc. Victim Services Program (CA, DV, SA, UN) (906) 482-9077 www.dialhelp.org

Legal Assistance	Legal Services of Northern Michigan (906) 482-3908 706 Sharon Avenue Houghton, MI 49931	Legal Services of Northern Michigan (906) 482-3908 706 Sharon Avenue Houghton, MI 49931
VISA and Immigration Assistance	Justice For Our Neighbors (Grand Rapids Office) 207 Fulton St East, Grand Rapids, MI 49503 (616) 301-7461, http://jfonmi.org	Justice For Our Neighbors (Grand Rapids Office) 207 Fulton St East, Grand Rapids, MI 49503 (616) 301-7461, http://jfonmi.org
Hancock Police	399 Quincy Street Non-Emergency: 906-482-3102 or 1-866-411-0018 Emergencies: Dial 911	399 Quincy Street Non-Emergency: 906-482-3102 or 1-866-411-0018 Emergencies: Dial 911
Houghton County Sheriff	403 E. Houghton Avenue Houghton, MI 49931 Non-Emergency 906-482-0055 Emergency 911	403 E. Houghton Avenue Houghton, MI 49931 Non-Emergency 906-482-0055 Emergency 911

Confidentiality of Victims and Other Necessary Parties

Every effort is made by Finlandia University to preserve the privacy of reports. Finlandia University will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Finlandia University reserves the right to designate which University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Finlandia University may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student first before doing so.

- A. The University recognizes the importance of confidentiality and privacy. See the Resources section for a list of confidential support, non-confidential support, and medical resources. Information received in connection with the reporting, investigation, and resolution of allegations will be treated as private and will only involve individuals whom the University determines are necessary to conduct an appropriate investigation, to provide assistance and resources to parties, to perform other appropriate University functions, or when the University is required to provide information under the law.
- B. If an incident is disclosed or reported to the University and the individual requests that no investigation be conducted or disciplinary action be taken, the Title IX Coordinator or designee will explain that the University prohibits Retaliation and explain the steps the University will take to prevent and respond to Retaliation if the individual participates in a resolution process. The Title IX Coordinator or designee will evaluate the request to determine whether the University can honor the request while still providing a safe and nondiscriminatory environment.
- C. A decision to proceed despite an individual's request will be made on a case-by-case basis after an individualized review, and the Complainant will be notified if such a decision is made. If the University proceeds with an investigation, the Complainant is under no obligation to proceed as a part of the investigation.
- D. All individuals involved in the process should observe the same standard of discretion and respect for everyone involved in the process.

Investigation and Resolution Options

A. Initial Assessment

Following intake, receipt of notice, or a complaint of an alleged violation of Finlandia University's Title IX and Sexual Harassment Policy, the Title IX Coordinator engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

- B. The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- C. The Title IX Coordinator works with the Complainant to ensure they have an Advisor.
- D. The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and/or remedial response or a Formal Resolution.

i. If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. The Formal Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.

ii. If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available and may seek to determine if the Respondent is also willing to engage in Informal Resolution.

iii. If Formal Resolution is preferred, the Title IX Coordinator initiates the investigation process and determines whether the scope of the investigation will address:

i. Incident, and/or

ii. A potential pattern of misconduct, and/or

iii. A culture/climate issue.

E. Informal Resolution

i. Informal resolution may be utilized in some circumstances if the University deems appropriate and both parties agree to it. Informal resolution is typically used for less serious offenses and only when all parties agree to resolution, or when the Respondent is willing to accept responsibility for violating policy. This can also include a remedies-only response.

F. Investigative and Formal Resolution

The Title IX Coordinator may resolve a report of Sexual Harassment through investigative resolution when the alleged Sexual Harassment, if true, would be prohibited under applicable

University policy. In instances when informal resolution is inappropriate, when the party requests, or when the University requires formal investigation, the University will consider the concerns and rights of all parties and provide a prompt, fair, impartial, and equitable process.

The investigation and the subsequent Formal Resolution determine whether the nondiscrimination policy has been violated. If so, Finlandia University will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

IX. REMEDIES

A. When the University makes a finding of a policy violation, it will take steps, whether individual or systemic, to stop the alleged Sexual Harassment, prevent its recurrence, and remedy the discriminatory effects on the Complainant and others, as appropriate.

