

# DSDT

## **2023 Annual Campus Security And Fire Safety Report**

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## **FEDERAL REGULATIONS**

Each year, the Detroit School for Digital Technology (DSDT) publishes an Annual Security Report of crime statistics for each of the three most recent years. DSDT has one year in its Southwest Detroit facility, 1759 W. 20th Street, Detroit, MI 48216. The crime statistics are reported for the Southwest Detroit location.

The report includes statistics for the facility or public property within or immediately adjacent to and accessible from the facility. This report is compiled from all the incidents reported to the school by any one of the following sources:

- Victim
- Witness
- Third Party
- Perpetrator
- Local law enforcement agencies

This report includes policies, procedures, programs, and statistics on Criminal Murder; Non-Negligent and Negligent Manslaughter; Sex Offenses; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; Arson; Hate Crimes; Domestic Violence; Dating Violence; Stalking; in addition to arrests and/or disciplinary referrals for Illegal Weapons Possession and Drug or Liquor Law violations.

The Annual Security Report will be retained by Campus Security for a period of seven (7) years. The Annual Security Report is published online each year by January 31 at [www.dsdtd.edu](http://www.dsdtd.edu). The school will notify all students, faculty, and staff of the availability of the annual report once it is finalized and submitted to the United States Department of Education.

Enrolled students and employees of DSDT may find the published report on the school website. Hard copies are provided by request to prospective students and employees.

This Annual Security Report is published in compliance with the Jeanne Clery Act and is prepared using publicly available crime statistics from the Detroit Police Department. Additional statistics are compiled by crimes reported by students, employees, witnesses and other third-party agencies and organizations.

### **Emergency Response and Evacuation Plan**

Schools are required to maintain an Emergency Response and Evacuation Plan (EREP) which includes plans and instructions to be followed by campus administration, faculty, staff, students and guests in the event of emergencies and evacuations. DSDT's School Director is responsible for maintaining procedures and reporting the EREP. Students and staff may request copies of these at any time from the School Director.

### **REPORTING A CRIME OR EMERGENCY**

DSDT encourages accurate and prompt reporting of all crimes to Security and local law enforcement. If the victim is unable (physically/mentally) to make such a report, DSDT security and staff will contact the local law enforcement agency on their behalf.

If anyone on campus, in or on a non-campus building or property, or on public property within or immediately adjacent to and accessible from the campus is a victim of a crime, a witness to a crime, has third party information, or observes suspicious activity, they should immediately report it to Security and DSDT Staff.

Crimes should be reported to the security team and staff to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the school community.

### **RESPONSE TO REPORTS**

All reported crimes may be investigated by the school and reported to local authorities. Any crime may become a matter of public record. If assistance is required from a local law enforcement agency or the local Fire Department, DSDT security and staff will contact the appropriate agency.

### **EMERGENCY RESPONSE**

Crimes are to be reported immediately to Facility Security and by calling local authorities. If the victim requires assistance, DSDT security and staff will report the incident on their behalf.

### **EMERGENCY NOTIFICATION**

Upon confirmation of an emergency or ongoing dangerous situation at the facility, in or on a non-campus building or property, or on public property within or immediately adjacent to and accessible from the campus that, in the judgment of school leadership (CEO, COO, Director of Administration) and DSDT Security, or their designee, that constitutes an immediate threat to the health or safety of some or all of the members of the DSDT community, an emergency notification will be immediately issued to the community or the segment of the community that is affected by the emergency by means of an SMS text message. The decision to issue an emergency notification, determine the appropriate division of the campus community to notify,

and the content of the notification will be made on a case-by-case basis by Kathryn Aqwa, the Campus Safety Coordinator/Designee, in consultation with the CEO, COO, and/or the Director of Student Affairs.

The following information will be promptly communicated:

- **Incident facts**
- **The nature of the incident**
- **Any continuing or immediate danger to the campus community**
- **The possible risk to the DSDT community**
- **Law enforcement efforts**

DSDT will notify without delay, keeping the safety of the community in mind.

### **TIMELY WARNING**

All crimes specific to the Clery Act are required to be assessed for a potential Timely Warning Notice if the crime represents a serious or continuing threat to the community.

In the event that a crime constituting a serious or continuing threat to persons, property, and/or serves as an educational effort to prevent similar crimes in the future occurs within the Clery Geography (in or on a non-campus building/property, on campus, or public property within/immediately adjacent and accessible to campus property), a school-wide timely warning will be issued by email from Kathryn Aqwa (the Campus Safety Coordinator), in consultation with the CEO, COO, Director of Student Affairs, and/or other designees; the message will be a community-wide email blast through DSDT's education management software, Campus Cafe.

The decision to issue a timely warning will be made on a case-by-case basis considering all the facts surrounding the crime, including factors such as the date and time of the crime or incident versus the date it was reported to DSDT Staff or local authorities. Timely Warnings are typically issued for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications: major incidents of arson, aggravated assault, and Murder/Non-Negligent Manslaughter, robbery, and sex offenses. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by DSDT Security. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by DSDT Security and Staff.

### **EVACUATION PROCEDURES**

Emergency response and evacuation procedures shall be publicized on an annual basis. This shall be done through student and faculty orientations, and the posting of evacuation policies in classrooms and office areas. The Fire Drill policy is available on request. Additionally, anyone with information warranting an emergency response or evacuation may report the circumstances to DSDT Security or any DSDT Staff member.

## **VOLUNTARY CONFIDENTIAL REPORTING PROCEDURES**

DSDT encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public record under state law, the police department cannot hold reports of crime in confidence. DSDT does not allow voluntary confidential reporting. DSDT does not have Pastoral or Professional Counselors, therefore they cannot notify people of the reporting procedures for the institution.

## **SCHOOL MANAGERS AUTHORITY AND JURISDICTION**

The jurisdiction of the DSDT Security includes property owned, leased, controlled, or occupied by DSDT. DSDT Security and Staff are not vested with general police authority and do not possess arrest power. Criminal incidents are referred to the Detroit Police Department. DSDT Security is not a certified agency and there is no Memorandum of Understanding (MOU) with state and local law enforcement agencies regarding any issues or incidents, including the investigation of alleged criminal incidents and activity. DSDT Instructors have administrative authority to ask persons for identification and to determine whether individuals have lawful business at DSDT. DSDT encourages anyone with information regarding a crime or suspicious persons or activities to report it accurately and promptly to the Campus Safety Department and the local police agency.

## **NON-CAMPUS STUDENT ORGANIZATIONS/LOCATIONS**

There are no non-campus student organizations that are officially recognized by DSDT. There are no non-campus locations of student organizations that would require the monitoring and recording through local police agencies of criminal activity by students.

## **SECURITY AND FACILITIES ACCESS**

DSDT is protected by DSDT Staff. Additionally, DSDT works in conjunction with its local law enforcement should the need arise. During business hours, the school is open to students, family, employees, contractors, guests, patrons, and invitees. During non-business hours' access to its facility is by keycard. In case of periods of extended closing, the school will admit only those with existing approval to the facilities. Emergencies may necessitate changes or alterations to any posted business hours. To remain compliant with OSHA regulations, and for the safety and security of our students and staff, access to some areas will be restricted.

## **CRIME PREVENTION/SECURITY AWARENESS PROGRAMS**

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. DSDT addresses topics such as personal safety, alcohol and drug abuse awareness and sexual assault prevention. DSDT does not currently offer a crime prevention program. However, DSDT encourages all students and staff to take advantage of community anti-crime programs. Numerous crime awareness/ prevention publications and information are available at no charge from the Detroit Crime Commission (313) 706-9610.

## **SEXUAL HARASSMENT / VIOLENCE AGAINST WOMEN ACT POLICY STATEMENT**

DSDT does not discriminate on the basis of sex in its educational programs. Sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not. These other acts include dating violence, domestic violence, and stalking. DSDT issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking. This policy applies whether those acts occur on or off campus and when it is reported to a DSDT Security and/or Staff. In this context, DSDT prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the community.

## **VIOLENCE AGAINST WOMEN ACT / SEXUAL ASSAULT AND OTHER IMPORTANT DEFINITIONS**

DSDT is committed to ensuring the safety of all students, faculty, and staff by crafting and employing a mandatory training program that educates our faculty and staff about violence against women and provides information and online resources for handling such instances of violence. “Rape” is now inclusive of sexual assault with an object, and forcible sodomy and can be perpetrated against both women and men. DSDT is committed to increased awareness of the issues regarding sexual assault, domestic violence, dating violence and stalking.

