

## SEXUAL MISCONDUCT POLICY

### I. Policy Section

6.0 Human Resources

### II. Policy Subsection

6.4 Sexual Misconduct

### III. Policy Statement

- A. Members of the college community, guests and visitors have the right to be free from all forms of gender and sex–based discrimination. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. GRCC specifically prohibits any form of gender and/or sex–based discrimination, and sexual misconduct, including sexual assault, sexual harassment, domestic violence, dating violence, sexual exploitation, and/or stalking, as defined by the Clery Act, state law, and this policy. GRCC reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the College community. This policy also prohibits any sexual activity that does not have the clear consent of all parties involved.

GRCC will provide appropriate programming to promote the awareness of sexual misconduct for all employees and incoming students by providing examples and definitions for domestic violence, dating violence, sexual assault, stalking, sexual harassment, and sexual exploitation. This program will include information regarding safe and positive options for bystander intervention and information on risk reduction. This programming will also include information on procedures GRCC will follow in the event violations of this policy are reported to a College employee, regardless of where they occurred.

### B. Duty to Report:

All GRCC employees are considered Responsible Employees and are required to report allegations of sexual misconduct or other potential violations of this policy to either the Title IX Coordinator, Title IX deputy coordinator or designees and/or Campus Police as soon as possible and normally within three workdays. The duty to report exists if any involved party is known to be a GRCC student or employee, regardless of where the incident took place, whether others involved are connected to GRCC, or in what capacity the Responsible Employee becomes aware of the concern. All authorized volunteers who work with student organizations or conduct other on– and off- campus activities are also considered Responsible Employees and are required to report. All Board of Trustee members are also considered Responsible Employees. All complaints

of sexual misconduct, investigation documents and documents relative to the resolution of the complaint will be maintained in a confidential file in the appropriate office. These documents will be confidential to the extent allowed under state and federal law.

C. Retaliation:

Reprisals or Retaliation under this policy are illegal and a violation of GRCC policy. Any person who retaliates will be subject to disciplinary action up to and including, termination of employment for employees, expulsion for students. Any student or employee who believes that they have been retaliated against in violation of this policy should immediately report such incidents by following the procedures indicated in Section X, Procedures.

The College seeks to foster an environment in which all employees and students feel free to report incidents of discrimination without fear of retaliation or reprisal. Therefore, the College strictly prohibits retaliation against any individual for filing a complaint of discrimination or for participating in a discrimination investigation. Retaliatory conduct is illegal and constitutes a violation of this policy.

1. All allegations of retaliation will be swiftly and thoroughly investigated. If it is determined that retaliation has occurred, the College will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.
2. Any student or employee who believes that they have been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures indicated below. Supervisors are mandated to report all incidents of discrimination and retaliation that come to their attention.

D. False Statements:

Knowingly, intentionally and maliciously making false allegations of sexual misconduct or providing evidence with the knowledge that it is false is also a violation of this policy and will subject a person to disciplinary action up to and including termination or expulsion. A finding that a party is “not responsible” for a violation is not sufficient to meet this burden.

E. Confidentiality:

Before a Complainant reveals any information to an employee, the employee should ensure that the Complainant understands the employee’s reporting obligations and, if the Complainant wants to maintain confidentiality, direct the Complainant to a “confidential employee” or other confidential resource, such as an external counseling agency. Licensed mental health professionals who provide

mental health counseling to members of the school community (including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a Complainant's permission. Members of the Crisis Assessment Team (CAT) who are providing mental health crisis assessment on an as-needed basis are also considered confidential employees under this policy, solely within their CAT role. A Complainant who speaks to these "confidential employees" must understand that, if they want to maintain confidentiality, the college will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. Confidential employees can be found in the Counseling and Career Development Office, which can be reached at (616) 234-4130.

If the Complainant requests that a "non-confidential" employee maintain confidentiality, the employee should tell the Complainant that the college will consider the request, but cannot guarantee that the college will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the employee will also inform the Title IX Coordinator of the Complainant's request for confidentiality.

Employees will not pressure a Complainant to request confidentiality, but will honor and support the Complainant's wishes, including the Complainant's wish to have the college fully investigate an incident. By the same token, employees will not pressure a Complainant to make a full report if the Complainant is not ready to do so. Those persons responsible for consulting about, investigating and resolving complaints of sexual misconduct will make reasonable efforts to protect the privacy of both the Complainant and the Respondent. For the purposes of Clery crime reporting, employees identified as Campus Security Authorities may maintain the confidentiality of the Complainant even though they must report that the incident occurred to Campus Police.

#### F. Classroom Speech:

GRCC recognizes that the academic setting is distinct from the typical workplace in that latitude is required in determining the appropriate content of academic material. Considerations in determining the appropriateness of classroom statements may include the relevance, purpose, or context. If there is an allegation that classroom speech rises to the level of gender- or sex-based discrimination, including sexual harassment as defined by this policy, it will be investigated and may lead to disciplinary action by the college.

#### IV. Reason for Policy

Sexual misconduct, including dating violence, domestic violence, sexual exploitation, sexual assault, stalking and sexual harassment, violates the law, undermines the integrity of the college, traumatizes individuals, creates tension

in the workplace and academic environment, and causes friction between employees and students.

GRCC is committed to maintaining a positive learning and working environment for students, faculty and staff. All forms of sexual misconduct detract from a positive environment and are absolutely prohibited. Such conduct unreasonably interferes with an individual's work or educational performance and can create an intimidating, hostile or offensive work or learning environment.

GRCC attempts to maintain a professional and ethical educational environment. It is essential that those who are in positions of authority not abuse the power with which they are entrusted.

#### V. Entities Affected by This Policy

Persons covered by this policy include students, members of the Board of Trustees, applicants for employment, authorized volunteers, all employees including faculty, staff, and persons employed on the premises of the college as independent contractors, as well as persons participating in or attending college-sponsored programs and travel.

