

WMU-COOLEY LAW SCHOOL

TAMPA CAMPUS

SECURITY, SAFETY

AND YOU

2023 Annual Security Report
Statistics Covering 2020-2022

WMU-COOLEY LAW SCHOOL
ANNUAL SECURITY REPORT
September 25, 2023

Safety is a collaborative effort. We are all responsible for the safety and security of our community. Every WMU-Cooley student deserves a safe and secure environment for the study of law. Every WMU-Cooley employee deserves a safe and secure workplace. As a community, we must all work together to keep all members of our community as safe and secure as possible.

The information contained in this document is for the students and employees of both WMU-Cooley Law School campuses.

This annual report is prepared by the Operations Division, and the local law enforcement agencies surrounding each WMU-Cooley campus. It is issued in compliance with the Clery Act and the Higher Education Act. WMU-Cooley prepares this report annually and provides annual notice of its availability to all students, faculty, and staff. Copies are available upon request from the Director of Safety and Environmental Services, 300 S. Capitol Ave., Lansing, MI 48933. The report is also published on WMU-Cooley's website at:

<https://info.cooley.edu/hubfs/2023-Tampa-Annual-Security-Report.pdf>

WMU-Cooley reserves the right to change its security and safety policies at any time, with or without notice, at its discretion. Neither this report nor any other communication from Law School personnel, whether written or oral, is intended to create contractual rights to any security or safety policy or procedure or to security matters generally.

I. Reporting Criminal Action and Emergencies Occurring on Law School Property

A. Scope of Report

For the time period covered by this report, WMU-Cooley Law School operated four separate campuses of its own, one each in the Michigan cities of Auburn Hills, Grand Rapids, and Lansing, and another in Riverview, Florida, located in the Tampa Bay area. WMU-Cooley also operated on the main campus of Western Michigan University in Kalamazoo, Michigan. This report covers the Tampa campus listed:

- **Tampa Bay, Florida** at 9445 Camden Field Parkway, Riverview, FL 33578.

B. Definitions

Throughout this report, the terms WMU-Cooley or Law School “**property**,” “**premises**,” or “**facilities**” refer interchangeably to any building or property that WMU-Cooley owns or controls (for example, by leasing a building or property from a third party) and which are used by WMU-Cooley in direct support of, or in a manner related to, WMU-Cooley’s educational purposes.

These terms include any other building or property that is within or reasonably contiguous to buildings or property that WMU-Cooley owns (even if controlled by a third party), that is frequently used by students, and that supports WMU-Cooley’s institutional purposes.

These terms also include all public property that is within, or is immediately adjacent to and accessible from, any property or facilities that WMU-Cooley owns or controls, including public thoroughfares, streets, sidewalks, and parking facilities.

C. Reporting Procedure

Any life-threatening emergency is to be reported to local authorities by dialing 911. All WMU-Cooley students and employees are required to immediately report criminal actions or other emergencies which occur on Law School property to the Building Access Control Officer or WMU-Cooley Law School personnel. A school official will complete the appropriate incident report form to be delivered to the Director of Safety and Environmental Services and others as appropriate. Information concerning victims of a crime or bystanders reporting crimes will generally be kept confidential. See the policy on confidentiality on page 21.

You may also speak to Assistant Deans, the Senior Vice President of Operations & Finance, or the Associate Dean of Students. Contact information can be retrieved through our directory or by contacting the Access Control at the front desk. Criminal information will be documented through Access Control.

Response to Reports of Criminal Action or Emergencies

1. Timely Warning

If a situation arises that in the judgment of the Senior Vice President of Operations & Finance, Director of Campus Administration, or Campus Assistant Dean (or his or her designee) constitutes a serious or ongoing threat, a campus wide “timely warning” will be issued. The warning will be issued through the WMU-Cooley Connect system. The warning may also be posted on the WMU-Cooley home page or be sent via email.

2. Emergency Response

The Law School responds to reports of significant emergencies or dangerous situations involving an immediate threat to the health or safety of students or employees occurring on the campus, as we deem appropriate under the circumstances. In the interest of protecting your safety, we have established a set of Emergency Procedures to use if an emergency arises. The procedures present a systematic approach for managing and responding to various types of emergencies that can threaten the health and safety of members of our community.

The Senior Vice President of Operations & Finance or her designee is responsible for directing the Law School’s efforts in response to an emergency. The Emergency Procedures identify other individuals responsible for providing emergency response and critical support services, and it describes their respective roles and responsibilities. Our Emergency Procedures are found on the Emergency Procedures and Reporting page of the WMU-Cooley Connect under *Student Policies > Emergency Procedure and Reporting* and click on *Campus Safety*.