**BYSTANDER INTERVENTION:** A philosophy and strategy for prevention of various types of violence, including bullying, sexual harassment, sexual assault, and intimate partner violence, for example, topics relevant to sexual assault, domestic violence, dating violence, and stalking prevention.

**PRIMARY PREVENTION PROGRAMS:** Programs, initiatives and strategies intended to stop domestic violence, dating violence, sexual assault, or stalking before it occurs by preventing initial perpetration or victimization through the promotion of positive and healthy behaviors and beliefs.

**PROCEEDING:** A series of activities or events; happenings.

**RESULT:** Something that happens as a consequence; outcome.

**RISK REDUCTION:** Strategies that seek to mitigate risk factors that may increase the likelihood of perpetration, victimization, or bystander inaction.

**CONSENT:** Consent is defined by Merriam Webster as: 1. To give assent or approval, agree. 2. To be in concord in opinion or sentiment. In Michigan, consent as it relates to sexual assaults is evaluated on several factors. Victims cannot give consent if: Victim is under 16; victim incapacity (victim is mentally incapable– a mental disease or defect makes the victim incapable of understanding the nature of his/her conduct); mentally



incapacitated—(victim is temporarily incapable of appraising or controlling his/her conduct due to the influence of a narcotic, anesthetic or other substance administered without consent or due to any other act committed upon the victim without consent); and/or physically helpless (victim is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to act); assailant uses force or coercion.

**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.” In Michigan Criminal sexual assaults are defined as: sexual penetration or sexual contact with a person without their consent, or with someone who is incapable of giving consent. 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. Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly against that person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. Sexual assault with an object: The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**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. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**STATUTORY RAPE:** Sexual intercourse with a person who is under the statutory age of consent.

**DOMESTIC VIOLENCE:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any 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. In Michigan, domestic violence means the occurrence of any of the following acts by a person that is not an act of self-defense: Causing or attempting to cause physical or mental harm to a family or household member, placing a family or household member in fear of physical



or mental harm, causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress, engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Family or household member includes any of the following: spouse or former spouse, an individual with whom the person resides or has resided, an individual with whom the person has or has had a dating relationship, an individual with whom the person is or has engaged in a sexual relationship, an individual to whom the person is related or was formerly related by marriage, an individual with whom the person has a child in common.

**DATING VIOLENCE:** Means violence committed by a person.

(a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined based on the reporting party's statement with a consideration of the following factors: (i) The length of the relationship, (ii) The type of relationship, (iii) The frequency of interaction between the persons involved in the relationship. 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. In Michigan dating violence is violence when a person is in a dating relationship with someone. Dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a causal relationship or an ordinary fraternization between 2 individuals in a business or social context.

**STALKING:** Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress

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.

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

## **VIOLENCE AGAINST WOMEN ACT / VICTIMS RIGHTS**

DSDT is sensitive to those who report sexual assault, domestic violence, dating violence, and stalking. This includes informing individuals about their right to file criminal charges and doing so on their behalf. Reports should be submitted to

Kathryn Aqwa  
Title IX Coordinator  
313-263-4200  
[Katie@dstd.edu](mailto:Katie@dstd.edu)

It is the victims' choice to contact local law enforcement regarding their complaint. DSDT will assist in calling local law enforcement if requested. Additional remedies may be implemented to prevent contact between a complainant (also known as victim) and an accused party. If, for any reason, you cannot reach the Title IX coordinator, the report can be made to any "responsible employee" of DSDT. "Responsible employee" means any employee of DSDT, all of which are designated as Campus Security Authorities as required by the Jeanna Clery Act.

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

**CRIME VICTIMS' RIGHTS ACT:** This statute establishes certain protections and rights that allow victims of crimes committed in the state to be active participants in the criminal justice process. It requires that child abuse and sexual assault cases be given priority and brought to trial as quickly as possible. Among the act's many provisions are the victims' right to make an impact statement at sentencing and to participate in parole board proceedings. The law defines a victim as someone who suffers direct or threatened physical, financial, or emotional harm as the result of a crime. Crimes covered by the act include felony violations and serious misdemeanors committed by both adult and juvenile offenders.

**CRIME VICTIMS' RIGHTS CONSTITUTIONAL AMENDMENT MI** (Constitution. Article I Section 24): Many of the protections and rights guaranteed by the Crime Victims' Rights Act became part of the Michigan Constitution when voters passed a constitutional amendment in 1988. These protections include the right to restitution, notification of court proceedings, fair treatment, and protection from the accused.

**COMPENSATION FOR INJURED CRIME VICTIMS MCL 18.354:** Certain personal injury crime victims may receive financial compensation for particular losses resulting from the crime. A victim of domestic assault may be eligible for assistance under this statute. Personal injury crimes include those in which the victim suffers actual bodily harm, including pregnancy resulting from a crime such as rape.

**PERSONAL PROTECTION ORDER COMPLIANCE:** DSDT complies with Michigan Law in recognizing Personal Protection Orders. Any person who obtains a Personal Protection Order from Michigan or any reciprocal state should provide a copy to DSDT Security and the Director of Student Affairs. A complainant may then meet with DSDT Security and Staff to develop a safety action plan to reduce risk of harm while on campus or

coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or other academic arrangements. Personal Protection Orders may be available through the local circuit court. To the extent of the victim's cooperation and consent, DSDT will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected. For example, if reasonably available, a complainant may be offered changes to academic, living, transportation, or working situations in addition to counseling, health services, and assistance in notifying local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating / adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, the institution will maintain as confidential any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

### **VIOLENCE AGAINST WOMEN ACT / SEXUAL ASSAULT ADJUDICATION OF VIOLATIONS**

Whether or not criminal charges are filed, the school or a person may file a complaint under the sexual harassment policy alleging that a student or employee violated the school policy on sexual harassment. Reports of all domestic violence, dating violence, sexual assault, and stalking made to DSDT Security and Staff will automatically be referred for investigation and does not require a chain of command in reporting to the CEO, COO and Director of Student Affairs for investigation, regardless if the complainant chooses to pursue criminal charges. DSDT uses a "clear and convincing" standard for the ponderance-of-evidence. The disciplinary process will include a prompt, fair, and impartial investigation and resolution process from the initial investigation to the final result.

### **REPORTS OF SEXUAL OR GENDER-BASED HARASSMENT AND OTHER FORMS OF INTERPERSONAL VIOLENCE**

DSDT Staff responds sexual harassment as a form of sex discrimination and will respond to and handle immediately in the form of "Incident Reports" of sexual, gender-based and other forms of personal violence, retaliation, intimidation, domestic violence, dating violence and stalking against anyone, student or faculty. Anonymous reporting is not available currently. There will be an initial discovery phase that could include local police. Upon the determination and recommendation by the Review Panel, an individual may be expelled if found guilty of the reported action. The policy covers students, employees, contractors, vendors, visitors, guests, or other third parties within the DSDT control.

The US Department of Education confirms Title IX protects students from discrimination on sexual orientation and gender identity. (1) Discrimination based on sexual orientation; (2) Discrimination based on gender identity. DSDT protects all students and provides and educational

environment free from discrimination based on sex, including sexual orientation, or gender identity.

## **PROCEDURES FOR INVESTIGATING AND RESOLVING REPORTS AGAINST DSDT STUDENT AND FACULTY**

Pursuant to these Procedures, Complainants and Respondents can expect:

- A. Prompt and equitable resolution of allegations of Prohibited Conduct;
- B. Privacy in accordance with the Title IX Policy and any legal requirements;
- C. Reasonably available interim remedial measures, as described in these Procedures and in the applicable Resource Guide;
- D. Freedom from Retaliation for making a good faith report of Prohibited Conduct or participating in any proceeding under the Title IX Policy;
- E. The responsibility to refrain from Retaliation directed against any person for making a good faith report of Prohibited Conduct or participating in any proceeding under the Title IX Policy;
- F. The responsibility to provide truthful information in connection with any report, investigation, or resolution of Prohibited Conduct under the Title IX Policy or these Procedures;
- G. The opportunity to articulate concerns or issues about proceedings under the Title IX Policy and these Procedures;
- H. Timely notice of any meeting or proceeding at which the party's presence is contemplated by these Procedures;
- I. The opportunity to choose an advisor, including the right to have that advisor attend any meeting or proceeding at which the party's presence is contemplated by these Procedures; in hearings students will never cross-examine each other personally.
- J. Written notice of an investigation, including notice of potential Title IX Policy violations and the nature of the alleged Prohibited Conduct;
- K. The opportunity to challenge the panel of Investigators or any member of the Review Panel for bias or conflict of interest;
- L. The opportunity to offer information, present evidence, and identify witnesses during an investigation;
- M. The opportunity to be heard, orally, in writing, or by video conference given the institution is operating mostly online due to certain circumstances, as to the determination of a Title IX Policy violation and the imposition of any sanction(s);
- N. Timely and equal access to any information that will be used during Alternative or Formal Resolution proceedings and related meetings;
- O. Reasonable time to prepare any response contemplated by these Procedures;
- P. Written notice of any extension of timeframes for good cause; and
- Q. Written notice of the outcome of any Formal Resolution proceedings, including the determination of a Title IX Policy violation, imposition of any sanction(s), and the rationale for each.