#### VI. Who Should Read This Policy

Grand Rapids Community College Employees, including applicants for employment  
Board of Trustees  
Students  
Community members as college guests

#### VII. Related Documents

##### A. College Documents:

1. Student Code of Conduct
2. GRCC catalog
3. Office of General Counsel webpage
4. Ethics Monitoring System brochure
5. Sexual Misconduct brochure
6. GRCC Conflict of Interest Policy
7. GRCC EEO/Non-Discrimination Policy
8. Annual Security Report
9. Faculty Code of Ethics
10. Administrator Code of Ethics
11. APSS Code of Ethics
12. Acceptable Use of Technology Policy
13. On- and Off-Campus Reporting Resources

##### B. Other Documents:

1. The Elliott–Larsen Civil Rights Act
2. Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a) (2006).
3. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2000).
4. Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2000).
5. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

## VIII. Contacts

- A. Policy Owner: Title IX Coordinator
- B. Director of Student Life and Conduct
- C. Labor Relations and EO Generalist
- D. Campus Police Chief
- E. Executive Director of Human Resources
- F. General Counsel

## IX. Definitions

- A. Complainant: A Complainant is a person who has experienced harm, or identifies as a Complainant or survivor of prohibited conduct under GRCC's policies. Not everyone who experiences harm will report their experience or identify with the term "Complainant". Other terms may include "survivor", "Complainant", or a person may not identify with any of these terms. This policy uses "Complainant" to be as clear and objective as possible in the sexual misconduct process.
- B. Consent: The state of Michigan does not have one single definition of consent; however, GRCC utilizes the following as the definition of consent for purposes of this policy. Any investigations of violations of this policy will rely on this definition. Consent is a clear, freely given, "yes" to engage in a particular activity, including sexual activity. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) an activity covered by this policy, including sexual activity. The absence of "no" is not consent. Silence, in and of itself, cannot be interpreted as consent. Similarly, a freely given, verbalized "yes" will contribute to a mutual understanding that consent has been given and received. Any sexual activity without consent is prohibited by this policy when a participant knew or reasonably should have known that consent was not present or had been withdrawn.

However, consent, whether verbal or nonverbal, that has been coerced does not constitute valid consent. To coerce consent means to gain consent through force, intimidation, or a verbal or physical threat of force. Individuals who consent to sex must be able to understand what they are doing and do so willingly.

A person may not be able to give consent if: they are under the age of 16, if

they are legally mentally incapable, mentally or physically incapacitated. This may include impairment due to drug or alcohol use. Important reminders about consent:

1. Consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity.
2. Previous relationships or prior consent does not imply consent to future sexual acts.
3. Consent may be withdrawn at any time, even during the course of sexual activity.

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

1. Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
2. The existence of a social relationship of a romantic or intimate nature with the Victim is determined based on;
  - a. The reporting party's statement;
  - b. The length of the relationship;
  - c. The type of relationship; and
  - d. The frequency of interaction between the persons involved in the relationship.
3. Dating violence does not include acts covered under the definition of domestic violence.

D. Domestic Violence: A felony or misdemeanor crime of violence committed by any of the following individuals:

1. A current or former spouse or intimate partner of the Victim; or
2. A person with whom the Victim shares a child in common; or
3. A person who is cohabitating with or has cohabitated with the Victim as a spouse or intimate partner; or
4. A person similarly situated to a spouse of the Victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred; or
5. Any other person against an adult or youth Victim who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

E. Employee: Anyone employed by GRCC as faculty or staff, on a full time, part time or volunteer basis. This includes Student employees, Regular employees, Contingency employees, Adjunct employees, Volunteers and Independent Contractors, as defined by GRCC policy 6.20, Criminal Background Check policy.

- F. Respondent: The party who is accused in a sexual misconduct proceeding or investigation; the party who is responding to the complaint against them.
- G. Response: In cases where it is determined that sexual misconduct occurred, GRCC will take appropriate disciplinary action with or without concurrence from the Complainant.
- H. Responsible Employee: Any GRCC Employee, as defined in this policy. All GRCC Employees are Responsible Employees and are charged with responsibility for reporting any alleged violation of this policy of which they become aware.
- I. Retaliation: To intimidate, threaten or coerce, or otherwise discriminate against any individual for exercising his or her right to file a complaint of sexual misconduct or to participate in an investigation. Retaliatory conduct is illegal and constitutes a violation of this policy, and will be grounds for disciplinary action up to and including termination or expulsion. Anyone who believes they have been retaliated against in violation of this policy should immediately report such incidents by following the procedures indicated in this policy.
- J. 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. Sexual assault includes any of the following:

1. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object or oral penetration by a sex organ of another person, without the consent of the Victim.
2. Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the Victim, including instances where the Victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
3. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. Statutory Rape: Sexual intercourse with a person who is under statutory age of consent.
5. Non-consensual sexual contact: Any intentional sexual touching or sexual intercourse, however slight, with any object, by a person upon another person that is without consent. Sexual contact is intentional contact with the breasts, buttock, groin, or genitals, mouth, or touching another with any of these body parts, or making

another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

#### K. Sexual Exploitation

1. Sexual Exploitation occurs when someone takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:
  - a. Invasion of sexual privacy;
  - b. Prostituting another student;
  - c. Video or audio-taping of sexual activity;
  - d. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
  - e. Engaging in voyeurism;
  - f. Knowingly exposing an STI or HIV to another student;
  - g. Exposing one's genitals; inducing another to expose their genitals;
  - h. Sexually-based stalking or bullying may also be forms of sexual exploitation.
2. For reference to the pertinent state statutes on sex offenses, please see Appendix.

#### L. Sexual Harassment: Sexual harassment is defined as any unsolicited, offensive behavior that uses sexuality to disadvantage another, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to sexual harassment is made either explicitly or implicitly a term or condition of employment or academic admission or advancement, or;
2. Submission to or rejection of sexual harassment is used as the basis (or threatened to be used as the basis) for employment actions or academic decisions or evaluations, or;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive work or learning environment.  
Examples of sexual harassment include:
  - a. Threats or insinuations which lead the Victim to reasonably believe that granting or denying sexual favors will affect his/her reputation, education, employment, advancement, or standing



within the college.

b. Sexual advances, sexual propositions, or sexual demands which are not agreeable to the recipient and/ or sexually explicit emails or text messages.

c. Unwelcome and persistent sexually explicit statements or stories which are not legitimately related to employment duties, course content, research, or other college programs or activities.

d. Repeatedly using sexually degrading words or sounds to describe a person.

4. Recurring comments or questions about an individual's sexual prowess, sexual deficiencies, sexual orientation or sexual behavior. Unsolicited, offensive behavior may involve harassment of an individual(s) of any gender against another individual or individuals of any gender.
- M. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.
1. A course of conduct is two or more acts, including but not limited to:
    - a. Acts in which the "stalker" directly, indirectly, or through third parties by any action, method, device or means,
    - b. Follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.
  2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Victim.
  3. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

GRCC considers acts of cyber stalking, recording or transmitting sexual images, and voyeurism to be a violation of this policy.

- N. Students: The term "student" includes persons who have been issued a student number at Grand Rapids Community College and are:
1. currently enrolled, or
  2. admitted and show intent to enroll, or
  3. withdrawn from a specific course or the college after allegedly violating the Student Code.
- O. Supervisor and College Official: Anyone who oversees directs or evaluates the work of others, including but not limited to, managers, Board of Trustee members, volunteers, administrators, independent contractor, coaches, directors, deans, department heads, program directors, counselors, advisors, coordinators,

persons who manage student workers as well as faculty members in their role as instructors, and as participants in decisions affecting the careers of other faculty members.