B. Corrective Actions/Sanctions

i. When the Respondent is a Student, potential sanctions include formal reprimand, disciplinary probation, suspension, dismissal, and other appropriate educational sanctions.

ii. When the Respondent is an employee, corrective actions may be taken pursuant to the University Equity and Diversity Policy, Employee or Faculty Handbook, NCAA Manual or Union handbook. Disciplinary corrective actions include coaching, development plans, reduction in supervisory duties and leadership responsibilities, changes in salary, termination, and other appropriate corrective actions.

iii. Student employees may be subject to corrective action and sanctions under Student and/or employee policies depending on the nature of the case. For instance, a Student employee who is dismissed from the university may also be subject to termination or other corrective actions.

C. Any corrective actions or sanctions will not take effect until any appeals have been completed.

D. Interim Supportive Measures

i. Supportive measures will be made available to both the Complainant and Respondent whether or not a Formal Complaint is filed to ensure equal access to the University's education and employment programs and activities. The Title IX Coordinator or designee will conduct an individualized assessment and will review requests from Complainant and Respondent to determine supportive measures that are appropriate and reasonably available at no cost to the Complainant or Respondent. Supportive measures may include, but are not limited to:

a. No contact directives;

b. Referral to campus and community resources for victim advocacy, counseling, health services, legal assistance, immigration assistance, disability services;

- c. Academic support including extensions of time and other course-related adjustments;
- d. Modification of work or class schedules;
- e. Change in work or housing locations;
- f. Change in reporting relationship;
- g. Consideration of leave requests; and
- h. Assistance with academic petitions.

ii. During the period of any investigation a Respondent can be put on administrative leave if they are an employee of the University. If the Respondent is a Student of the University, they may be removed from educational activities following an individualized safety and risk analysis that determines that the Respondent poses an imminent threat to the physical health or safety of anyone due to the allegations made. If a Student is removed from educational activities in this way, they have the right to challenge the determination of the safety and risk analysis.

iii. The Title IX Coordinator or designee will coordinate the provision of interim supportive measures. Parties will not be required to arrange such measures by themselves but may need to participate in communication with supervisors, faculty, and other University employees with a need to know.

iv. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

E. Other Remedial Measures

i. When the university is unable to proceed with investigative resolution, such as lack of information in the report or request by the Complainant that an investigation not move forward, the university may take other remedial measures as appropriate to remedy the effects of the alleged Sexual Harassment and/or prevent its recurrence. Remedial measures may also be implemented when it is determined that inappropriate behavior occurred, but that the behavior did not rise to the level of a policy violation.

ii. Remedial measures may include and are not limited to:

- a. Providing training on Sexual Harassment;
- b. Increasing security in a designated space;

- c. Changing policy or procedure; and
- d. Conducting climate checks.

F. TRAINING

A. All faculty, staff, Student employees, and Students are required to take annual Sexual Harassment training as directed by the university.

PROCEDURE

I. INITIAL ASSESSMENT

A. Upon receiving a report, the Title IX Coordinator will provide information to the Complainant on the availability of supportive measures, the right to file a Formal Complaint, and how to file a Formal Complaint.

B. The Title IX Coordinator reviews all reports of Sexual Harassment under this policy under the direction of the Title IX Coordinator or designee for an initial assessment of the reported information. Available resolution options will be guided by the availability of information and evidence suggesting that a policy violation may have occurred; the University's obligation to investigate and provide appropriate remedies to eliminate, prevent, and address the effects of the prohibited conduct; and the availability or desire of the Complainant to participate in an investigation or other resolution.

C. Upon completion of an initial assessment, the Title IX Coordinator or designee will determine the available options for resolution and will communicate these options to the parties.

D. If the Complainant or the University elects to file a Formal Complaint, the Title IX Coordinator will provide written notice to the Respondent within ten days including:

- i. The actual allegations of facts that constitute Sexual Harassment and any evidence that supports this;
- ii. That there is a presumption of innocence in their favor;
- iii. That all parties are entitled to an advisor of their choice;
- iv. That all parties can inspect and review evidence; and,
- v. Information regarding any code of conduct provisions that prohibit false statements made in bad faith.

II. DISMISSAL OF A COMPLAINT

A. In the event that prior to, or in the course of, an investigation, the University determines that the allegations fail to meet the definition of Sexual Harassment or did not occur while in the United States and under the University's educational program or activity, the investigation and Formal Complaint will be dismissed. Formal Complaints may still be resolved through an informal resolution process as outlined above or according to procedures set forth in the Student Code of Conduct.