3. Notifications of a Closing, an Emergency or a Disaster

Our Emergency Procedures describe the process WMU-Cooley uses to confirm and report an emergency event. The Senior Vice President of Operations & Finance, members of the Operations Division, and Access Control Officers located at the entrances of buildings assess the danger and potential threat the event may pose to the safety of the campus community and determine the appropriate course of action in light of the specific circumstances. If an

emergency occurs that warrants notification, the Senior Vice President of Operations & Finance determines the content of the notification and initiates the notification system, unless she determines that the notification will compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

WMU-Cooley has a variety of methods to provide emergency, disaster, and weather closing information to students, employees, and the public.

Local Media

If a campus closure, emergency, or disaster occurs, the Campus' Assistant Dean or the Director of Campus Administration coordinate notifications to major radio stations, television stations, and other media outlets as warranted.

Because circumstances may be unique to each campus, WMU-Cooley students and employees should monitor the following stations:

Tampa Bay

- WTSP TV 10
- WTVT TV 13
- WFLA TV
- WHNZ Radio AM 1250
- WGUL Radio AM 860

Telephone from WMU-Cooley to Internal Voice Mailboxes

A system-wide message may be placed to the telephone voice mailbox of all WMU-Cooley telephone extensions in appropriate circumstances.

Telephone to WMU-Cooley: The Auto-Attendant

The following telephone number may provide a pre-recorded message about weather closings, emergencies or disasters on campus:

Tampa: (813) 419-5100

Building Evacuation Alarms

WMU-Cooley's buildings have an evacuation alarm and a voice public address system through which instructions can be given by authorized WMU-Cooley personnel.

WMU-Cooley Web Site and Portal

If a campus or school-wide closure, emergency, or disaster occurs, the President's Office may post pertinent information and instructions to the school's public website (www.cooley.edu) or the WMU-Cooley Connect for students and employees (connect.cooley.edu) as warranted.

Email Transmission

If a campus or school-wide closure, emergency, or disaster occurs, information or instructions may be sent by mass email to students and employees.

Emergency Response and Evacuation Testing Procedures

If an emergency occurs, WMU-Cooley's Emergency Procedures designate responsibility for responding to and reporting an emergency. WMU-Cooley has a plan for evacuation or sheltering, as the case may be, and for notifying and assisting public service personnel (police, fire, etc.). Designated members of WMU-Cooley's Operations Department and its Access Control Officers have training on how to implement the evacuation and sheltering plans.

Evacuation and sheltering drills are conducted routinely, typically without prior notice to students or employees. All persons inside WMU-Cooley buildings are expected to comply with alarms sounded during drills. Certain WMU-Cooley employees and Access Control Officers are assigned specific duties to make sure floors are cleared, the locations of persons with disabilities are noted, and other similar duties.

WMU-Cooley maintains records of drills, documenting the date, time, and description of the drill, as well as whether it was announced or unannounced. These records are maintained by the Director of Safety and Environmental Services and are available by request.

4. Evacuation and Sheltering Procedures

Evacuation and sheltering procedures for students, employees, and guests are set forth below.

Tornado / Severe Weather Alarm

When a Severe Weather Warning alarm sounds, take the following precautions:

- Do not attempt to exit the building
- Evacuate to the nearest designated shelter area
- Avoid areas with windows and doors that lead directly to the outside
- If possible, assist people with mobility difficulty
- Do not use elevators in an emergency (not applicable in Tampa)

Fire Alarm

When a fire alarm sounds, take the following precautions:

- Exit the building promptly and in an orderly manner
- Once outside the building, move away from building
- If possible, assist people with mobility difficulty
- Report the location of the individual to the Access Control

Hurricane

When the National Weather Service issues a hurricane watch or warning, take the following precautions:

- At least 48 hours before landfall, secure all valuables and important items
- If the local authorities do not require an evacuation, prepare for possible flooding and wind damage. Avoid areas with windows and doors that lead directly to the outside
- If the local authorities do require an evacuation, leave area following designated state routes
- Notify Building Access Control Officers of any problems

II. Law School Facilities: Security and Access

A. Security and Access Policies

WMU-Cooley generally attempts to limit access to School facilities to students, faculty, staff, and persons who have a legitimate business or educational purpose for being on the premises. Building Access Control Officers or Law School staff monitor the front entrance of all School buildings. Guests of the Law School are asked to register at the Access Control Desk. The Law School reserves the right to refuse access to persons acting in a disorderly or disruptive fashion and to ask those persons to leave the premises. If necessary, Building Access Control Officers or Law School staff will contact local law enforcement authorities to remove unauthorized persons from Law School property or take other appropriate action.