## X. Procedures

### A. Education and Prevention Programs:

#### 1. Programming Standards & Goals:

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

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

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

#### 2. Content and Delivery of Programming:

GRCC prevention and awareness programs for all students and employees, including student employees, will be developed and delivered by Student Affairs and Human Resources, and/or the Title IX Coordinator and Deputy Coordinators. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for all students and employees. The programming, which may vary in delivery method and focus, will seek to:

- a. Identify domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act and this policy) as prohibited conduct, as well as sexual harassment and other forms of gender-based discrimination.
- b. Define what behavior constitutes domestic violence, dating violence,

sexual assault and stalking using definitions provided by the Department of Education as well as state law.

- c. Define what behavior and actions may constitute consent to sexual activity in the state of Michigan, and the definition GRCC uses. GRCC's definition as related to consent will be used in all investigations related to violations of this policy.
- d. Explain Procedures Complainants should follow to report a complaint of domestic violence, dating violence, stalking, sexual assault, sexual harassment, sexual exploitation or other form of gender discrimination occurs.
- e. Explain how the institution will protect confidentiality of Complainants and other necessary parties, such as witnesses.
- f. Provide existing options for counseling, health, mental health, Victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for Complainants, both on- and off-campus.
- g. Discuss options for interim or protective measures related to changes to academic, transportation, and/or working situations related to complaints of sexual misconduct.
- h. Detail procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault or stalking (as described in "Investigation and Adjudication of Violations" in Section XB6 of this document.)
- i. Provide a description for bystander intervention, which means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- j. Information on risk reduction, including effects drug and alcohol often play in sexual violence incidents. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for Complainants in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- k. Reporting obligations, options, and rights to report including how to report sexual violence to campus police or local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX investigation.
- l. How to identify and prevent sexual violence including same-sex violence
- m. Methods for responding to Complainants in a nonjudgmental way.
- n. Impact of trauma on Complainants.
- o. GRCC's investigation procedures used to process sexual misconduct complaints.

- p. Consequences of violating GRCC Policy, Student Code and state law related to sexual misconduct, including procedures for institutional disciplinary action.

### 3. Bystander Intervention Focus:

Bystanders play a critical role in the prevention of sexual and relationship violence and GRCC programming will highlight that role and encourage students to take appropriate action. Bystanders have the choice to intervene, speak out, or assist others who may be experiencing sexual misconduct. GRCC seeks to promote a culture of accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Below is a list of ways in which students and GRCC community members can be active bystanders:

- a. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are fine.
- b. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- c. Speak up when someone discusses plans to take sexual advantage of another person.
- d. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- e. Refer people to on- or off-campus resources listed in this document for support in health, counseling, or other forms of assistance.
- f. If you feel you are unsafe in becoming involved in a situation or someone appears to be in immediate danger, call GRCC Campus Police or local police for assistance.

### 4. Risk Reduction Information:

Complainants are never to blame for abuse they may experience, but there are some strategies students can use which may help reduce the risk of sexual assault or harassment. GRCC programming will educate about these risk reduction strategies, while being careful to avoid Victim-blaming.

- a. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- b. Try to avoid isolated areas, as it can be more difficult to get help if no one else is around.
- c. Walk with purpose. Even when you don't know where you are going, act like you do.
- d. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be. If you see something suspicious, contact law enforcement or call 911.
- e. Try not to load yourself down with packages or bags, as this can make you appear more vulnerable.

- f. If you have a cell phone, make sure it is charged and accessible. Consider alternative transportation options so you can leave an uncomfortable situation, which may include carrying cab money, a bus pass, etc.
- g. Try to avoid becoming isolated with someone you don't trust or someone you don't know.
- h. Avoid putting headphones in both ears in public so you can be more aware of your surroundings, especially while walking alone.
- i. When you go to a social gathering, try to attend with friends. Arrive together, check in with each other, and leave together. Knowing where you are and who is around you may help to get you out of a bad situation.
- j. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, get a new one.
- k. Don't accept drinks from someone you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, be cautious about drinking from punch bowls or other large, common open containers that could easily be contaminated or "spiked" beyond what you expect.
- l. Watch out for your friends, and ask them to do the same. If a friend seems out of it or is way too intoxicated for the amount of alcohol they've had, or is acting out of character get them to a safe place immediately, and have someone they trust stay with them.

## B. Investigation Procedures

### 1. Reporting a Complaint

Reports concerning sexual harassment, sex or gender discrimination, sexual assault or misconduct or violations of the Sexual Misconduct Policy should be filed with the Title IX Coordinator or their designee. The Title IX Coordinator may, at their discretion, dismiss a grievance if they determine the person filing the complaint is not entitled to use this process.

The Title IX Coordinator may modify these procedures at any time as deemed appropriate for compliance with federal, state, local law or applicable guidance. The campus community will be notified of any changes via email as well as on the college Sexual Misconduct website.

An individual who has experienced sexual harassment, domestic violence, dating violence, sexual assault, sexual exploitation, stalking, or other sexual misconduct, is encouraged to report the incident promptly to the Title IX Coordinator or deputy coordinator or designee, by calling, writing or coming in to the office to report in person or Campus Police if they so

desire. GRCC's Title IX Coordinator is the Director of Equal Opportunity Compliance within the Office of General Counsel, which is housed in the Bostwick Office Suites at 140 Bostwick Ave NE on GRCC's main campus. The Title IX Coordinator may be reached at (616) 234-3169.

Although GRCC strongly encourages all members of its community to report violations of this policy to law enforcement (either GRCC or local law enforcement), it is the Complainant's choice whether to make such a report, and Complainants have the right to decline involvement with the police. Because GRCC is a commuter campus that reaches multiple jurisdictions, Complainants can contact the local police department in which the incident occurred. Complainants can also contact GRCC Police at (616) 234-4010 for assistance in locating the appropriate jurisdiction to report a possible crime. The Title IX Coordinator can also assist an individual in identifying the proper police jurisdiction and helping them with the reporting process. Reports of all domestic violence, dating violence, sexual assault and stalking and other potential violations of this policy which are made to Campus Police will automatically be referred to the Title IX Coordinator for investigation regardless of the Complainant's desire to pursue criminal charges. As the Title IX Coordinator is a Campus Security Authority, they will report that the incident occurred, without any personally identifying information, for the purposes of Clery crime reporting. The college will proceed with an investigation without the Complainant if there is a potential danger to the campus or the community.

2. Procedures the College will follow in the event of a report of sex-based discrimination, including sexual assault, sexual harassment, dating violence, domestic violence, and stalking are as follows. GRCC has procedures in place that serve to be sensitive to complainants who report sexual assault, domestic violence, dating violence and stalking. This includes informing individuals of their right to file criminal charges, as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/of off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available.