B. The University reserves the right to dismiss the Formal Complaint and stop the investigation if:

i. The Complainant notifies the Title IX Coordinator in writing that they wish to withdraw their Formal Complaint;

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

or

iii. Specific circumstances prevent the school from gathering sufficient evidence to reach a determination about allegations (e.g. lack of participation in the investigative process by parties or witnesses).

C. If the University dismisses the Formal Complaint for any reason, either party may appeal the decision as outlined in this policy's appeals process.

III. INFORMAL RESOLUTION

A. Informal resolution may be utilized in some circumstances if a Formal Complaint is filed.

B. The usage of an informal resolution process is limited in a number of ways:

i. Informal resolution is unavailable if the Respondent is an employee of the school.

ii. Informal resolution may only be used if any and all parties to an investigation agree to it.

C. In all cases, the University will inform the parties of the right to end the informal resolution process at any time. If a party chooses to end the informal resolution process, the University will inform the Complainant of options, including the option to begin the investigative resolution process.

D. The University will provide a facilitator, mediator, or decision-maker that is free from conflicts of interest and has received special training (found at <https://www.finlandia.edu/student-affairs/title-ix-office/>) in order to facilitate resolution of the Formal Complaint.

E. Informal resolution can take any form that the parties agree upon. The Title IX Coordinator or designee will work with the parties to develop a form of resolution that adequately resolves the needs of the parties. This may include:

- i. Facilitated Dialogue: A structured and facilitated conversation between two or more individuals, including, but not limited to the Complainant and the Respondent, which allows for voices to be heard and perspectives to be shared. Depending on stated interests, participants may work towards the development of a shared agreement.
- ii. Shuttle Mediation: An indirect version of the facilitated dialogue.
- iii. Circle of Accountability: A facilitated interaction between the Respondent and University faculty and/or staff designed to provide accountability, structured support, and the creation of an educational plan.

F. Depending on the form chosen, it may be possible for a Complainant to maintain anonymity throughout the informal resolution process.

G. As part of the resolution process, additional measures (including, but not limited to educational programming, training, regular meetings with an appropriate university individual or resource, extensions of no contact orders, or counseling sessions) may be agreed upon.

IV. FORMAL RESOLUTION & HEARINGS

A. Finlandia University may resolve a report of Sexual Harassment through its formal resolution process when the alleged Sexual Harassment, if true, would be prohibited under applicable University policy. In instances when informal resolution is inappropriate, when any party requests, or when the University requires formal investigation, the University will consider the concerns and rights of all parties and provide a prompt, fair, impartial, and equitable process.

B. Investigation

- i. Following the filing of a Formal Complaint, an Investigator will be assigned to the case by the Title IX Coordinator. During the investigation, the Investigator will seek to meet separately with the Complainant, Respondent, and any relevant witnesses who may have information relevant to the incident. The Investigator may also gather or request other relevant information or evidence when available and appropriate. Both the Complainant and Respondent will be asked to identify witnesses and provide other relevant information in a timely manner to facilitate

prompt resolution of the case. All investigations are done by full-time Finlandia employees.

ii. Although both the Complainant and Respondent are advised to participate in the investigation process to enable a fair and equitable resolution to any case, neither the Complainant nor the Respondent are required to participate in the investigation process.

iii. Formal Complaints of sexual harassment may be consolidated where the allegations arise out of the same facts or circumstances.

iv. During the investigation process, parties have an equitable right to:

a. Receive notice of the allegations before participating in an interview with sufficient time to prepare for meaningful participation;

b. A process with reasonably prompt timeframes, with extensions for good cause, as described in the Procedure section below;

c. Present relevant information to the Investigator, including evidence and witnesses;

d. Receive timely and equal access to any relevant information, documentation, and evidence gathered during the investigation;

e. Have an advisor of their choosing, or through appointment by the University, including an attorney, advocate, or other support person who is not a potential witness in the investigation or could otherwise compromise the investigation, who provides support throughout the formal resolution process, including being present for any meetings or hearings; and

f. Investigators who are adequately trained to resolve cases of alleged Sexual Harassment, are familiar with applicable policies and procedures, and who do not have a conflict of interest or bias for or against either party.

v. The University must provide a written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings to all parties whose participation is invited or expected with sufficient time for the party to prepare to participate.

vi. The University will not restrict the ability of a Complainant or Respondent to discuss the allegations under investigation or to gather and present relevant evidence.

vii. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.

viii. Following the completion of the investigation, the Investigator will complete an investigative report on the allegations contained in the Formal Complaint. Before the report is finalized, the Investigator will send to each party and their advisors an electronic or hard copy of all evidence that is directly related to the allegations. The University must include all evidence directly related to the allegations, even if the investigator does not intend to rely on that evidence in making a determination of responsibility. The parties then have at least ten days to provide a written response, which the Investigator will consider before finalizing the investigative report. The finalized report is then circulated for no less than ten days before a hearing is held.