## **INITIAL ASSESSMENT**

Upon receipt of a report of Prohibited Conduct committed by a student or faculty, DSDT Security and Staff will make an initial assessment of the reported information and respond to any immediate health or safety concerns raised by the report. The initial assessment will:

- A. Assess the Complainant's safety and well-being and offer immediate support and assistance and request support from local law enforcement;
- B. Inform the Complainant of the right to seek medical treatment, and explain the importance of obtaining and preserving forensic and other evidence;
- C. Inform the Complainant of the right to contact law enforcement, decline to contact law enforcement, and/or seek a protective order;
- D. Inform the Complainant about DSDT and community resources, the right to seek appropriate and available remedial and protective measures, and how to request those resources and measures;
- E. Inform the Complainant of the right to seek Alternative Resolution (where available) or Formal Resolution under these Procedures; ascertain the Complainant's expressed preference (if the Complainant has, at the time of the initial assessment, expressed a preference) for pursuing Alternative Resolution, Formal Resolution, or neither; and discuss with the Complainant any concerns or barriers to participating in any DSDT investigation and resolution under these Procedures;
- F. Explain DSDT prohibition against Retaliation and that DSDT will take prompt action in response to any act of Retaliation;
- G. Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that personally identifies the Complainant, the Respondent, any witness, and/or any other third party with knowledge of the reported incident;
- I. Communicate with appropriate DSDT officials to determine whether the report triggers any Clery Act obligations, including entry of the report in the daily crime log and/or issuance of a timely warning, and take steps to meet those obligations.
- J. The Title IX Evaluation and Review Panel will ensure that the Complainant receives a written explanation of all available resources and options and is offered the opportunity to meet to discuss those resources and options. When a decision is reached to initiate an investigation or to take any other action under these Procedures that impacts a Respondent (including the imposition of interim protective measures), the Title IX Evaluation and Review Panel will ensure that the Respondent is notified, receives a written explanation of all available resources and options, and is offered the opportunity to meet and have a hearing.

## **THREAT ASSESSMENT**

Following the initial assessment, DSDT Security and Staff will have a hearing regarding the information known about the reported incident of Prohibited Conduct. The incident reporting may include local authorities. The following known information will be included in but not limited to, names and/or any other information that personally identifies the Complainant, the Respondent, any witnesses, and/or any other third parties with knowledge of the reported incident.

## **EVALUATION PANEL**

A Title IX Evaluation and Review Panel will evaluate every report of Prohibited Conduct. The Title IX Evaluation and Review Panel will convene in person within 72 hours after receiving information from DSDT Security and Staff and will convene again, as necessary, to review any new information as it becomes available. The Title IX Evaluation and Review Panel may include any and all members of the DSDT Security and Staff and convene as the Title IX Evaluation and Review Panel and Threat Assessment Team.

The Evaluation operates may request local law enforcement support and may request otherwise confidential information, including law enforcement records, criminal history record information, health records, DSDT disciplinary actions, academic and/or personnel records; and any other information or evidence known to the school or to law enforcement. The Title IX Evaluation and Review Panel may seek additional information about the reported incident through any other legally permissible means.

## **HEALTH AND SAFETY THREAT ASSESSMENT**

**RISK FACTORS:** The Title IX Evaluation and Review Panel will determine whether the reported information and any other available information provides a rational basis for concluding that there is a threat to the health or safety of the Complainant or to any other member of the DSDT community. The Title IX Evaluation and Review Panel will make this determination based upon a review of the totality of the known circumstances, and will be guided by a consideration of the following factors (the “RISK FACTORS”):

- Whether the Respondent has prior arrests, is the subject of prior reports and/or complaints related to any form of Prohibited Conduct, or has any history of violent behavior;
- Whether the Respondent has a history of failing to comply with any DSDT No-Contact Directive, other DSDT protective measures, and/or any judicial protective order;
- Whether the Respondent has threatened to commit violence or any form of Prohibited Conduct;
- Whether the Prohibited Conduct involved multiple Respondents;
- Whether the Prohibited Conduct involved physical violence. “Physical violence” means exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking and brandishing or using any weapon;
- Whether the report reveals a pattern of Prohibited Conduct (e.g., by the Respondent, by a particular group or organization, around a particular recurring event or activity, or at a particular location);
- Whether the Prohibited Conduct was facilitated through the use of “date-rape” or similar drugs or intoxicants;
- Whether the Prohibited Conduct occurred while the Complainant was unconscious, physically helpless or unaware that the Prohibited Conduct was occurring;
- Whether the Complainant is (or was at the time of the Prohibited Conduct) a minor (under 18); and/or



- Whether any other aggravating circumstances or signs of predatory behavior are present.

### **DISCLOSURES OF INFORMATION TO LAW ENFORCEMENT**

The Title IX Evaluation and Review Panel is required to disclose information about alleged Prohibited Conduct to law enforcement in the following circumstances:

- If the Title IX Evaluation and Review Panel (or, in the absence of consensus within the Title IX Evaluation and Review Panel, an appointed representative) concludes that there is a significant and articulable threat to the health or safety of the Complainant or to any other member of DSDT community and that disclosure of available information (including the names and any other information that personally identifies the Complainant, the Respondent, any witnesses, and/or any other third parties with knowledge of the reported incident) is necessary to protect the health or safety of the Complainant or other individuals, the representatives of the Title IX Evaluation and Review Panel will immediately disclose the information to the law enforcement agency that would be responsible for investigating the alleged act of Prohibited Conduct.
- The Title IX Evaluation and Review Panel will make this determination based upon a review of the totality of the known circumstances and consideration of the list of RISK FACTORS.
- If the alleged act of Prohibited Conduct constitutes a felony violation of the State of Michigan, the Evaluation Representative will so inform the other members of the Title IX Evaluation and Review Panel and will, within 24 hours, (i) consult with the appropriate law enforcement or prosecutor who would be responsible for prosecuting the alleged act of Prohibited Conduct (the “Prosecuting Authority”), and (ii) disclose to the Prosecuting Authority the information then known to the Title IX Evaluation and Review Panel.
- DSDT will consult with the Prosecuting Authority and law enforcement and work to protect identities of victims and witnesses. Any member of the Title IX Evaluation and Review Panel who individually concludes that the alleged act of Prohibited Conduct would constitute a felony violation may consult with the Prosecuting Authority and make the required disclosures) in the manner and within the timeframe set forth.
- The Title IX Evaluation and Review Panel will reconvene as necessary to continue to evaluate whether any new or additional information received triggers any further obligations) under the Clery Act or with respect to any child protective service agency and will direct the Title IX Evaluation and Review Panel to take such further actions, as necessary.

### **UNIVERSITY ACTIONS FOLLOWING HEALTH AND SAFETY THREAT ASSESSMENT**

Upon completion of the health and safety threat assessment, the Title IX Evaluation and Review Panel will determine the course of action under these Procedures, which may include, without limitation, Formal Resolution and/or Alternative Resolution (as required and recommended by the Evaluation Team. A Complainant may request that personally identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no further action be taken. The Title IX Evaluation and Review Panel will seek to honor the preferences of the



Complainant wherever possible. In all cases, the initial report, the health and safety threat assessment, and the determinations of the Title IX Evaluation and Review Panel will be documented and retained by DSDT in accordance with applicable law.

In every case in which the Complainant reports, Prohibited Conduct and requests an investigation and disciplinary action, the Evaluation Team will promptly initiate Formal Resolution under these Procedures. Where the Complainant requests anonymity, that an investigation not be pursued, and/or that no disciplinary action be taken. A Complainant may request that personally identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken.

The Title IX Evaluation and Review Panel will consider the following factors in evaluating such request(s):

- the totality of the known circumstances;
- the presence of any RISK FACTORS
- the potential impact of action(s) on the Complainant;
- any evidence showing that the Respondent made statements of admission or otherwise accepted responsibility for the Prohibited Conduct;
- the existence of any independent information or evidence regarding the Prohibited Conduct;
- and any other available and relevant information.