Incident Being Reported	Procedures College Will Follow
<p>a. Sexual Assault</p>	<ul style="list-style-type: none"> <li>i. Assess immediate safety needs of complainant.</li> <li>ii. Depending on when reported (immediate versus delayed report), provide complainant with access to medical care.</li> <li>iii. Assist complainant with contacting Campus Police or local police if complainant requests and provide contact information for local police departments. GRCC's Title IX Coordinator will provide this assistance; they may be reached at the Bostwick Office Suites on GRCC's main campus, or by calling (616) 234-3169.</li> <li>iv. Provide written instructions on how to apply for a Protection Order if the complainant wishes to pursue this option.</li> <li>v. Provide written information to complainant on how to preserve evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a Protection Order. Additional information about obtaining a Protection Order is available in the college's Annual Security Report, which is obtainable through GRCC Campus Police (616) 234-4010 or through the Title IX Coordinator (616) 234-3169.</li> <li>vi. Assess need to implement interim or long-term protective measures to protect the complainant, as described below. GRCC will assess the need for a "No Contact" order or a Trespass warning for the respondent, if appropriate.</li> </ul>

	<ul style="list-style-type: none"><li data-bbox="834 191 1377 590">vii. Provide written information regarding the Complainant's rights and options, including the procedures a Complainant should follow to report an incident of sexual assault, stalking, domestic violence, dating violence, sexual harassment, sexual exploitation, or other form of gender discrimination.</li><li data-bbox="834 590 1377 919">viii. Provide a copy of the Sexual Misconduct Policy to Complainant and inform the Complainant about timeframes for inquiry, investigation and resolution. Advise Complainant that they will be notified of the outcome, whether charges, are filed and applicable sanctions</li><li data-bbox="834 919 1422 1218">ix. Remind Complainant that GRCC will strictly enforce the anti-retaliation policy and take immediate and separate action against parties who retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li></ul>
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Incident Being Reported	Procedures College Will Follow
<p>b. Stalking</p>	<ul style="list-style-type: none"> <li>i. Assess immediate safety needs of Complainant.</li> <li>ii. Depending on when reported (immediate versus delayed report), provide Complainant with access to medical care.</li> <li>iii. Assist Complainant with contacting Campus Police or local police if Complainant requests and provide contact information for local police departments. GRCC's Title IX Coordinator will provide this assistance; they may be reached at the Bostwick Office Suites on GRCC's main campus, or by calling (616) 234-3169.</li> <li>iv. Provide written instructions on how to apply for a Protection Order if the Complainant wishes to pursue this option.</li> <li>v. Provide written information to Complainant on how to preserve evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a Protection Order. Additional information about obtaining a Protection Order is available in the college's Annual Security Report, which is obtainable through GRCC Campus Police (616) 234-4010 or through the Title IX Coordinator (616) 234-3169.</li> <li>vi. Assess need to implement interim or long-term protective measures to protect the Complainant, as described below. GRCC will assess the need for a "No Contact" order or a Trespass warning for the respondent, if appropriate.</li> <li>vii. Provide written information regarding the Complainant's rights</li> </ul>

	<p>and options, including the procedures a Complainant should follow to report an incident of sexual assault, stalking, domestic violence, dating violence, sexual harassment, sexual exploitation, or other form of gender discrimination.</p> <p>viii. Provide a copy of the Sexual Misconduct Policy to Complainant and inform the Complainant about timeframes for inquiry, investigation and resolution. Advise Complainant that they will be notified of the outcome, whether charges, are filed and applicable sanctions.</p> <p>ix. Remind Complainant that GRCC will strictly enforce the anti-retaliation policy and take immediate and separate action against parties who retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</p>
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Incident Being Reported	Procedures College Will Follow
<p>c. Domestic Violence and Dating Violence</p>	<ul style="list-style-type: none"> <li>i. Assess immediate safety needs of Complainant.</li> <li>ii. Depending on when reported (immediate versus delayed report), provide Complainant with access to medical care.</li> <li>iii. Assist Complainant with contacting Campus Police or local police if complainant requests and provide contact information for local police departments. GRCC's Title IX Coordinator will provide this assistance; they may be reached at the Bostwick Office Suites on GRCC's main campus, or by calling (616) 234-3169.</li> <li>iv. Provide written instructions on how to apply for a Protection Order if the Complainant wishes to pursue this option.</li> <li>v. Provide written information to Complainant on how to preserve evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a Protection Order. Additional information about obtaining a Protection Order is available in the college's Annual Security Report, which is obtainable through GRCC Campus Police (616) 234-4010 or through the Title IX Coordinator (616) 234-3169.</li> <li>vi. Assess need to implement interim or long-term protective measures to protect the Complainant, as described below. GRCC will assess the need for a "No Contact" order or a Trespass warning for the respondent, if appropriate.</li> </ul>

	<ul style="list-style-type: none"><li data-bbox="834 191 1377 590">vii. Provide written information regarding the Complainant's rights and options, including the procedures a Complainant should follow to report an incident of sexual assault, stalking, domestic violence, dating violence, sexual harassment, sexual exploitation, or other form of gender discrimination.</li><li data-bbox="834 590 1377 919">viii. Provide a copy of the Sexual Misconduct Policy to Complainant and inform the Complainant about timeframes for inquiry, investigation and resolution. Advise complainant that they will be notified of the outcome, whether charges, are filed and applicable sanctions.</li><li data-bbox="834 919 1377 1255">ix. Remind Complainant that GRCC will strictly enforce the anti-retaliation policy and take immediate and separate action against parties who retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li></ul>
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Incident Being Reported	Procedures College Will Follow
<p>d. Sexual harassment/sexual exploitation</p>	<ul style="list-style-type: none"> <li>i. Assess immediate safety needs of Complainant.</li> <li>ii. Depending on when reported (immediate versus delayed report), provide Complainant with access to medical care.</li> <li>iii. Assist Complainant with contacting Campus Police or local police if Complainant requests and provide contact information for local police departments. GRCC's Title IX Coordinator will provide this assistance; they may be reached at the Bostwick Office Suites on GRCC's main campus, or by calling (616) 234-3169.</li> <li>iv. Provide written instructions on how to apply for a Protection Order if the Complainant wishes to pursue this option.</li> <li>v. Provide written information to Complainant on how to preserve evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a Protection Order. Additional information about obtaining a Protection Order is available in the college's Annual Security Report, which is obtainable through GRCC Campus Police (616) 234-4010 or through the Title IX Coordinator (616) 234-3169.</li> <li>vi. Assess need to implement interim or long-term protective measures to protect the Complainant, as described below. GRCC will assess the</li> </ul>