C. Hearings

i. All hearings are overseen by a Decision Maker(s). All Decision Maker(s) have received special training on how to be impartial and are assigned to cases by the Title IX Coordinator to avoid any bias and present an objective analysis of the evidence. In no case is the Investigator for a given case also the Decision Maker(s).

ii. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the investigation and hearings.

iii. The Decision Maker(s) will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived it.

iv. Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.

v. Hearings are not legal proceedings and do not follow courtroom procedure or the formal rules of evidence. During any hearings, each party must have an advisor present to ask questions to the other party. This advisor does not need to be licensed to practice law and may be a person of the party's choice or, if they do not have an advisor, the University will provide an advisor for them. Finlandia's appointed advisor may be either a staff or faculty member.

vi. Role of the Advisor

- a. Finlandia University generally expects an Advisor to adjust their schedule to allow them to attend Finlandia University meetings when planned, but Finlandia University may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.
- b. Finlandia University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.
- c. Parties whose Advisors are disruptive or who do not abide by Finlandia policies and procedures may face the loss of that Advisor and/or possible Policy violations.
- d. Advisors are expected to consult with their advisees without disrupting Finlandia University meetings or interviews. Advisors do not represent parties in the process; their role is only to advise.

vii. Expectations of the Parties with Respect to Advisors

- a. Each party may choose an Advisor who is eligible to accompany them throughout the process. The Advisor can be anyone, including an attorney, but should not be someone who is also a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout.
- b. The parties are expected to inform the Investigators of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).
- c. The parties are expected to provide timely notice to the Investigator(s) and/or the Title IX Coordinator if they change Advisors at any time.
- d. Upon written request of a party, Finlandia University will copy the Advisor on all communications between the University and the party. The Advisor may be asked to sign a non-disclosure agreement (NDA) regarding private, sensitive records.

viii. Assistance in Securing an Advisor

For representation, Respondents may wish to contact organizations such as:

a. FACE (facecampusequality.org)

b. SAVE (saveservices.org)

Complainants may wish to contact organizations such as:

c. The Victim Rights Law Center (victimrights.org)

d. The National Center for Victims of Crime (victimsofcrime.org), which maintains the Crime Victim's Bar Association

e. The Time's Up Legal Defense Fund (nwlc.org/times-up-legal-defense-fund/)

ix. Questioning & Cross-Examinations

a. The Decision Maker(s) may question individual parties and witnesses.

b. Parties will have the opportunity to cross-examine the party or witness. Parties may never ask questions directly, and questions must be asked to the other party through the use of a party's advisor. All questions asked must be relevant. Any questions determined not to be relevant by the Decision Maker(s) are not required to be answered.

c. If a party or witness is absent from the live hearing or refuses to answer cross-examination or other questions, the Decision Maker(s) may not rely on any statement of that person in reaching a determination of responsibility. The Decision Maker(s) may not draw an inference about the determination regarding responsibility based solely on a party's or witness' absence from the live hearing or refusal to answer cross-examination or other questions.

x. If, at any point during the hearing, the Decision Maker(s) determines that unresolved issues exist that could be clarified through additional investigation time, the Decision Maker(s) may suspend the hearing and reconvene it in a timely manner that accommodates further investigation.

xi. Hearings may be conducted virtually through the use of technology at the University's discretion. However, if either the Complainant or Respondent asks to be in separate rooms, the University must grant this request and provide appropriate technology to allow for simultaneous participation.

xii. All hearings will be memorialized through an audio or audiovisual record or transcript of the live hearing. The recording or transcript will be made available for parties to inspect and review following their completion.