DSDT will seek to honor the Complainant's request(s) if it is possible to do so while also protecting the health and safety of the Complainant and DSDT community. Determination that a Complainant's Request(s) can be honored. Where the Title IX Evaluation and Review Panel determines that a Complainant's request(s) (that personally identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken) can be honored, DSDT may nevertheless take other appropriate steps designed to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the Complainant and DSDT community. Those steps may include offering appropriate remedial measures to the Complainant, providing targeted training or prevention programs, providing or imposing other remedies tailored to the circumstances as a form of Alternative Resolution, or escalation to law enforcement.

At any time, the Complainant may choose to pursue Alternative Resolution (as recommended) or Formal Resolution under these Procedures. The Title IX Evaluation and Review Panel also may request that a report be reopened and pursued under these Procedures if any new or additional information becomes available.

Determination that a Complainant's Request(s) cannot be honored when the Title IX Evaluation and Review Panel has determined that a Complainant's request(s) (that personally-identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken) cannot be honored (i.e., because honoring the Complainant's request(s) would impede DSDT ability to ensure the health and safety of the Complainant and

other members of DSDT community), the Title IX Evaluation and Review Panel will direct any appropriate DSDT actions. They may include, without limitation, causing the CEO, COO and/or Director of Student Services to impose a No-Contact Directive or an Interim Disciplinary Suspension on the Respondent; may place a “hold” on the Respondent’s school transcript; may initiate an investigation and Formal Resolution under these Procedures; and/or arrange, impose, or extend any other appropriate remedial and/or protective measures.

In cases where the Title IX Evaluation and Review Panel has determined that DSDT must proceed with an investigation despite a Complainant’s request to the contrary, the Title IX Evaluation and Review Panel will make reasonable efforts to protect the privacy of the Complainant. However, actions that may be required as part of DSDT investigation will involve speaking with the Respondent and others who may have relevant information, in which case the Complainant’s identity may have to be disclosed. In such cases, the Title IX Evaluation and Review Panel will notify the Complainant that DSDT intends to proceed with an investigation, but that the Complainant is not required to participate in the investigation or in any other actions undertaken by DSDT.

Where a Complainant declines to participate in an investigation, DSDT ability to meaningfully investigate and respond to a report may be limited. In such cases, the Title IX Evaluation and Review Panel may pursue the report if it is possible to do so without the Complainant’s participation in the investigation or resolution (e.g., where there is other relevant evidence of the Prohibited Conduct, such as recordings from security cameras, corroborating reports from other witnesses, physical evidence, or any evidence showing that the Respondent made statements of admission or otherwise accepted responsibility for the Prohibited Conduct). In the absence of such other evidence, however, DSDT will only be able to respond to the report in limited and general ways (i.e., through the provision of remedial measures, targeted training or prevention programs, or other remedies tailored to the circumstances).

### **NOTICE TO COMPLAINANT AND RESPONDENT OF UNIVERSITY ACTIONS**

The Title IX Evaluation and Review Panel will promptly inform the Complainant of any action(s) undertaken by DSDT to respond to a health or safety threat to the Complainant or DSDT community, including the decision to proceed with an investigation. The Title IX Evaluation and Review Panel also will promptly inform the Respondent of any action(s) (including any interim protective measures) that will directly impact the Respondent and provide an opportunity for the Respondent to respond to such action(s). The Title IX Evaluation and Review Panel retains the discretion to impose and/or modify any interim protective measures based on all available information. Interim protective measures will remain in effect until the resolution of the report, unless new circumstances arise which warrant reconsideration of the protective measures prior to the hearing and determination by the Review Panel. A Complainant or Respondent may challenge interim protective measures or other actions, or failure to impose interim protective measures or take other actions, by contacting the Title IX Evaluation and Review Panel to address any concerns.

## **NOTICE OF POTENTIAL UNIVERSITY ACTIONS AGAINST STUDENT GROUPS OR ORGANIZATIONS.**

DSDT does not offer or support Student Groups and Student Organizations.

### **DSDT RESOLUTION PROCESS**

These Procedures offer two forms of resolution of reports of Prohibited Conduct: (1) Formal Resolution, which involves an investigation, and review and sanction (if applicable) by DSDT Review Panel, and (2) Alternative Resolution when applicable. DSDT includes a variety of informal options for resolving reports.

### **FORMAL RESOLUTION**

Formal Resolution is commenced when:

- A Complainant reports that a student has engaged in one or more instances of Prohibited Conduct and requests, at any time, an investigation and disciplinary action; or
- Alternative Resolution does not resolve a reported incident of Prohibited Conduct and, in the Title IX Evaluation and Review Panel 's discretion, an investigation of the report of Prohibited Conduct is required; or
- At the conclusion of the threat assessment process and procedures as described above, the Title IX Evaluation and Review Panel will determine, based upon a review of the totality of the circumstances and guided by a consideration of the RISK FACTORS, that investigation of the reported conduct is necessary to ensure the health and safety of the Complainant and/or other members of DSDT community, notwithstanding the Complainant's request that personally-identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken.
- Investigation. Whenever Formal Resolution is commenced, the Title IX Evaluation and Review Panel will designate one or more Investigators from DSDT Office for Equal Opportunity and Civil Rights and/or an experienced external investigator to conduct a prompt, thorough, fair, and impartial investigation. All Investigators will receive annual training on issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, and stalking, and on how to conduct an investigation that is fair and impartial, provides parties with notice and a meaningful opportunity to be heard, and protects the safety of Complainants and DSDT community while promoting accountability.

### **NOTICE OF INVESTIGATION**

The Title IX Evaluation and Review Panel will notify the Complainant and the Respondent, in writing, of the commencement of an investigation. Such notice will

- identify the Complainant and the Respondent;
- specify the date, time (if known), location, and nature of the alleged Prohibited Conduct;
- identify potential Title IX Policy violation(s);
- identify the Investigator;

- include information about the parties' respective expectations under the Title IX Policy and these Procedures;
- explain the prohibition against Retaliation;
- instruct the parties to preserve any potentially relevant evidence in any format;
- inform the parties how to challenge participation by the Investigator on the basis of bias or a conflict of interest; and
- provide a copy of the Title IX Policy and these Procedures.

**OTHER FORMS OF DISCRIMINATORY AND/OR HARASSING CONDUCT:** If a report of Prohibited Conduct also implicates other forms of discriminatory and/or harassing conduct prohibited by DSDT Preventing and Addressing Discrimination and Harassment ( DSDT) policy and/or any other violation(s) of DSDT's Standards of Conduct, the Title IX Evaluation and Review Panel will evaluate all reported allegations to determine whether the alleged Prohibited Conduct and the alleged violation(s) and/or alleged Standard of Conduct violation(s) may be appropriately investigated together without unduly delaying the resolution of the report of Prohibited Conduct.

Where the Title IX Evaluation and Review Panel determines that a single investigation is appropriate, the determination of responsibility for the violation of DSDT policy will be evaluated under the applicable policy (i.e., the Title IX Policy, the DSDT policy, and/or the Standards of Conduct), but the investigation and resolution will be conducted in accordance with these Procedures.

**PRESUMPTION OF NON-RESPONSIBILITY AND PARTICIPATION BY THE PARTIES:** The investigation is a neutral fact-gathering process. The Respondent is presumed to be not responsible; this presumption may be overcome only where the Investigator and/or Review Panel conclude that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding that the Respondent violated the Title IX Policy. Neither party is required to participate in the investigation or in any form of resolution under these Procedures and the Investigator will not draw any adverse inference from a decision by either of the parties not to participate.

**TIMEFRAME FOR COMPLETION OF INVESTIGATION;** Extension for Good Cause. Typically, the period from commencement of an investigation through resolution (finding and sanction, if any) will not exceed sixty (60) calendar days. This timeframe may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for DSDT breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons. The Investigator will notify the parties in writing of any extension of this timeframe and the reason for such extension.

**OVERVIEW OF INVESTIGATION:** During the investigation, the parties will have an equal opportunity to be heard, to submit information and corroborating evidence, to identify witnesses

who may have relevant information, and to submit questions that they believe should be directed by the Investigator to each other or to any witness. The Investigator will notify and seek to meet separately with the Complainant, the Respondent, and third-party witnesses, and will gather other relevant and available evidence and information, including, without limitation, electronic or other records of communications between the parties or witnesses (via voice-mail, text message, email and social media sites), photographs (including those stored on computers and smartphones), and medical records (subject to the consent of the applicable party).