	<p>need for a “No Contact” order or a Trespass warning for the respondent, if appropriate.</p> <ul style="list-style-type: none"><li data-bbox="878 306 1382 701">vii. Provide written information regarding the Complainant’s rights and options, including the procedures a Complainant should follow to report an incident of sexual assault, stalking, domestic violence, dating violence, sexual harassment, sexual exploitation, or other form of gender discrimination.</li><li data-bbox="878 709 1382 1066">viii. Provide a copy of the Sexual Misconduct Policy to Complainant and inform the Complainant about timeframes for inquiry, investigation and resolution. Advise Complainant that they will be notified of the outcome, whether charges, are filed and applicable sanctions.</li><li data-bbox="878 1075 1382 1398">ix. Remind Complainant that GRCC will strictly enforce the anti-retaliation policy and take immediate and separate action against parties who retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li></ul>
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Incident Being Reported	Procedures College Will Follow
<p>e. Any other form of gender or sex-based discrimination</p>	<ul style="list-style-type: none"> <li>i. Assess immediate safety needs of Complainant.</li> <li>ii. Depending on when reported (immediate versus delayed report), provide Complainant with access to medical care.</li> <li>iii. Assist Complainant with contacting Campus Police or local police if Complainant requests and provide contact information for local police departments. GRCC's Title IX Coordinator will provide this assistance; they may be reached at the Bostwick Office Suites on GRCC's main campus, or by calling (616) 234-3169.</li> <li>iv. Provide written instructions on how to apply for a Protection Order if the Complainant wishes to pursue this option.</li> <li>v. Provide written information to Complainant on how to preserve evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a Protection Order. Additional information about obtaining a Protection Order is available in the college's Annual Security Report, which is obtainable through GRCC Campus Police (616) 234-4010 or through the Title IX Coordinator (616) 234-3169.</li> <li>vi. Assess need to implement interim or long-term protective measures to protect the Complainant, as described below. GRCC will assess the need for a "No Contact" order or a Trespass warning for the respondent, if appropriate.</li> <li>vii. Provide written information regarding the Complainant's rights and options, including the procedures a Complainant should follow to report an incident of sexual assault, stalking,</li> </ul>

	<p>domestic violence, dating violence, sexual harassment, sexual exploitation, or other form of gender discrimination.</p> <p>viii. Provide a copy of the Sexual Misconduct Policy to complainant and inform the Complainant about timeframes for inquiry, investigation and resolution. Advise Complainant that they will be notified of the outcome, whether charges, are filed and applicable sanctions.</p> <p>ix. Remind Complainant that GRCC will strictly enforce the anti-retaliation policy and take immediate and separate action against parties who retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</p>
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The college recognizes its obligation to address incidents of sexual misconduct, discrimination and harassment, regardless of where they occur when it becomes aware of its existence even if no complaints are filed; therefore, the college reserves the right to take appropriate action unilaterally under this procedure, including, but not limited to, issuing no-contact orders, modification of course schedules, etc. The college will take immediate administrative or disciplinary action deemed necessary for the welfare or safety of the college community. The general procedure to be followed in the case of a report of sexual misconduct will be as described in the chart. Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, GRCC will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. For any allegation (including sexual assault, stalking, sexual harassment, domestic violence, or dating violence), the college will provide written information regarding the Complainant's rights and options, including:

1. Contact information for the Title IX Coordinator and other college employees who may be involved as investigators.
2. The procedures Complainants should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred.
3. Information about how the institution will protect the confidentiality of the Complainant and other necessary parties.
4. Information about Complainant/victim services and community resources, including referrals to on-campus counseling, off-campus Sexual Assault Nurse Examiner (SANE) services, community shelters,



support groups, mental health providers, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other relevant school and community resources.

5. Options for available assistance in and how to request accommodations and protective measures; including notifications about accommodations available to Complainants, including adjustments regarding academic, transportation, protective orders, or work arrangements. This written notification will include information about the options, available assistance in requesting accommodations, and how to request accommodations and protective measures.

6. An explanation of the procedures for institutional disciplinary action.

7. The Title IX Coordinator's information, as they will be the individual who should be contacted to request any accommodations/protective measures.

Protective measures will be considered at the Complainant's request and to the extent of their cooperation and consent, and may range from No Contact orders, to classroom adjustments or arrangements, transportation changes, work schedule changes, minimized contact during appeal hearings, interim suspensions of the alleged perpetrator if necessary, or any other appropriate safety measures based on the circumstances. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting with a safety escort, etc. GRCC representatives will strive to maintain confidentiality regarding protective measures provided to the Complainant. Protective measures could be requested throughout the investigation process as interim measures, through the hearing and appeal process, or as part of the final resolution and sanctions. The availability of protective measures does not depend on the Complainant's reporting the crime to campus or local police.

Any party involved in a complaint or investigation under this policy is eligible to receive supportive or protective measures, as described above. To request or receive assistance with these accommodations and protective measures or to discuss additional options, parties should contact the Title IX Coordinator. GRCC's Title IX Coordinator is the Director of Equal Opportunity Compliance within the Office of General Counsel, which is housed in the Bostwick Office Suites at 140 Bostwick Ave NE on GRCC's main campus. The Title IX Coordinator may be reached at (616)234-3169.

#### College-Initiated Protective Measures

In addition to the measures described above, the Title IX Coordinator or their designee will determine whether interim interventions and protective measures should be implemented, and if so, will take steps to implement those protective measures as soon as possible. Examples of college-initiated protective measures may include, but are not limited to a College order of "no contact", adjustment of

course schedules, a leave of absence, reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator/designee's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by GRCC.

GRCC may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If GRCC receives a report that such an institutional no contact order has been violated, the College will initiate disciplinary proceedings and will impose sanctions if the accused is found responsible for violating the no contact order.

### 3. Withdraw of Complaint

The Complainant may withdraw the complaint at any point during the investigation; however, the Title IX Coordinator may determine at their discretion that the issues raised warrant further investigation, despite the Complainant's desire to withdraw the complaint. In making this determination, the Title IX Coordinator will review relevant factors, including danger to the community or any individual, the egregiousness of the complaint, whether this was a repeat offense, whether any weapon was involved, whether and how the alleged incident affects the college as a whole, etc. If the Title IX Coordinator, in consultation with other appropriate college authorities, determines there is a need to proceed with an investigation or address the complaint, the Title IX Coordinator will notify the Complainant of the decision to proceed with an investigation. If the Complainant withdraws the complaint at any point before the final appeal options have been exhausted, this may affect the outcome of the investigation.

### 4. Confidentiality

Complainants may request that directory information on file with the College be withheld by request of the Student Records office. Regardless of whether a complainant has opted out of allowing the College to share directory information, personally identifiable information about the complainant and other necessary parties will be treated as confidential and only shared with persons who have a specific need to know (i.e., those who are investigating/adjudicating the report, or those involved in providing support services, including accommodations and protective measures). Information will also be shared with a respondent in an investigation, as required by law. By only sharing personally identifiable information with individuals on a need to know basis, GRCC will maintain as confidential any accommodations or protective measures provided to either party to the extent that maintaining such confidentiality does not impair GRCC's ability to provide the accommodation/protective measure.