Due to the large number of people entering or leaving our buildings at certain times (such as just before or after classes), it is not always possible to ensure that everyone in the buildings satisfies our access criteria. In light of this fact and our urban environments, the Law School expects that students and employees will take appropriate precautions to ensure their own personal safety and the safety of others. Each person is responsible for his or her personal property.

B. Maintenance Considerations

The Law School maintains its facilities with your safety in mind. Our preventative maintenance programs and regular inspection of facilities promote properly maintained buildings and grounds. Our buildings and grounds are well lit and are monitored by security cameras.

III. Safety and Law Enforcement on School Premises

A. Access Control Officer

Building Access Control Officers monitor access to all WMU-Cooley buildings that are used by students. They document emergencies and report incidents to the Director of Safety and Environmental Services. Although Access Control staff generally do not leave their stations unless properly relieved, at times it may be necessary for them to adequately assess a situation, assist with an emergency, or contact appropriate officials.

B. Enforcement Authorities and Liaison with Local Police Agencies

WMU-Cooley employees or Building Access Control Officers do not carry weapons and cannot make arrests or physically remove trespassers from Law School premises. Local police will be contacted if circumstances warrant an arrest or other law enforcement intervention.

C. Weapons

Students and employees may not possess a weapon while on Law School property, including buildings and School-owned grounds and parking lots. This prohibition does not apply to law enforcement officers while on official police business at the Law School. Any student seeking an exception to this policy by virtue of being required by law to possess a weapon while not on official police business must obtain the prior approval of the campus assistant dean upon a written application demonstrating why the weapon cannot be left off premises. The WMU-Cooley weapons policy can be found in Section 8.02(B) of the Student Policy Manual on WMU-Cooley Connect under *Policies*.

D. Required Reporting of Criminal or Threatening Behavior

Students, faculty, and staff are required to immediately report any criminal actions or other emergencies that occur on School property to the Building Access Control Officer or a Law School employee. This requirement can be found in section 8.02(C) of the Student Policy Manual on WMU-Cooley Connect under *Policies*.

Students and employees may also report any criminal or threatening behavior to conduct@cooley.edu. (Note: The conduct@cooley.edu email account was established for reporting school-related unethical conduct that reasonably appears to violate the WMU-Cooley Honor Code, and it is also used for that purpose.) WMU-Cooley's Honor Code and Disciplinary Procedures are available on the WMU-Cooley Connect under *Policies*.

The confidentiality of any crime or other suspicious activity reported to WMU Cooley is explained in detail below, at page 23. The Law School employs neither pastoral nor professional counselors. Law School personnel may make referrals to counseling resources near each campus, but the school does not attempt to monitor or control the substance of outside counseling. Inside the Law School, an Assistant Dean is available to provide general counseling to students. In those counseling sessions, should WMU-Cooley glean information that suggests that a crime may have been committed, the Law School would refer the student or employee to the police or other appropriate agency and encourage them to make a report.

IV. Information Programs

At least yearly, WMU-Cooley informs its students and employees about security procedures and practices on Law School premises in a written report. In addition, during each new student orientation session, WMU-Cooley gives a presentation to the incoming class. The Assistant Dean offers a presentation entitled "*Safety and Security on Campus – See Something, Say Something.*"

This presentation includes the following topics: The Violence Against Women Act, the WMU-Cooley Sexual Assault and Harassment Policy, our Title IX Policy, notification requirements related to the Clery Act, the Law School's emergency notification system, and alcohol and other drug abuse information. New students are given a brochure that reflects the information provided in the presentation. New employees also receive a copy of this brochure.

V. Criminal Offenses

The Clery Act and the Higher Education Act require all higher education institutions to publish annual crime statistics for certain offenses designated by those laws. The definitions of the criminal offenses, including "unfounded crimes" (meaning crimes that were investigated by law enforcement authorities and found to be false or baseless), that institutions must report are described below.

Murder/Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

Negligent Manslaughter: the killing of another person through gross negligence.