**ADVISORS:** Throughout the investigation and resolution process, each party has the right to choose and consult with an advisor. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation. The parties may be accompanied by their respective advisors at any meeting or proceeding related to the investigation and resolution of a report under these Procedures. While the advisors may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings.

**PRIOR OR SUBSEQUENT CONDUCT:** Prior or subsequent conduct of the Respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of Prohibited Conduct by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a Title IX Policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar Prohibited Conduct. Such prior or subsequent conduct may also constitute a violation of DSDT policy and/or DSDT Standards of Conduct, in which case it may subject the Respondent to additional sanctions. The Investigator will determine the relevance of this information and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

**PRIOR SEXUAL HISTORY:** The sexual history of a Complainant or Respondent will never be used to prove character or reputation. Moreover, evidence related to the prior sexual history of either of the parties is generally not relevant to the determination of a Title IX Policy violation and will be considered only in limited circumstances. For example, if the existence of Affirmative consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether Affirmative consent was sought and given during the incident in question. However, even in the context of a relationship, Affirmative consent to one sexual act does not, by itself, constitute Affirmative consent to another sexual act, and Affirmative consent on one occasion does not, by itself, constitute Affirmative consent on a subsequent occasion. In addition, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve another question raised by the report. The Investigator will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.

**RELEVANCE:** The Investigator has the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, the Investigator will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait.

**SITE VISIT(s):** The Investigator may visit relevant sites or locations and record observations through written, photographic, or other means.

**EXPERT CONSULTATION(s):** The Investigator may consult medical, forensic, technological or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation.

**COORDINATION WITH LAW ENFORCEMENT:** The Investigator will contact any law enforcement agency that is conducting its own investigation to inform that agency that a DSDT investigation is also in progress; to ascertain the status of the criminal investigation; and to determine the extent to which any evidence collected by law enforcement may be available to DSDT in its investigation. At the request of law enforcement, the Investigator may delay DSDT investigation temporarily while an external law enforcement agency is gathering evidence. The Investigator will promptly resume DSDT investigation when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation.

**DRAFT INVESTIGATION REPORT:** At the conclusion of the investigation, the Investigator will prepare a Draft Investigation Report summarizing the information gathered and outlining the contested and uncontested information. The Draft Investigation Report will not include any findings. The Complainant and the Respondent will have an opportunity to review the Draft Investigation Report; meet with the Investigator; submit additional comments and information to the Investigator; identify any additional witnesses or evidence for the Investigator to pursue; and submit any further questions that they believe should be directed by the Investigator to the other party or to any witness. The Investigator will designate a reasonable time for this review and response by the parties, not to exceed five (5) calendar days. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the Investigator during the designated review and response period will not be considered in the determination of responsibility for a violation of the Title IX Policy and will not be considered by the Review Panel.

**FINAL INVESTIGATION REPORT:** Unless there are significant additional investigative steps requested by the parties or identified by the Investigator, within five (5) calendar days after receipt and consideration of any additional comments, questions and/or information submitted by the parties during the designated review and response period, the Investigator will prepare a Final Investigation Report, which will include a recommendation as to whether there is sufficient evidence, by a Preponderance of the Evidence, to support a finding of responsibility for a violation of the Title IX Policy (and, where applicable, the DSDT policy and/or DSDT Standards of Conduct). In reaching this recommended finding, the Title IX Evaluation and Review Panel may consult with Counsel. The Investigator will deliver the Final Investigation Report to the Title IX Evaluation and Review Panel. The Title IX Evaluation and Review Panel will notify



both parties, simultaneously, that the Final Investigation Report is complete and available for review.

**RECOMMENDED FINDING(s) OF RESPONSIBILITY:** When the Investigator determines that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding of responsibility on one or more of the allegations, the Respondent may accept or contest such recommended finding(s) by so notifying the Title IX Evaluation and Review Panel, in writing. If the Respondent accepts the recommended finding(s) of responsibility, the Title IX Evaluation and Review Panel will refer the case for a Hearing before the Review Panel solely on the issue of sanction. If the Respondent contests one or more of the recommended finding(s), the Respondent may submit to the Title IX Evaluation and Review Panel a written statement explaining why the Respondent contests such finding(s). The Title IX Evaluation and Review Panel will ensure that the Complainant has an opportunity to review and respond in writing to any such statement. The Title IX Evaluation and Review Panel will provide the Final Investigation Report, together with any statements by the parties, to the Review Panel for further proceedings.

**RECOMMENDED FINDING(s) OF NO RESPONSIBILITY:** When the Investigator determines that there is insufficient evidence, by a Preponderance of the Evidence, to support a finding of responsibility on one or more of the allegations, the Complainant may accept or contest the recommended finding(s) by so notifying the Title IX Evaluation and Review Panel in writing. If the Complainant accepts the recommended finding(s) of no responsibility, the investigation will be closed and documented in accordance with applicable DSDT policies. If the Complainant contests one or more of the recommended finding(s), the Complainant may submit to the Title IX Evaluation and Review Panel a written statement explaining why the Complainant contests such finding(s). The Title IX Evaluation and Review Panel will ensure that the Respondent has an opportunity to review and respond in writing to any such statement. The Title IX Evaluation and Review Panel will provide the Final Investigation Report, together with any statements by the parties, to the Review Panel for further proceedings.

**IMPACT AND MITIGATION STATEMENTS:** Where there is a finding of responsibility on one or more of the allegations, both parties may submit a statement to the Title IX Evaluation and Review Panel for consideration by the Review Panel in determining an appropriate sanction. The Complainant may submit a written statement describing the impact of the Prohibited Conduct on the Complainant and expressing a preference about the sanction(s) to be imposed. The Respondent may submit a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanctions(s) imposed. The Title IX Evaluation and Review Panel will ensure that each of the parties has an opportunity to review any statement submitted by the other party. The Title IX Evaluation and Review Panel will provide any statement(s) with the Final Investigation Report and the parties' other written submissions to the Review Panel.

**TIMING OF RESPONSIBILITY:** The investigation typically will be completed within 30 calendar days. This period may be extended to account for a previous attempt, if any, at Alternative Resolution, or for other good cause. Any extension, other than for Alternative Resolution, and the reason for the extension, will be shared with the parties in writing.



**ACCEPTANCE OF RESPONSIBILITY:** The Respondent may, at any time, elect to resolve the Formal Resolution process by accepting responsibility for the Prohibited Conduct, in which case the Title IX Evaluation and Review Panel will refer the matter to the Review Panel to determine the appropriate sanction(s).

**REVIEW PANEL HEARING:** The Title IX Evaluation and Review Panel will appoint a standing pool of trained members of the DSDT community and, at the discretion of the Title IX Evaluation and Review Panel, external professionals with experience adjudicating cases of Prohibited Conduct. The Title IX Evaluation and Review Panel will select (a) three members from this pool to serve on the Review Panel, and (b) an additional member from this pool to serve as the non-voting Hearing Chair. The Review Panel will review the Investigator’s recommended finding(s) and, if applicable, determine any appropriate sanction(s) under these Procedures. All persons serving on any Review Panel (or as the Hearing Chair) must be impartial and free from actual bias or conflict of interest.

- **Standard of Review.** If either of the parties contests the Investigator’s recommended finding(s) of responsibility (or no responsibility) for an alleged violation of the Title IX Policy, the Review Panel will hold a Hearing to determine (1) whether the concerns stated by the contesting party raise substantial doubt about the thoroughness, fairness and/or impartiality of the investigation; and, if not, (2) whether there is sufficient evidence to support the Investigator’s recommended finding(s) by a Preponderance of the Evidence.
- **Notice and Timing of Hearing.** Typically, a Hearing will be held within fifty-five 30 calendar days from the date of the Notice of Investigation, subject to extension for good cause. The Hearing Chair will notify the parties in writing of the date, time, and location of the Hearing; the names of the Review Panel members and the Hearing Chair; and how to challenge participation by any member of the Review Panel or the Hearing Chair for bias or conflict of interest. The Hearing will usually be scheduled within five (5) calendar days from the date of the Notice of Hearing, subject to extension for good cause at the discretion of the Title IX Evaluation and Review Panel. Good cause for extension may include the unavailability of the parties, the timing of semester breaks or DSDT holidays, or other extenuating circumstances. Any extension, including the reason for the extension, will be shared with the parties in writing. The accused may be suspended from the school during this period.