GRCC does not publish the name of crime victims or other identifiable information

regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

Although college officials will maintain an individual's privacy to the best of their ability, individuals should know that college officials (outside the context of licensed mental health professionals working in a counseling role and health professionals hired in their private capacity) may not be able to maintain legal confidentiality of the Complainant, but will maintain their privacy as noted herein. The college's ability to investigate may be limited if a Complainant insists that their name not be disclosed to the alleged perpetrator. The college must weigh such requests for privacy against its duty to provide a safe and nondiscriminatory environment. Investigators and those involved with the investigation are individually charged to preserve privacy with respect to any matter investigated or heard. A breach of the duty to preserve privacy is considered a serious offense and may subject the offender to appropriate disciplinary action. Parties and witnesses are also advised to maintain privacy with regard to these proceedings. If they are college employees, failure to maintain said privacy may result in appropriate disciplinary action. Furthermore, federal law prohibits retaliation against those who file complaints, and the college will take responsive action if such retaliation occurs, up to and including termination for employees and expulsion for students.

## 5. Provision of Resources

a. Procedures Complainants should follow if a crime of domestic violence, dating violence, sexual assault, and stalking occurs:

i. After an incident of sexual assault, dating violence or domestic violence, the Complainant/victim should consider seeking medical attention as soon as possible.

- In the event of sexual assault, medical forensic investigations are performed at the YWCA [(616) 454–9922] for individuals in Kent County, and at Resilience (616) 848-5991] for individuals in Ottawa County. Both programs can be contacted 24/7. To arrange for an examination, contact the appropriate Sexual Assault Nurse Examiner (SANE) program within 120 hours of an incident. If the Complainant/victim does not have access to the Nurse Examiner Program, proceed to a local hospital emergency room.
- It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so the evidence may be preserved that

may assist in proving that the alleged criminal offense occurred/or is occurring, or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, dating violence, and sexual harassment are encouraged to also preserve evidence by saving text messages, instant messages, social media, other communications, and keeping pictures, logs or other copies of documents, if they have any that would be useful to College adjudicators, investigators, or police.

- In the event of domestic violence or dating violence resulting in injury, the Complainant/victim should seek medical attention at a local healthcare provider, urgent care, or emergency room.
- Keep in mind that obtaining an exam does not require a Complainant/victim to file a police report.

ii. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining personal protection orders related to the incident more difficult. If a person chooses to not make a complaint regarding an incident, they should consider speaking with Campus Police or local law enforcement to preserve evidence in the event that they change their mind at a later date. The law also allows the Complainant to file a report while withholding the Complainant's name from the report. It is also important to preserve evidence by saving text messages, instant messages, social networking pages, other communications and keeping pictures, logs or copies of other documents that would be pertinent in an investigation.

b. Procedures Complainants should follow for any form of sexual misconduct:

GRCC will provide referrals to persons who have experienced any form of sexual misconduct regarding resources on campus that are available at no cost to students, as well as referrals to resources off campus. If a Complainant is accessing community and non-GRCC services, payment for these services will be subject to state and local laws, insurance requirements, etc.

GRCC representatives will be sensitive to those who report all forms of sexual misconduct.

Employees taking a complaint must inform Complainants about their

right to file criminal charges as well as provide details as to the availability of resources. Complainants need to be provided information regarding counseling, health care, mental health services, victim advocacy, legal assistance and additional remedies to prevent contact between a Complainant and Respondent. Such remedies could include making changes to academic, transportation, and working conditions, if reasonably available. GRCC will provide students or employees a written explanation of their rights and options, regardless of whether the offense occurred off campus or on campus.

- c. As part of the resources provided to reporting students, the Title IX Coordinator or designee will explain the process and the procedures for sexual misconduct investigations. The coordinator or designee will emphasize that GRCC will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.
- d. On- and off-campus resources available: As part of the provision of resources offered to Complainants and reporting students, GRCC will provide information about various on- and off-campus resources listed below. The majority of these resources are available at no cost.

## On-Campus Services

Type of Service	Service Provider	Description of Services	Contact Information
Counseling/ Mental Health	Grand Rapids Community College	One-hour personal counseling sessions	(616) 234-4130 or visit third floor of GRCC's Student Center
Medical/Health	Any medical emergencies should be referred to campus police by calling (616) 234-4911.	n/a	n/a
Victim Advocacy	GRCC Counselors can offer referrals to off-campus victim advocates.	n/a	n/a
Legal Assistance	No on-campus legal assistance available.	n/a	n/a
Disability-Related Assistance	GRCC Disability Support Services	Advising related to disabilities and accommodations in academic setting.	(616) 234-4140 or third floor of GRCC's Student Center.
Visa and Immigration Assistance	GRCC Admissions Office	Guidance related to student visa information	(616) 234-3300; first floor of GRCC's Main Building, or online at: <a href="http://grcc.edu/currentinternationalstudents">grcc.edu/currentinternationalstudents</a> .
Student Financial Aid	GRCC Financial Aid office	Guidance on financial aid eligibility and requirements	(616) 234-4030; first floor of the Main Building, or visit the website at: <a href="http://grcc.edu/financialaidscholarships">grcc.edu/financialaidscholarships</a> .
Other	Title IX Coordinator	Can provide information on resources, prevention, etc.	(616) 234- 3169 or contact <a href="mailto:TitleIX@grcc.edu">TitleIX@grcc.edu</a> .

## Off-Campus Services

Type of Service	Service Provider	Description of Services	Contact Information
Counseling/Mental Health	Network 180	Provides crisis and ongoing support for uninsured individuals in Kent County.	(800) 273-8255
Counseling/Mental Health	YWCA	The Grand Rapids YWCA provides counseling, support groups and other forms of support for survivors of sexual violence, including Sexual Assault Nurse Exams.	(616) 454-9922
Counseling/Mental Health	Safe Haven Ministries	Safe Haven provides shelter, counseling, and safety planning services for individuals experiencing intimate partner violence.	(616) 452-6664
Counseling/Mental Health	Resilience	Resilience provides counseling services, case management, Sexual Assault Nurse Exams, and ongoing trauma-informed therapy for individuals in Ottawa County who have experienced abuse.	(800) 848-5991
Medical/Health	Students should go to the local emergency room, urgent	n/a	n/a

	care, or primary care physician.		
Legal Assistance	YWCA	The Grand Rapids YWCA provides some legal assistance to complainants, including assistance with filing a Personal Protective Order (PPO).	616-426-3727
Legal Assistance	Legal Aid of West Michigan	LAWM provides services for domestic violence survivors, as well as PPO assistance and assistance with VAWA and visa questions.	616-774-0672 or <a href="https://www.lawestmi.org/">https://www.lawestmi.org/</a> .
Victim Advocacy	YWCA	The Grand Rapids YWCA provides counseling, support groups and other forms of Victim advocacy and support.	(616) 454-9922
Victim Advocacy	Safe Haven Ministries	Safe Haven provides shelter, counseling, and safety planning services, including victim advocacy (and referrals).	(616) 452-6664
Victim Advocacy	Resilience	Resilience provides counseling services, case management, including victim advocacy (and referrals).	(800) 848-5991
Student Financial Aid	FAFSA Website	Online information for FAFSA filing	<a href="https://fafsa.ed.gov">https://fafsa.ed.gov</a>
Referral Services	Heart of West Michigan United Way	Provides referral services for community	Call 211 for referral services.