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

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

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

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

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

Domestic Violence: The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person

against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Florida [Fla. Stat. 741.28]

Fla. Stat. 741.28 prohibits "domestic violence", which includes specific offenses against a family or household member. Domestic violence means "any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member."

"Family or household member" is defined as:

- a. a spouse or former spouse,
- b. persons related by blood or marriage,
- c. persons who are presently residing together as if a family or who have resided together in the past as if a family, and
- d. persons who are parents of a child in common regardless of whether they have been married.

With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

Dating Violence: The term "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 shall be determined based on 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.

Florida:

Fla. Stat. 784.046 prohibits "dating violence" – specific violent offenses between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature."

Stalking: The term "stalking" means, in general terms, willfully 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. Florida statutes provide these definitions:

Florida [Fla. Stat. 784.048]:

Fla. Stat. 784.048 prohibits "willfully, maliciously and repeatedly following, harassing or cyberstalking another person."

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or

openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations: The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Sex Offenses

Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, 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 incapacity.

Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Hate Crimes

WMU-Cooley is also required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications:

murder/non-negligent manslaughter, negligent manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above) **and larceny, vandalism, intimidation, and simple assault** (see definitions below).

Larceny: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Vandalism: To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

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

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

A. CLERY CRIMES REPORT – TAMPA CAMPUS

Below are the Clery Act crimes reported for the WMU-Cooley Tampa campus for the years 2020, 2021, and 2022.

WMU-Cooley Law School: Crime Statistics for the Tampa Bay Campus

Reportable Crimes	On-Campus Property			Non-Campus Property			Public Property			Total
	2020	2021	2022	2020	2021	2022	2020	2021	2022	
Murder	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0
Motor-Vehicle Theft	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0

WMU-Cooley Law School: Occurrences of Hate Crimes for the Tampa Bay Campus

Criminal Offense	On-Campus Property			Non-Campus Property			Public Property			Total
	2020	2021	2022	2020	2021	2022	2020	2021	2022	
Murder	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0
Motor-Vehicle Theft	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0
Destruction/ Property Damage	0	0	0	0	0	0	0	0	0	0

Noted Category of Bias for Crimes Listed Above (Race, Religion, Sexual Orientation, Gender, Disability, Ethnicity, and National Origin): None Applicable

WMU-Cooley Law School: Occurrences of VAWA Offenses for the Tampa Bay Campus

Crime	On-Campus Property			Non-Campus Property			Public Property			Total
	2020	2021	2022	2020	2021	2022	2020	2021	2022	
Domestic Violence	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0

WMU-Cooley Law School: Arrests for the Tampa Bay Campus

Crime	On-Campus Property			Non-Campus Property			Public Property			Total
	2020	2021	2022	2020	2021	2022	2020	2021	2022	
Weapons Law Violation	0	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation	0	0	0	0	0	0	0	0	0	0

WMU-Cooley Law School: Disciplinary Actions for the Tampa Bay Campus

Crime	On-Campus Property			Non-Campus Property			Public Property			Total
	2020	2021	2022	2020	2021	2022	2020	2021	2022	
Weapons Law Violation	0	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation	0	0	0	0	0	0	0	0	0	0

Law School: Unfounded Crimes for the Tampa Bay Campus

There were no unfounded crimes by the local law enforcement.

B. Non-Campus Buildings or Property

Any building or property owned or controlled by a student organization officially recognized by the institution; or any building or property (other than a branch campus) owned or controlled by an institution that is used in direct support of or relation to the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

No student organization officially recognized by WMU-Cooley presently owns or controls any building or property. The Law School does not presently own any building or property that is frequently used by students that is not otherwise on campus.

C. Residential Facilities

The Law School does not own or control residential facilities for students.

VI. Alcohol and Drug Policy

A. Drug and Alcohol Use

WMU-Cooley policy prohibits the illegal use, possession, or sale of alcoholic beverages and drugs on Law School property or while students or employees are engaged in School activities or business. WMU-Cooley complies with federal, state, and local laws including those that regulate the possession, use, and sale of alcoholic beverages and controlled substances as well as the associated penalties. Such penalties, which include probation, fines, and imprisonment, may be imposed by judicial authorities on individuals who violate these laws. WMU-Cooley may impose additional penalties as detailed by its institutional policies.

The Law School prohibits the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace. All students and employees must abide by the terms of the Substance Abuse Prevention Policy.

Those who violate such prohibition will be subject to disciplinary action. The Substance Abuse Prevention Policy can be found on WMU-Cooley Connect under *Policies*.