**POSTPONEMENT OF HEARING:** Permission to postpone a Hearing may be granted provided that the request to do so is based on a compelling emergency and communicated to the Hearing Chair prior to the time of the Hearing.

**HEARING FORMAT:** The Hearing is an opportunity for the parties to address the Review Panel, in person about issues relevant to the Standard of Review to be applied by the Review Panel. The parties may address any information in the Final Investigation Report, supplemental statements submitted in response to the Final Investigation Report, and any impact and

mitigation statements. Each party has the opportunity to be heard, to identify witnesses for the Review Panel's consideration, and to respond to any questions of the Review Panel. The parties may not directly question each other or any witness, although they may proffer questions for the Review Panel, which may choose, in its discretion, to pose appropriate and relevant questions to the Investigator, the parties and/or any witnesses. A typical hearing may include brief opening remarks by the Complainant and/or Respondent, with follow-up questions posed by the Review Panel; information presented by the Investigator or witnesses deemed relevant by the Review Panel, with follow-up questions by the Review Panel of the Investigator or witnesses; and brief concluding remarks by the Complainant and/or Respondent. The Chair of the Review Panel has the discretion to determine the specific Hearing format.

#### **PARTICIPATION IN THE HEARING:**

i. ***PARTIES***. Both the Complainant and the Respondent have a right to be present at the Hearing. Either party may request alternative methods for participating in the Hearing that do not require physical proximity to the other party, including participating through electronic means. This request should be submitted to the Hearing Chair at least two (2) calendar days prior to the Hearing.

If, despite being notified of the date, time, and location of the Hearing, either party is not in attendance, the Hearing may proceed, and applicable sanctions may be imposed. Neither party is required to participate in the Hearing in order for the Hearing to proceed.

ii. ***INVESTIGATOR OR OTHER WITNESSES***. The Review Panel may request the presence of the Investigator or any other witness it deems necessary to its determination. The parties may also request the presence of any witness they deem relevant to the determination by the Review Panel. The Review Panel has absolute discretion to determine which witnesses are relevant to its determination and may decline to hear from witnesses where it concludes that the information is not necessary for its review.

iii. ***ADVISORS***. Both the Complainant and the Respondent have the right to be accompanied at the Hearing by an advisor of their choosing. The advisor may be anyone, including an attorney, who is not otherwise a party or witness. While the advisor may provide support and advice to a party at the Hearing, the advisor may not speak on behalf of the party or otherwise participate in, or in any manner disrupt, the Hearing. The DSDT reserves the right to remove any individual whose actions are disruptive to the proceedings.

**DETERMINATION OF THE REVIEW PANEL:** Where either of the parties has contested the recommended finding(s) of responsibility, the members of the Review Panel will, at the conclusion of the Hearing, determine, by 2/3rds majority vote, (1) whether the concern(s) stated by the contesting party raise substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation; and, if not, (2) whether there is sufficient evidence to support the Investigator's recommended finding(s) by a Preponderance of the Evidence.

If the Review Panel finds that concerns stated by the contesting party raise substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation, it will remand the matter to the Title IX Evaluation and Review Panel with instructions for further investigation or other action. The instructions may include guidance regarding the scope of information to be further investigated and any appropriate stipulations, including the appointment of a new Investigator.

If the Review Panel finds no cause for substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation, but determines there is insufficient evidence to support the Investigator's recommended finding, it may remand the matter for further investigation, or reject the Investigator's recommended finding(s) and make alternative finding(s).

If the Review Panel finds no cause for substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation and affirms that there is sufficient evidence to support a recommended finding of responsibility by a Preponderance of the Evidence, it will then determine, by majority vote, the appropriate sanctions) for the Prohibited Conduct.

If the Review Panel finds no cause for substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation and affirms a recommended finding of no responsibility, the matter will be considered resolved and the investigation will be closed. The Title IX Evaluation and Review Panel may nevertheless ensure that remedial measures remain in effect to support a Complainant.

***SANCTIONS:*** Where there is a finding of responsibility, the Review Panel may impose one or more sanctions. Sanctions may include any of the sanctions that are available for violations of DSDT Standards of Conduct, including:

- Expulsion: Termination of student status for any indefinite period.
- Suspension: Exclusion from classes and other privileges or activities or from DSDT for a definite period of time.
- Suspension held in abeyance: Exclusion from classes and other privileges or activities or from DSDT for a definite period of time to be enforced should another violation occur.
- Restitution: Reimbursement for damages or misappropriation of property.
- Disciplinary Probation: Exclusion from participation in privileged or extracurricular activities for a definite period of time.
- Reprimand: A written censure for violation of the Title IX Policy (and, if applicable, the DSDT policy and/or the Standards of Conduct) placed in the Student's record, including the possibility of more severe disciplinary sanctions should another violation occur within a stated period of time.
- Warning Notice: A notice, in writing, that continuation or repetition of conduct found wrongful, within a period of time stated in the warning, may be cause for more severe disciplinary action.
- Admonition: An oral statement that the Student violated the Title IX Policy (and, if applicable, the DSDT policy and/or the Standards of Conduct).

The Title IX Policy prohibits a broad range of conduct, all of which is serious in nature. The propriety of any particular sanction is reviewed on an individual basis based on the unique facts and circumstances as found by the Review Panel. In keeping with DSDT commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, the Title IX Policy provides the Review Panel with wide latitude in the imposition of sanctions tailored to the facts and circumstances of the Prohibited Conduct, the impact of the conduct on the Complainant and the DSDT community, and accountability by the Respondent. The imposition of sanctions is designed to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects, while supporting DSDT educational mission and legal obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some conduct, however, is so egregious in nature, harmful to the individuals involved or so deleterious to the educational process that it requires severe sanctions, including suspension or expulsion from DSDT.

Once the Review Panel has determined that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding of responsibility under the Title IX Policy, any one or more sanctions may be imposed. In determining the appropriate sanction(s), the Review Panel will be guided by a number of considerations, including:

- The severity, persistence or pervasiveness of the Prohibited Conduct;
- The nature or violence (if applicable) of the Prohibited Conduct;
- The impact of the Prohibited Conduct on the Complainant;
- The impact or implications of the Prohibited Conduct within DSDT community;
- Prior misconduct by the Respondent, including the Respondent's relevant prior disciplinary history, at DSDT or elsewhere, and any criminal convictions;
- Whether the Respondent has accepted responsibility for the Prohibited Conduct;
- The maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; and
- Any other mitigating, aggravating, or compelling factors.
- Sanctions are effective immediately, unless otherwise specified by the Review Panel.

In addition to other sanctions, the Review Panel may direct the Title IX Evaluation and Review Panel to impose or extend a No-Contact Directive and impose or extend academic, DSDT housing and/or DSDT employment modifications, as may be appropriate; impose or extend increased monitoring, supervision, and/or security at locations or in connection with activities where the Prohibited Conduct occurred or is likely to reoccur; arrange for conducting targeted or broad-based educational programming or training for relevant persons or groups; impose one or more restorative remedies to encourage a Respondent to develop insight about the Prohibited Conduct, learn about the impact of that Prohibited Conduct on the Complainant and DSDT community, and identify how to prevent that Prohibited Conduct in the future (including community service and mandatory participation in training, education and/or prevention programs related to the Prohibited Conduct); and/or impose any other remedial or protective measures that are tailored to achieve the goals of the Title IX Policy.

**TRANSCRIPT NOTATIONS:** If the Review Panel imposes a sanction of expulsion or suspension, the Title IX Evaluation and Review Panel will notify DSDT Registrar to place a prominent notation on the Respondent’s transcript.

**DECISION OF THE REVIEW PANEL:** The decision of the Review Panel is final, without further recourse or appeal by either party.

**FINAL OUTCOME LETTER:** The Review Panel will issue a written decision (the “Final Outcome Letter”) to both the Complainant and the Respondent, with a copy to the Title IX Evaluation and Review Panel within five (5) calendar days following the Review Panel Hearing (or such longer time as the Panel determines as good cause would determine). The Final Outcome Letter will set forth the violation(s) of the Title IX Policy and, if applicable, the DSDT policy and/or the Standards of Conduct for which the Respondent was found responsible or not responsible, as supported by the rationale set forth in the Final Investigation Report and/or modified by the Review Panel; the sanction(s) (if applicable) imposed against the Respondent; and the rationale for any sanctions) imposed. The Final Outcome Letter may also identify protective measures implemented with respect to the Respondent or the broader DSDT community. The Final Outcome Letter will not disclose any remedial measures provided to the Complainant.