		resources.	
Visa and Immigration Assistance	Justice for our Neighbors	Provides legal and immigration assistance, including DACA.	<a href="http://www.jfonmi.org">www.jfonmi.org</a> or 616-301-7461
Visa and Immigration Assistance	Michigan Migrant Legal Aid	Provides legal and immigration assistance	<a href="http://www.migrantlegalaid.com">www.migrantlegalaid.com</a> or 616-454-5055
Other	Rape, abuse, and Incest National Network	RAINN provides information on prevention, sexual assault resources, and national data.	<a href="http://www.rainn.org">www.rainn.org</a> or (800) 656-4673
Other	Michigan Coalition to End Domestic and Sexual Violence	MCEDSV provides information on response to sexual assault and training opportunities for prevention. MCEDSV also provides a confidential sexual assault hotline.	<a href="http://www.mcedsv.org">www.mcedsv.org</a> or 855-VOICES4

6. Investigations and Adjudication of Violations.

- a. Overview of investigation and disciplinary process. Investigations of alleged violations of this policy shall be conducted using a prompt, fair, and impartial process from the initial investigation to final result. Reports of sexual misconduct will be managed and investigated by the Title IX Coordinator or a Title IX deputy coordinator. Generally, complaints involving students will be investigated by a Title IX deputy coordinator in the Student Life and Conduct office, and complaints involving employees will be investigated by the Title IX Coordinator or designee. The investigation and adjudication of domestic violence, dating violence, sexual assault, stalking, sexual exploitation, sexual harassment, and other violations of this policy will be conducted by officials who, at a minimum, receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking, and on how to conduct an investigation and hearing process that protects the safety of the Complainants and promotes accountability; and who do not have an conflict of interest or bias for or against the Complainant/accuser or Respondent/accused. The training is provided regularly through multiple means, including institution-specific training around bias, conflict of interest, procedures, and definitions related to domestic and

dating violence, sexual assault, stalking, and other violations of this policy. All investigations will be conducted professionally, expeditiously, and confidentially (to the extent possible, as described herein). The process will be conducted in a manner consistent with the institution's policy and transparent to the Complainant/accuser or Respondent/accused.

- b. Timeline of process. The process is designed to be completed in less than 60 business days from start to finish, though many cases will be resolved in less time. Additional time may be sought as necessary to ensure a complete investigation, with notice to the complainant and respondent of the delay and the reason for the delay. Typically investigators will schedule an interview with the complainant within one week of being made aware of the complaint, and an interview with the respondent within one week of making a determination that the investigation should proceed. Interviews with witnesses and follow-up interviews with the parties will be conducted as expeditiously as possible, with the goal of finalizing the report within 60 business days. Appeals, if sought, may extend the time of resolution per the timelines in the Student Code of Conduct.
- c. Use of Advisors. GRCC will provide the Complainant and Respondent with equitable opportunities throughout the investigation and resolution process and disciplinary proceeding, including the opportunity to be accompanied by the advisor of their choice in any related meeting or formal proceeding. The college will not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or institutional disciplinary proceeding. Advisors may be chosen by the student, but may not be a person who witnessed the incident, as that may cause a conflict of interest. The witnesses and parties are to participate directly in the process, including in any hearing. If the case proceeds to a hearing, the advisor/s will be asked to conduct the cross-examination questioning of the other party and of any witnesses the other party may have. GRCC may establish further restrictions regarding the extent to which the advisor may participate in the proceedings, which will apply equally to both parties. Students who wish to use an advisor but do not have one may request that the college provide them an advisor. This advisor is not a legal representative but is a person, typically a college employee, provided for the purpose of support and basic explanation of the process.
- d. Initiating a Complaint: Anyone who wants to make a complaint under this policy can contact the Title IX Coordinator by calling the Ethics Hotline at 616-234-3169, or by visiting the Title IX Coordinator at the Bostwick Office Suites on the main campus. A written complaint may be made by via e-mail to the Director of Equal Opportunity Compliance, in writing to the Bostwick Office Suites, attention Director of Equal Opportunity Compliance, or online at <https://grcc.edu/generalcounsel/titleix/reportingatitleixconcern0>. The Ethics Hotline, online report form or letter may all be done anonymously.
- e. Contact with Complainant. Upon receipt of a complaint, the Title IX Coordinator

will confirm with the Complainant the receipt of the complaint, and will specify who will be assigned to conduct the investigation. Generally, the deputy coordinator or designee interviews the Complainant and any relevant witnesses identified by the Complainant. Once sufficient information is gathered, the deputy coordinator or designee will then notify the charged individual of the allegations. With permission from the Complainant, the deputy coordinator or designee shall advise the charged individual of the name of the Complainant. Where a Complainant does not wish to be identified, the extent of the investigation may be limited; however, the investigation will continue to the extent possible while maintaining the confidentiality of the Complainant.

- f. Meeting with Respondent. The deputy coordinator or designee will review with the respondent the allegation and any resulting charges, as well as the specific policy section alleged to have been violated and possible sanctions. The investigator will review GRCC's anti-retaliation policy, along with any other relevant policies. The investigator will interview the charged individual and any witnesses deemed relevant. Throughout the course of the investigation, the investigator will endeavor to keep both parties apprised of the status of the investigation. Each party will receive timely notice of meetings at which the Complainant/accuser or Respondent/accused, or both, may be present, and the complainant, respondent, and appropriate officials will have timely and equal access to information that will be used during formal and/or informal disciplinary meetings and hearings.
- g. Additional Witnesses. Additional evidence may be sought from any relevant party or witness, including but not limited to, email communications, social media postings, text messages, phone records, etc. Parties are expected to cooperate and provide this information. Failure to cooperate with an investigation may result in separate disciplinary proceedings. Parties should be aware that as members of the college community, their access to college resources has very limited privacy rights, and the college may obtain information through the college's resources and informational technology system with or without the individual's cooperation.
- h. Informal Resolutions. If appropriate, informal resolutions such as mediation between the parties may be available to resolve reports of violations of this policy. Mediation and other informal remedies will be utilized only when agreed upon by both parties. If the parties agree to informal resolutions, they may revoke their consent to participate at any time.