B. Drug and Alcohol Education Programs

WMU-Cooley has adopted a Substance Abuse Prevention Policy, which is distributed annually to students and employees. The Policy sets forth the Law School's prohibition on the unlawful use, possession, or sale of drugs and alcohol. It also contains educational information on drug and alcohol abuse. Substance abuse awareness education is provided to each entering class during orientation. Our required course, Personal and Professional Responsibility, educates every law student about the dangers of substance abuse and the incidence of substance abuse issues among attorneys. WMU-Cooley also provides referral services, primarily through the Lawyers and Judges Assistance Program. The Substance Abuse Prevention Policy may be found on WMU-Cooley Connect under *Policies*.

VII. Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking Prevention and Response

Title IX of the U.S. Education Amendments of 1972 provides that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.” WMU-Cooley Law School is committed to maintaining a community that is free from sexual misconduct, violence, stalking and harassment.

The report sections below provide the Law School's policies and a comprehensive plan addressing harassment, sexual misconduct, educational programs and our policies and procedures that address reports of harassment, sexual assault, domestic violence, dating violence, and stalking. These policies apply even if the incident occurs off WMU-Cooley property.

The WMU-Cooley Law School Board of Directors adopted Board Policy 402, a comprehensive policy that prohibits sexual assault, intimate partner violence, stalking, other forms of discriminatory harassment, and retaliation for reporting such conduct. The WMU-Cooley Law School faculty unanimously ratified this policy in 2011, which applies to students, faculty members, and other WMU Cooley employees, as well as the Law School's visitors and vendors. Board Policy 402 can be found on WMU-Cooley Connect under *Policies* and on school's web page at <https://www.cooley.edu/sites/default/files/media/docs/APPENDIX%20F.pdf>.

The Law School adopted a new Title IX Sexual Harassment and Non-Discrimination Policy in August 2020. Any harassment or discrimination based on sex fall under our Title IX Policy which is located on the school's web page at <https://www.cooley.edu/sites/default/files/media/Title%20IX%20Policy.pdf>

A. Definitions

1. *Harassment.*

WMU-Cooley's Policy prohibits any harassment of a Law School student, faculty member, or other employee. Harassment under this policy is defined as an individual who engages in conduct that creates an offensive, hostile, or intimidating employment or educational environment and that conduct is based on one or more of the following characteristics:

- gender or sexual orientation;
- age;
- race or color;
- ethnicity or nationality;
- religion, religious beliefs, or religious practices;
- disability or need for an accommodation;
- pregnancy, marital, or familial status;
- height or weight;
- veteran status; or
- any other characteristic protected by law or regulation.

2. *Sexual Harassment*

The Policy defines sexual harassment as any subjectively unwelcome, severe or pervasive conduct of a sexual nature toward another person (including a person of the same gender), such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, that has either the purpose or effect of:

- Creating an objectively offensive, intimidating, or hostile educational or work environment that denies or materially restricts an individual's ability to fully enjoy and participate in the terms and conditions or benefits of education or employment; or
- Conditioning educational or employment benefits or reprisals on the individual's response to demands for sexual interaction.

Specific examples of other forms of sexual harassment are described in the Policy and include, but are not limited to:

- Unwelcome or unwanted sexual advances;

- Demeaning acts of aggression or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of an overt sexual nature;
- Oral, written, or any other form of graphic communication or distribution of materials of a sexual nature;
- Threats of reprisal against, or promises of advantage for, a person's academic standing, grade, or terms and conditions of employment conditioned on a student, faculty member, or employee's response to sexual demands or requests; or
- Any other unwelcome conduct of a sexual nature that creates a hostile, intimidating, or offensive working or educational environment.

3. *Other Forms of Harassment*

Any form of subjectively unwelcome, severe or pervasive conduct or communication, whether physical, written, oral, or electronic, will constitute harassment that violates our Policy when the conduct or communication:

- Demeans, intimidates, or shows hostility toward an individual or group based on a person's gender or sexual orientation; race or color; age; ethnicity; nationality; religion, religious beliefs, or religious practices; height; weight; disability or need for an accommodation; pregnancy, marital or familial status; veteran status; or any other characteristic protected by law or regulation; and
- Has the purpose or effect of creating an objectively offensive, intimidating, or hostile educational or work environment that denies or materially restricts an individual's ability to fully enjoy and participate in the terms and conditions or benefits of education or employment.

4. *Domestic Violence*

For definitions and examples see page 9-10.