**RELEASE OF DOCUMENTS:** Under federal privacy laws, the Final Investigation Report, statements of one party that are shared with the other party in the resolution process, and any documents prepared by DSDT, including documents by or for the Review Panel in advance of the Hearing, constitute education records which may not be disclosed outside of the proceedings, except as may be required or authorized by law. The DSDT does not, however, impose any restrictions on the parties regarding re-disclosure of the incident, their participation in proceedings under these Procedures, or the Final Outcome Letter.

### **ALTERNATIVE RESOLUTION**

The Complainant may seek Alternative Resolution in place of an investigation and Formal Resolution. The DSDT, however, has the discretion to determine whether the nature of the reported conduct is appropriate for Alternative Resolution, to determine the type of Alternative Resolution that may be appropriate in a specific case to refer a report for Formal Resolution at any time. In addition, Alternative Resolution may not be available where the Title IX Evaluation and Review Panel has determined that one or more of the RISK FACTORS of these Procedures is present. Forms of Alternative Resolution that involve face-to-face meetings between the Complainant and the Respondent, such as mediation, are not available in cases involving SEXUAL ASSAULT.

Participation in Alternative Resolution (including any specific form of Alternative Resolution) is voluntary. The DSDT will not compel a Complainant or Respondent to engage in Alternative Resolution, will not compel a Complainant to directly confront the Respondent, and will allow a Complainant or Respondent to withdraw from Alternative Resolution at any time. The DSDT may decline the request for Alternative Resolution in any particular case and may terminate an ongoing Alternative Resolution process at any time. Pursuing Alternative Resolution does not

preclude later use of Formal Resolution if the Alternative Resolution fails to achieve a resolution acceptable to the parties and DSDT. Where the Complainant or the Respondent withdraws from Alternative Resolution or Alternative Resolution is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of the Alternative Resolution may be considered in a subsequent investigation and Formal Resolution.

With any form of Alternative Resolution, each party has the right to choose and consult with an advisor. The advisor may be any person, including an attorney, who is not otherwise a party or witness to the reported incident(s). The parties may be accompanied by their respective advisors at any meeting or proceeding held as part of Alternative Resolution. While the advisors may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings.

Alternative Resolution may include:

***RESOLUTION WITH THE ASSISTANCE OF A THIRD PARTY:*** A Complainant may seek assistance in informally resolving a report of Prohibited Conduct from the Title IX Evaluation and Review Panel, who can arrange to have a trained representative facilitate a meeting or meetings between the parties. The availability of this form of Alternative Resolution, and any resolution reached through such form of Alternative Resolution, is subject to the agreement of the Title IX Evaluation and Review Panel, the Complainant and the Respondent. This form of Alternative Resolution may not be used where the allegation involves SEXUAL ASSAULT.

***INTERVENTIONS AND REMEDIES:*** Alternative Resolution agreements may involve a host of interventions and remedies, such as actions designed to maximize the Complainant's access to educational, extracurricular, and/or DSDT employment activities; increased monitoring, supervision, and/or security at locations or activities where the Prohibited Conduct occurred or is likely to reoccur; targeted or broad-based educational programming or training for relevant individuals or groups; academic modifications for Student Complainants; workplace modifications for Employee Complainants; one or more of the restorative remedies or other sanctions described in these Procedures; and/or any other remedial or protective measures that can be tailored to the involved individuals to achieve the goals of the Title IX Policy.

Any form of Alternative Resolution and any combination of interventions and remedies may be utilized. If an agreement acceptable to DSDT, the Complainant, and the Respondent is reached through Alternative Resolution, the terms of the agreement are implemented, and the matter is resolved and closed. If an agreement is not reached, and the Title IX Evaluation and Review Panel determines that further action is necessary, or if a Respondent fails to comply with the terms of the Alternative Resolution, the matter may be referred for an investigation and Formal Resolution under these Procedures.

The Title IX Evaluation and Review Panel will maintain records of all reports and conduct referred for Alternative Resolution, which typically will be completed within thirty (30) calendar days.



## **ACADEMIC TRANSCRIPT NOTATIONS**

The Title IX Evaluation and Review Panel will direct DSDT Registrar to include a prominent notation on the academic transcript of any Student who has been (1) suspended, (2) expelled (i.e., permanently dismissed), or (3) who has withdrawn from DSDT while under investigation, for Prohibited Conduct pursuant to the Title IX Policy. Such notation will reflect, as appropriate, the following language: “[Suspended, Expelled, or Withdrew While Under Investigation] for a Violation of DSDT’s Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence.” The Title IX Evaluation and Review Panel will remove any such transcript notation where (a) a Student is subsequently found not to have committed an act of Prohibited Conduct pursuant to the Title IX Policy, and/or (b) a Student who has been suspended for Prohibited Conduct pursuant to the Title IX Policy, has (i) completed the term of such suspension and any conditions thereof, and (ii) has been determined by DSDT to be in good standing pursuant to all applicable DSDT academic and non-academic standards.

## **RECORDS RETENTION**

The DSDT shall retain all records relating to a report of Prohibited Conduct for a period of ten years after the date the report was received, and DSDT shall retain all such records for a period of twenty years in cases in which the Respondent was found responsible for Prohibited Conduct.

- [1] These Procedures should be read in conjunction with the Title IX Policy. Capitalized terms used and not otherwise defined in these Procedures are defined in the Title IX Policy. For purposes of these Procedures, the “Title IX Evaluation and Review Panel” means the Title IX Evaluation and Review Panel, any Deputy Title IX Evaluation and Review Panel, and/or any of their respective trained designees.
- [2] Pursuant to DSDT policy, certain DSDT employees, called “Responsible Employees,” are required to report to the Title IX Evaluation and Review Panel all information disclosed to them about an incident of Prohibited Conduct. See “Reporting by DSDT Employees of Disclosures Relating to Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence.”
- [3] Where the law enforcement agency that would be responsible for investigating the alleged act of Prohibited Conduct is located outside of the United States, this disclosure is not required by the Virginia Reporting Statute.
- [4] Although a report may be reopened at any time, DSDT will only be able to pursue disciplinary resolution and sanctions where the Respondent continues to be a DSDT “Student” (i.e., continues to be registered or enrolled for credit- or non-credit-bearing coursework at DSDT).

## **CRIME STATISTICS REPORT**

The Campus Safety and Security Survey contains the following criminal offenses reported to the campus or local law enforcement as occurring on campus or on public property within close proximity of the campus. The survey includes a category specific to hate crimes. An Annual Security report includes incidents for the last three completed calendar years.



	On-Campus			Off-Campus		
	2020	2021	2022	2020	2021	2022
<b>Criminal Offenses</b>						
Murder/Non-negligent manslaughter	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	1	0
Arson	0	0	0	0	0	0
<b>Hate Crimes</b>						
Hate Crimes	0	0	0	3	0	0
<b>Arrests for Liquor, Drug and Weapons Law Violation</b>						
Weapons (carrying, possessing, etc.)	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0
Destruction, Damage, or Vandalism of Property	0	0	0	1	0	0
<b>VAWA Offenses</b>						
Domestic violence	0	0	0	0	0	0
Dating violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
<b>Disciplinary Referrals for Liquor, Drug and Weapons Law Violation</b>						
Weapons (carrying, possessing, etc.)	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0
<b>Unfounded Crimes</b>						
Unfounded Crimes	0	0	0	0	0	0

### Annual Security and Fire Safety Report

Each year (DSDT) publishes an Annual Security Report of crime statistics for each of the three most recent years. DSDT has compiled the crime statistics at its Southwest Detroit facility, 1759 W. 20<sup>th</sup> Street, Detroit, MI. 48216 and surrounding vicinity of the Southwest Detroit location.

	On-Campus		
	2020	2021	2022
<b>Total Number of Fires</b>			
Main Campus (1759 W. 20 <sup>th</sup> Street Detroit, MI 48216)	0	0	0

## **MICHIGAN AND FEDERAL LAWS: SUMMARY OF THE LAW GOVERNING DRUG AND ALCOHOL ABUSE, POSSESSION AND SALE**

Under Michigan law, the manufacture, delivery or dispensation of a controlled substance or possession of a controlled substance with the intent to manufacture or deliver the controlled substance is a crime. See Mich. Comp. Laws § 333.7401, et seq. The penalties for this crime vary depending on the amount and nature of the drug. Penalties range from fines and brief jail times up to the possibility of life imprisonment. Additional penalties can be imposed for the delivery of drugs to a minor, and multiple offenses will result in harsher punishments. In addition, property used to transport controlled substances may be confiscated and forfeited to the state. See Mich. Comp. Laws § 333.7522. Operating a motor vehicle while intoxicated is prohibited under Michigan law. See Mich. Comp. Laws § 257.625. Penalties for violating this prohibition include service to the community for a period of not less than 30 days and not more than 60 days, imprisonment for not more than 93 days or a fine of not less than \$100 or more than \$500, in addition to suspension of one's driver's license. Subsequent offenses carry additional fines and lengthier terms of imprisonment, as well as forfeiture of the right to drive. Michigan law prohibits public intoxication that causes one to act in a manner that endangers the safety of another person or property. See Mich. Comp. Laws § 750.167.