## 7. Finding

After the investigation, the Title IX Coordinator, deputy coordinator or designee shall render a finding as to the responsibility of the respondent based on the relevant evidence utilizing a preponderance of the evidence standard, i.e. the facts complained of are more likely true than not.

Upon completion of the investigation, the Title IX deputy coordinator or designee is authorized to take the following actions:

- a. Dismissal of the Claim: The Title IX deputy coordinator or designee finds that no violation occurred and dismisses the complaint, giving written notice of said dismissal to each party involved.
- b. Determination of Responsibility: The Title IX deputy coordinator or designee makes a finding of responsibility for any of the allegations and notifies the parties and appropriate administrative officers of the finding and may recommend actions to be taken.
- c. Both parties shall receive simultaneous written notification, which will include:
  - i. The result of any initial, interim, and final decision of any disciplinary proceeding or investigation that arose from an allegation of violation of any conduct under this policy, including whether or not the respondent was held responsible, and any ensuing sanctions. The Complainant will receive notice of all sanctions relevant to the Complainant.
  - ii. The standard of preponderance of the evidence as applied to the facts.
  - iii. (For students) The additional procedural rights as set forth in the GRCC Student Code of Conduct, including the appeal process.
  - iv. (For Employees) The result of investigations. If evidence supports a finding of misconduct, the college will take appropriate corrective or disciplinary action. Action taken by the college for employees may include, but will not be limited to, counseling, warning, transfer, demotion, and/or termination.
  - v. The notice of any change to the result, as well as when the results become final. Both parties will be notified simultaneously in writing of the procedures for appeal. When an appeal is filed, both parties will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as notice of the final result once the appeal is resolved.
  - vi. The notice that if the evidence supports a finding of responsibility, the written report of the action taken shall then be placed in the personnel record of the employee or student file. Sanctions of suspension, expulsion, or revocation or withholding of a degree will become a permanent part of a student's record. Cases that result in all other sanctions will be maintained for seven (7) years.

8. Information about appeals process and the relevant deadlines. Appeal or hearing procedures are found in the Student Code of Conduct, union contracts or the Meet and Confer handbook.

- a. Student Sanctions: Potential student sanctions will be applied based upon the facts and circumstances of the case. Student sanctions include:
  - i. Verbal Warning
  - ii. Written Warning

- iii. Probation
  - iv. Permanent removal from a course
  - v. Restitution
  - vi. Suspension
  - vii. Permanent expulsion
  - viii. Revocation of admission and/or degree: Admission to GRCC, or a degree awarded from GRCC may be revoked for fraud, misrepresentation, or other violation of GRCC standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
  - ix. Withholding degree: GRCC may withhold awarding a degree otherwise earned until the completion of the process set forth in this policy including the completion of all sanctions imposed, if any.
  - x. Other sanctions: Other sanctions may be imposed instead of, or in addition to, specific sanctions listed in this section. These may include, but are not limited to: recommendations for counseling, establishment of mandatory behavior conditions/contract–signing stating agreed–upon behavior expectations for continued enrollment or re–enrollment; loss of access to college computers and/ or network; a specific project designed to assist the student in better understanding the overall impact of his or her behavioral infraction; a contract of terms for restitution of damages/stolen property before enrollment is continued and/or records are released; suspension without pay from his or her on–campus job; prohibition on participation in extracurricular activities or interscholastic or leadership positions; or community service.
- b. Employee Sanctions:
- i. Verbal warning
  - ii. Remedial training
  - iii. Written reprimand
  - iv. Suspension
  - v. Termination
- c. Sanction process: Sanctions for both students and employees will be determined according to the following:
- i. Steps in process:
    - Finding is communicated via report to Director of Student Life and Conduct/Human Resources.
    - After consultation with Title IX Coordinator and/or Investigator, and upon consideration of below factors, Student Conduct/HR makes sanction determination.
    - If a respondent chooses, they may forego receiving an immediate sanction and may choose to proceed straight to a

hearing. If they do so, the hearing panel will impose a sanction if the panel finds the respondent responsible for the policy violation. If a respondent chooses to move forward with a sanction before the hearing is requested, that does not impact the respondent's right to request a hearing or appeal.

- As part of simultaneous notification, finding/sanction information is delivered to Complainant and Respondent.
  - Complainant/Respondent is notified of right to request a hearing, including the right to request a hearing solely on the sanction.
- ii. Anticipated timelines: As set forth in this policy, a Title IX investigation is intended to take no more than 60 days, but may require additional time for a thorough review of the information.
- iii. Considerations in making sanction determination:
- Complainant's expressed desire
  - Severity or pervasiveness of violation
  - Risk of danger/harm to community
  - Prior conduct/policy violations of individual
  - Degree of acceptance of responsibility by the respondent

## 9. Appeals

1. For employee appeals, refer to the appropriate union contract or Meet and Confer handbook.
2. For Hearing Committee and subsequent appeal procedures for students, refer to the Student Code of Conduct.
3. Violations of Law

An employee or student may be accountable for sexual misconduct under applicable local, state, and federal law, as well as under GRCC policy. A criminal investigation may be conducted concurrently with the Title IX investigation. Disciplinary action by GRCC may proceed while criminal proceedings are pending and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced. Michigan criminal law statutes governing sexual misconduct are attached to this policy as an Appendix.

## XI. Forms

N/A

## XII. Effective Date

October 4, 2010

Revised: March 16, 2012

Revised: September 9, 2014

Revised: September, 2016

Revised: September, 2017

Revised: April 2019; effective  
August 1, 2019  
Revised: August, 2021

### XIII. Policy History

Sexual misconduct is a form of harassment that has previously been addressed within GRCC's harassment policy. This separate sexual misconduct policy was developed to provide greater clarity to the campus community regarding what constitutes sexual misconduct, reporting responsibilities and specifically prohibits consensual sexual or dating relationships where there is an institutional power difference between the parties involved. The policy was amended in March 2012 to include further explanation of sexual misconduct and to refer to appropriate procedures for resolution of complaints consistent with Title IX.

The policy was amended in 2014 to implement changes to the Clery Act made by the Violence Against Women Reauthorization Act of 2013 (VAWA).

In 2016, this policy was revised to reconcile inconsistencies in the process, streamline the description of processes, include updated Clery requirements, and to clarify practice regarding actions taken by the college in the event of reported sexual misconduct. In 2017, this policy was updated to include more detailed information about resources, investigation process and programming.

In 2019, this policy was revised to reflect updated federal guidance, as well as clarify procedures on cross-examination, per court decisions, and use of advisors. Consensual relationships were removed from this policy and will be considered for inclusion in other college policies.

In 2021, this policy was updated to include gender-inclusive language, clarify definitions of "Sexual Harassment," "Sexual exploitation", and "Consent," and provide additional details about Retaliation.

### XIV. Next Review/Revision Date

May 2023