5. *Dating Violence*

For definitions and examples see page 10.

6. *Stalking*

For definitions and examples see pages 10.

7. *Sexual Assault*

Uniform Crime Reporting:

RAPE is defined as 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. (Note: this definition encompasses the categories of rape, sodomy, and sexual assault with an object that are used in the UCR National Incident-Based Reporting System.)

FONDLING is non-forcible and defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

INCEST is non-forcible and defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

STATUTORY RAPE is non-forcible and defined as sexual intercourse with a person who is under the statutory age of consent.

Florida:

Sexual Assault is the commission of an unwanted sexual act. It includes non-consensual sexual contact: the deliberate touching of a person's intimate parts without consent, and non-consensual sexual intercourse. Under Florida law, rape, forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery, forcible fondling, and threat of sexual assault are crimes. Fla. Stat. 784.011 (assault), 784.046(c) (sexual violence), 794.011 (sexual battery).

8. Consent.

Florida:

Consent "*means intelligent, knowing, and voluntary consent and does not include coerced submission. 'Consent' shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.*" Florida Sexual Violence Bench book, page 16.

B. What to do if you see or hear something as an "active bystander." If you see something, say something. Bystanders play a critical role in the prevention of sexual and intimate-partner violence. Bystanders are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it." We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander.

Always remember that if you or someone you see or hear is in immediate danger, call 911. Be careful when interceding in a potentially violent situation – always call for help.

- If you see a friend, fellow student, or employee--or someone who looks like they could be in trouble or need help--ask if they are okay.
- Speak up when you see or hear someone becoming physically involved with someone who is incapacitated.
- Speak up if someone discusses plans to take sexual or physical advantage of another person.
- Believe it when someone discloses a sexual assault, abusive behavior, or experience with stalking and encourage him or her to get help.
- Refer people for help and support in health, counseling, or legal assistance – including reporting to Law School faculty, staff or administration.

C. What to do if you are a victim of harassment, sexual assault, domestic violence, dating violence or stalking.

1. *Get medical attention, if needed*
2. *Report to law enforcement*
3. *Call 911 for help in matters of bodily injury or damage to property.*
4. *Preserve the evidence*

Whether you decide to immediately report or if you choose to wait to make your decision – preserve the evidence. You may choose not to prosecute, but you may want a protection order to keep the perpetrator away from you, or another type of restraining order. Your ability to secure a court order increases with evidence.

Biological evidence may be preserved if a forensic examination is completed within 96 hours of the assault, so victims of sexual assault should not bathe, douche, smoke, change clothing, or clean the bed/linen/area where they were assaulted prior to forensic examination. If property was damaged or broken, or if clothing was ripped or damaged – keep these items. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, and other communications. Take pictures of injuries or damage to property, or anything that might document what happened. Write on a calendar, keep a journal or a log to document

what is happening or what already happened. Keep these documents or any other relevant documents.

5. Report to WMU-Cooley for help and assistance

The Law School's policies on reporting and confidentiality are spelled out in the next section. All members of the community are strongly encouraged to report to law enforcement and to the Law School. **It is the victim's choice** whether or not to make such a report and victims have the right to decline involvement with the police. The Law School will assist any victim or witness with notifying local police if desired.

Reporting any incident to your campus Assistant Dean will provide the victim with needed resources. These could include such things as referrals for medical help, counseling, legal assistance, visa and immigration assistance, and victim advocacy. The campus Assistant Dean will help to develop a safety plan to reduce risk of harm while on campus or when coming and going from campus. This plan may include, but is not limited to: special parking arrangements, changing classroom location, supervisors, or work location as the situation may require.

6. Consider a Protection Order

Protection Orders are civil proceedings, not criminal proceedings and are designed to keep the petitioner safe and restrict contact from the respondent. Most offices that help petitioners file for protection have additional resources to provide assistance, and referrals to other sources of help in your community. WMU-Cooley Law School complies with Florida law in recognizing orders of protection and any person who obtains an order of protection from any state within the United States or a military protection order should provide a copy to the campus Assistant Dean.

Florida

- Protection Orders/Injunctions are available in Florida for victims of domestic violence, dating violence or sexual violence. [Fla. Stat. 784.048] For Tampa campus students, **Are You Safe** is an agency in Tampa that will assist petitioners with securing a Protection Order or Injunction. Their website is <https://www.r-u-safe.org/>

D. Reporting Policies and Confidentiality

Students, faculty and staff are required to immediately report criminal actions or other emergencies which occur on Law School property to the Building Access Control Officer or to Law School personnel. Faculty, staff and visitors are encouraged to report all other crimes and suspicious situations in a timely manner. Any situation that could impact the safety of the WMU-Cooley community should be reported.