D. Resolution

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with Finlandia University Policy. While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose, but are encouraged to discuss with their Advisors first before doing so.

i. The Decision Maker(s) will communicate his or her decision to both parties, concurrently. The Decision Maker(s) will communicate the decision in writing and orally as soon as possible after the hearing. In all cases, the Decision Maker(s) will send the parties a final outcome letter within ten days of the conclusion of the hearing.

ii. The Decision Maker(s) bases all conclusions by examining all evidence from the investigation and the hearing. Their conclusion is based on the preponderance of the evidence standard: If the evidence indicates that it is more likely than not that Respondent committed the alleged act(s), then the Respondent will be found responsible for violating this policy.

iii. The Decision Maker(s)'s written decision must include the following information:

a. Identification of the allegations potentially constituting Sexual Harassment;

b. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

c. Findings of fact supporting the determination;

d. Conclusions regarding the application of the University's code of conduct to the fact;

e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanction imposed upon the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided; and

f. The procedures and permissible bases for either party to appeal.

iv. If the Respondent is found responsible for violating this policy, the Decision Maker will consult with The Title IX Coordinator, Chair of the Board of Student Conduct or designee, or the Dean of Students or designee, in order to determine the corrective actions and/or

sanctions to resolve the case. Any such corrective actions and/or sanctions will be outlined in the Decision Maker(s)'s written decision.

V. APPEALS PROCESS

A. If either party disagrees with the outcome of the Decision Maker(s)'s determination, they may file a written appeal with the Title IX Coordinator within ten days of receiving the Decision Maker(s)'s written decision.

B. Appeals may be filed due to:

i. A procedural irregularity that affected the outcome.

ii. New evidence was discovered that was not reasonably available at the time of the determination or dismissal.

iii. A conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter of the Investigator or investigator(s), or decision-maker(s).

C. Chair of the Board of Student Conduct will examine all evidence in order to determine if the appeal has merit. The Chair of the Board of Student Conduct will make an unbiased objective conclusion as to the appeal's merit and issue a written decision describing the result of the appeal and the rationale for the result; and will provide the written decision simultaneously to both parties.

Sex Offender Registration:

The Adam Walsh Child Protection and Safety Act of 2006 provides for the registration and tracking of sex offenders. Institutions of higher education are required to issue a statement advising the campus community of where to obtain law enforcement agency information provided by a state concerning registered sex offenders. The law also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. This information can be obtained by visiting the Michigan Sex Offender Registry, located at

https://www.michigan.gov/msp/0,4643,7-123-1878_24961---,00.html

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. Fire drills take place at least 3 times annually in Finlandia Hall (residence hall), and are unannounced. At minimum, one fire drill takes place after sunset

Emergency Evacuation Procedure

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

- Immediately exit the building, closing their room door;
- Always assume an emergency, never a false alarm;
- Use stairs, not elevators;
- 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
- Crawl on floor or stairs, where air is fresher, if smoke is encountered.

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

- Pull the nearest building alarm,
- Close their room door and safely exit the building,
- Call 911,
- Never attempt to fight or put out a fire, and
- 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 DCSS.

<u>LOCATION</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>INJURIES</u>
FINLANDIA HALL	0	0	0	NA
MANNERHEIM 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
STUDENT LEADERSHIP HOUSE	0	0	0	NA
HIRVONEN BUILDING	0	0	0	NA

Finlandia Hall Fire Alarm / Suppression System

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

1st Floor:

Fire Alarm, Sprinkler System (Throughout), Heat Detection, Extinguishers and Evacuation Plan

2nd Floor:

Fire Alarm, Sprinkler System (Stairwells), Heat Detection (Stairwells), Extinguishers and Evacuation Plan

3rd Floor:

Fire Alarm, Sprinkler System (Stairwells), Heat Detection (Stairwells), Extinguishers and Evacuation Plan

4th Floor:

Fire Alarm, Sprinkler System (Stairwells), Heat Detection (Stairwells), Extinguishers and Evacuation Plan

5th Floor:

Fire Alarm, Sprinkler System (Throughout), Heat Detection (Stairwells), Extinguishers and Evacuation Plan

Student Leadership House Fire Alarm / Suppression System

The Student Leadership House contains the following:

Basement:

Carbon Monoxide detector, Smoke Detector and Fire Extinguisher

1st Floor:

Smoke Detector and Fire Extinguisher

2nd Floor:

Smoke Detector and Fire Extinguisher

Emergency Information: Emergency Telephone Numbers

- Finlandia University Dept. of Campus Safety & Security: (906) 487-7307 Cell #: (906) 370-7307
- Hancock Police Department: 911
- Houghton County Sheriff Department: 911
- Hancock Fire Department: 911
- Mercy Ambulance: 911
- 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.