Michigan law prohibits the carrying, possession, use or discharge of a firearm while an individual is under the influence of alcohol or drugs. See Mich. Comp. Laws § 750.237. Violation of this prohibition will result in forfeiture of the weapon to the state. See Mich. Comp. Laws § 750.239. The federal government determines whether and how a drug should be controlled. Psychoactive (mind-altering) chemicals are categorized according to Schedules I through V. These schedules determine if a drug can be prescribed by a physician and under what conditions. Penalties for the illegal sale or distribution of a drug are established using the designations of Schedule I through V.

## **DSDT DRUGS AND ALCOHOL POLICY**

DSDT provides a drug-free environment for its faculty, staff and students. The unlawful possession, use, distribution, dispensation, sale, or manufacture of drugs or alcohol is prohibited on DSDT campuses premises, and at any DSDT school activities. No employee or student is to report or return to work or any company activity while under the influence of drugs or alcohol. For purposes of this policy, a conviction includes a plea of guilty or of nolo contendere.

## **TESTING POLICY & PROCEDURES**

Drug and Alcohol testing may be conducted on a random basis; if DSDT believes that an employee or student has been observed possessing or using a prohibited substance on the job; when DSDT reasonably believes that any employee or student may be affected by the use of drugs or alcohol and that they use may adversely affect performance or the environment, or when DSDT reasonably believes that an employee or student is impaired during working or school hours or while engaged in school business, or a school sponsored activity; and any employee or

student who has had a positive drug or alcohol impairment test may be subjected to periodic, random testing, for a period of one year from a positive Drug or Alcohol impairment test.

**The following testing methods and procedures will be followed:**

- Testing will ordinarily be conducted during, immediately before or immediately after regularly scheduled work or school hours. For current employees, time spent in testing and in traveling to and from the regular work site to the place of testing, is work time.
- Whenever a Drug or Alcohol impairment test is done at the request of DSDT pursuant to this policy, the school will pay the actual costs of the testing. In addition, when testing is done at locations over than the school facility, the school will pay reasonable transportation costs for the travel to and from the site to the testing location.

**Testing shall be conducted under the following conditions:**

- Sample collection shall be performed under reasonable and sanitary conditions;
- Sample collections shall be labeled in such a way as to reasonably preclude the possibility of misidentification of test results;
- Prior to testing, the individual shall be provided with an opportunity to notify DSDT of any information relevant to the test;
- Sample collection, storage, and transportation, where necessary shall be performed in a manner reasonably designed to preclude the possibility of sample contamination adulteration, or misidentification.
- Sample testing will be done in such a way as to comply with scientifically accepted analytical methods and procedure, and by a laboratory approved or certified by, at least, one of the following: United states Department of Health and Human Services, College of American Pathologist or a state department of health and human services.
- Upon the written request of the individual, a positive Drug test result shall be confirmed by a subsequent test, using a different chemical process than used in the initial drug screen. A chromatographic technique or another comparably reliable analytic method will be conducted confirming results.

**Employee and Student Testing Rights**

- Employees and students have the right, upon written request, to obtain a copy of the written test results.
- DSDT will not release information relating to testing, including test results, to any third parties except upon written authorization of the employee or student, or when legally compelled to do so.

**Refusal of Testing**

Refusal to participate in Drug or Alcohol impairment testing when requested to do so, or refusal to accept the terms and conditions of testing as specified in this policy, may result in disciplinary

action, up to and including termination from DSDT. If applicable, prospective employees or students who refuse to undergo Drug or Alcohol impairment testing are not eligible for hire or admission (respectively).

*Please direct any questions, concerns, or reports regarding this policy to the School Director.*

### **DSDT's Policy on Consumption of Alcoholic Beverages on Campus**

The use or possession of alcoholic beverages is expressly prohibited in classrooms, lecture halls, laboratories, the libraries, and within buildings or arenas where events, lectures, and meetings are held. The use of alcoholic beverages is expressly prohibited in all public areas of campus buildings. For employees only, social activities held off-premises and paid for on a personal basis are generally not affected by this policy. If management considers it appropriate and approves of such use in writing, alcoholic beverages may be served at company-sponsored events held off-premises and for purely social reasons.

### **Consumption and Possession of Marijuana**

All students, employees, and visitors are on notice that the Michigan Medical Marijuana Act (MMMA) and the Michigan Regulation and Taxation of Marijuana Act (MRTMA) conflicts with federal criminal laws governing controlled substances, as well as federal laws requiring institutions receiving federal funds, by grant or contract, to maintain drug-free campuses and workplaces. DSDT participates in federal grant programs which would be in jeopardy if those federal laws did not take precedence over state law. Thus, the use, possession, or cultivation of marijuana in any form and for any purpose on DSDT's property or premises violates the DSDT Drug and Alcohol Policy. DSDT will not allow the use, possession, or cultivation of marijuana or marijuana paraphernalia on its property or DSDT-controlled premises, even if a student, employee, or visitor has been properly certified as a medical marijuana user. Students, employees, and visitors will be asked to remove or dispose of their marijuana from DSDT's property and premises immediately. Furthermore, the MMMA and MRTMA states that employers are not required to accommodate employees who use medical marijuana; therefore, employers have the right to refuse employment to anyone who fails a drug test. Additionally, the State of Michigan prohibits a person from undertaking any task under the influence of marijuana, when doing so would constitute negligence or professional malpractice, as in many areas of the medical field. As a result, drug testing may be required at any time by a prospective employer consistent with the laws of the State of Michigan and the requirements of potential employers.

### **FEDERAL PENALTIES FOR SCHEDULE I, II, III, IV, AND V DRUGS**

Production of these drugs is controlled. Examples include GHB, heroin, methaqualone, all hallucinogens (except PCP, marijuana and hashish), and THC, which can also be a Schedule II drug, depending on its form. Schedule II drugs have a high potential for abuse but have some medical uses. Production of these drugs is controlled. Examples include opium, morphine, codeine, other narcotics, barbiturates, cocaine, amphetamines, PCP, and OxyContin. Federal criminal penalties for selling Schedule I and II drugs vary with the quantity of the drug and whether the individual has the drug for personal use or for sale. Criminal penalties are more severe if sale or use of the drug results in death, if drug use is tied to sexual assault, or for repeat

offenses. Federal penalties for Schedule I, II, III, IV and V (except marijuana) are set forth in the attached Schedule A.

Federal penalties for marijuana, hashish, hashish oil, and Schedule I substances are set forth in the attached Schedule B. Schedule III, IV and V drugs include those most citizens would categorize as “prescription drugs.” Schedule III drugs have some potential for abuse but less than those on Schedules I and II. The potential for abuse of Schedule IV drugs is less than those on Schedule III, and the potential for abuse of Schedule V drugs is less than those on Schedule IV. All Schedule III to V drugs have medical uses and their production is not controlled. Examples of these drugs include some narcotics, barbiturates, depressants, amphetamines, and other stimulants. Penalties for sale of these drugs depend on whether it is a first offense or repeated offense (see Schedule A).

## SCHEDULE A

### Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)

Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture	<b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Fentanyl 400 grams or more mixture	<b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture	<b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.	Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	
<b>Substance/Quantity</b>		<b>Penalty</b>		
Any Amount Of Other Schedule I & II Substances		<b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if not an individual.		
Any Drug Product Containing Gamma Hydroxybutyric Acid		<b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV) 1 Gram				
Any Amount Of Other Schedule III Drugs		<b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.		
		<b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		
		<b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
Any Amount Of All Schedule V Drugs		<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.		
		<b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

## SCHEDULE B

Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
<p>Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants</p>	<p><b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
<p>Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</p>	<p><b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.</p>
<p>Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</p>	<p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
<p>Hashish More than 10 kilograms</p>	
<p>Hashish Oil More than 1 kilogram</p>	
<p>Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</p> <p>1 to 49 marijuana plants</p> <p>Hashish 10 kilograms or less</p> <p>Hashish Oil 1 kilogram or less</p>	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>