1. Reporting Options

Reporting a crime. Victims of a crime and witnesses to a crime are encouraged to make a formal report of the crime to local law enforcement. While the School leaves to law enforcement the investigation and determination of suspected crimes, victims and witnesses are also encouraged to report the crime to the campus Assistant Dean, or the Associate Dean of Students so that the School is aware and can consider making accommodations within the School environment.

Reporting emergency situations. Students, faculty, staff, and visitors who witness an emergency situation should call 911 if the situation presents an immediate threat to a person or to property. All emergency situations that occur on Law School premises should be reported to an Access Control Officer.

Reporting sexual misconduct and other forms of harassment.

Board Policy 402 prohibits any sexual misconduct or other forms of harassment based upon:

- gender or sexual orientation;
- age;
- race or color;
- ethnicity or nationality;
- religion, religious beliefs, or religious practices;
- disability or need for an accommodation;
- pregnancy, marital, or familial status;
- height or weight;
- veteran status; or
- any other characteristic protected by law or regulation.

Board Policy 402 can be found on WMU-Cooley Connect under Policies and on the school's web page at

<https://www.cooley.edu/sites/default/files/media/docs/APPENDIX%20F.pdf>.

2. Who Do I Report To?

All Title IX complaints should be made to a Title IX Coordinator.
Complaints by Students

When this person has engaged in harassing conduct toward you, you should report a prompt statement of concern or complaint to:
A Law School student	The Assistant Dean of the alleged victim's campus, or to the Associate Dean of Students
A Law School faculty member (including adjunct faculty)	The Assistant Dean of the alleged victim's campus
A non-faculty Law School employee	The Assistant Dean of the campus where the harassment took place, or to the Director of Human Resources
A third-party on Law School premises (e.g., a visitor, vendor, etc.)	The Director of Campus Administration or Assistant Dean of the alleged victim's campus

Complaints by Law School Employees:

When this person has engaged in harassing conduct toward you, you should report a prompt statement of concern or complaint to:
A Law School student	Your Supervisor or the Assistant Dean of the campus where the employee works, or to the Director of Human Resources
A Law School faculty member (including adjunct faculty)	The Assistant Dean of the campus where the employee works, or the Director of Human Resources
A non-faculty Law School employee	Your Supervisor or the Assistant Dean of the campus where the employee works, or to the Director of Human Resources

A third-party on Law School premises (e.g., a visitor, vendor, etc.)	The Director of Campus Administration or Assistant Dean of the campus where the employee works, or to the Director of Human Resources
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3. Confidentiality when Reporting to WMU-Cooley Personnel

When receiving a report, WMU-Cooley will make every effort to preserve an individual's privacy. If the person does not wish to pursue a criminal complaint, the Law School will honor that request. The Law School's ability to keep the matter completely confidential is limited, as Title IX requires the school to investigate the incident, and to take action in response to the complaint.

Reporting to a WMU-Cooley Law School employee may require that employee to share the information with the Title IX Coordinator. Some WMU-Cooley Law School employees are "responsible employees" under Title IX, and they must report incidents (including personally identifying details) to the Title IX Coordinators. The current WMU-Cooley Title IX Coordinators are:

For Students: Amy Timmer, Associate Dean of Students
timmera@cooley.edu

For Employees: Kathleen Conklin, Senior Vice President of Operations and Finance/Treasurer conklink@cooley.edu

Any report of a crime within the geographic location of a WMU-Cooley campus is included in our annual crime report (without the name of the complainant). An assessment will be made for purposes of issuing a "timely warning" under the Clery Act considering whether the safety and security of WMU-Cooley community could be at risk. The Law School may have a duty to proceed with investigating or determining what occurred, even without the consent of the complainant.

Sharing the information with the Title IX Coordinator does not mean that the information is shared with the Law School community. The identity of individuals and circumstances involved in a complaint will be kept confidential to the extent practical, without hindering an investigation, as required by law and Law School policy. If a victim or witness requests that their names be kept confidential, the Title IX Coordinator will consider that request as part of the decision-making process. Please note that the School's Honor Code and Disciplinary Procedures require reporting students to sign a request for investigation that will be shared with suspected victims and violators.

The conduct@cooley.edu email account has been established for reporting any harassment, sexual assault, domestic violence, dating violence, stalking, and school related unethical conduct that appears to violate school policies. The email is a report to the Title IX Coordinators. The email address of the reporting person is collected - this is not an anonymous report.

4. Retaliation Against a Reporting Person is Prohibited

Board Policy 402 strictly prohibits any person from retaliating against another person who either: (1) reports a concern or files a complaint under this Policy based on an honest, good faith perception of the events at issue; or (2) participates or otherwise cooperates in the Law School's investigation of any harassment complaint.

Any person who believes that he or she has been subjected to retaliation should make a complaint as soon as possible under the guidelines for complaints stated above. Any person who engages in any form of retaliation that violates Board Policy 402 will be subject to discipline, including dismissal from employment or from enrollment with the Law School.

E. Disciplinary Process

The Law School will consider all information and evidence relevant to the complaint, including any provided by the complaining party, the alleged harasser, and other witnesses (if any, including those identified by the complaining party and alleged harasser). The Law School will determine whether sexual or other harassment that violates this Policy has occurred based on a preponderance of the evidence. A complete copy can be found on WMU Cooley Connect under *Policies* or at <https://www.cooley.edu/sites/default/files/media/docs/APPENDIX%20F.pdf>.

The Law School may consider aggravating, mitigating, or other extenuating or situational circumstances to decide how to resolve a complaint and, if necessary, impose appropriate remedies or discipline. The Law School may take interim measures before concluding its investigation to protect a complainant from on-going harassment or retaliatory conduct related to the complaint or investigation.

Although the scope and timeframe of the Law School's investigation will vary from case to case, and is established by specific policies, in all cases the Law School will try to complete its investigation of any complaint within sixty (60) calendar days of the date the Law School receives the complaint.

As soon as possible after completing its investigation, and subject to FERPA (the Family Educational Rights and Privacy Act) and other applicable School policies,

the Law School will provide written notice to both the complaining party and accused harasser of the outcome of its investigation. If the alleged victim is deceased as a result of such crime or offense, the next of kin of the alleged victim shall be treated as the alleged victim for purposes of this paragraph. In all cases, the Law School's goal will be to prevent harassment from recurring and to correct any discriminatory effects of the harassment on the complaining party and others.

If, after investigating, the Law School determines that an individual has harassed a student, faculty member, or other employee, the Law School will take prompt and effective corrective action to ensure the harassment stops and does not recur. These actions may include:

- Discipline, up to and including dismissal from employment (for Policy violations by a faculty member or other employee);
- Discipline, including dismissal from enrollment (for Policy violations by a student); or
- Removal from Law School facilities (for Policy violations by a visitor, vendor, or other third party).

F. Sexual Offender Registration

The Campus Sex Crimes Prevention Act (CSPCA) of 2000 is a federal law that requires higher education institutions to advise the campus community where law enforcement agency information concerning registered sex offenders may be obtained. Sex offenders are required to register, in order to provide notice of each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student.

Florida:

The Florida Department of Law Enforcement's Florida Sexual Offenders and Predators toll free number is: 1.888.357.7332, and the relevant web site address for obtaining this information in Florida is:

<https://offender.fdle.state.fl.us/offender/sops/offenderSearch.jsf>

G. Educational Programming and Awareness

The Law School informs students, faculty and staff by written report about security procedures and practices on Law School premises.

Twice a year, during each new student orientation session, a live presentation is given to the incoming class. The assistant dean at each campus presents, "Safety and Security on Campus – See Something, Say Something." An accompanying brochure is given to students identifying law school and community resources. Those resources are also posted on the Law School's internal web page, the portal. Presentation topics include: Domestic violence,

dating violence, stalking, sexual assault and harassment, WMU-Cooley's policy and procedures when such allegations are made, the WMU-Cooley Sexual Assault and Harassment Policy and procedures, notification requirements related to the Clery Act, the law school's emergency notification system, school policies prohibiting weapons on campus and substance abuse information and policies.

Newly hired employees also receive the Safety and Security On a WMU-Cooley Law School Campus brochure.

Students discuss the legal aspects of rape, acquaintance rape, and other forcible and non-forcible sex offenses in Criminal Law, a required course for all WMU-Cooley Law School students. Additional electives include classes entitled "Family Violence" and "Defending Battered Women." The topics are further studied and explored in two of the school's clinics: The Innocence Project and Public Defender clinics. Special attention is placed on working with victims of these crimes in classes and in the clinics.