

TITLE IX POLICY

I. Policy Section

6.0 Human Resources

II. Policy Subsection

6.5 Title IX Policy

III. Policy Statement

Grand Rapids Community College (“GRCC” or “College”) does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX of the Education Amendments Act of 1972. The College is committed to providing an educational and employment environment that is free from unlawful discrimination, harassment and retaliation. In furtherance of that commitment, this policy sets forth prohibitions against sex discrimination, including sex-based harassment, as well as retaliation for engaging in protected activity.

This policy also serves to support members of the campus community by providing a framework for the adoption and utilization of equitable procedures that offer a prompt, fair and impartial response and process for all individuals involved in allegations or complaints relating to sex discrimination or harassment. GRCC values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties involved in grievance and resolution procedures, during what is often a difficult time for all those involved.

IV. Purpose for Policy

This policy was created to clearly assure campus community members of GRCC’s commitment to prohibiting sex discrimination, including sex-based harassment, as well as retaliation for engaging in protected activity. In conjunction with the College’s Non-Discrimination, Anti-Harassment and Equal Opportunity Policy (Policy 6.2), this policy ensures that members of the campus community are clearly apprised that all forms of unlawful discrimination, harassment and retaliation – including sex discrimination and sex-based harassment – are prohibited by GRCC.

This policy also serves to ensure the College’s compliance with applicable laws, rules and regulations, including Title IX of the Education Amendments Act of 1972 (“Title IX”), as well as Title IX’s implementing regulations. A core purpose of this policy is the prohibition of sex discrimination and harassment in accordance with Title IX’s implementing regulations, promulgated by the U.S. Department of Education. While this policy sets forth definitions for various forms of sex-based discrimination and harassment, the College recognizes that individual cases may vary, and that alleged sex discrimination and harassment may arise in many contexts, including relating to

admissions, athletics, employment and other education programs and activities. Additionally, allegations of sex discrimination, including sex-based harassment may arise in different forms, including relating to disparate treatment, quid pro quo, hostile environment harassment, sexual assault, stalking, dating violence or domestic violence. Regardless of the context or form in which a complaint arises or is received, this policy and its corresponding grievance procedure ensures that when such an allegation is reported, it will be addressed in a fair, equitable, impartial and unbiased manner.

V. Entities Affected by This Policy

All employees
Board of Trustees
Independent contractors
Applicants
Students
Vendors
College guests
Community and constituencies accessing services
Volunteers
Members of the public

VI. Who Should Read This Policy

All employees
Board of Trustees
Independent contractors
Applicants
Students
Vendors
College guests
Community and constituencies accessing services
Volunteers
Members of the public

VII. Related Documents

A. Related GRCC Board of Trustees policies include the following:

1. Treatment of People; and
2. Delegation to the President.

B. Related GRCC policies and policy documents include the following:

1. Non-Discrimination on the Basis of Disability (Policy 3.2);
2. Free Speech and Expressive Activity (Policy 3.9);
3. Transgender and Non-Binary Equal Opportunity (Policy 6.1);
4. Non-Discrimination, Anti-Harassment and Equal Opportunity (Policy 6.2);
5. Conflict of Interest (Policy 6.7);

6. Administrator Code of Ethics (Policy 6.21);
7. APSS Code of Ethics (Policy 6.22);
8. Misconduct Policy (Policy 6.23);
9. Faculty Code of Ethics (Policy 7.12); and
10. Student Code of Conduct (Policy 8.30);

C. Related GRCC webpages include the following:

1. [Ethics Monitoring System](#);
2. [Rights, Options and Resources](#);
3. [Title IX](#);
4. [Get Help Resources](#);
5. [Board of Trustees Policies](#); and
6. [College Operational Policies](#).

D. Equal opportunity and non-discrimination statements contained within College documents (e.g., contracts, marketing and informational materials, etc.).

E. Posted notices regarding federal and state laws prohibiting discrimination.

VIII. Contacts

Policy Owner: Director of Equal Opportunity Compliance & Title IX Coordinator
General Counsel
Labor and Equal Opportunity Generalist
Director of Student Life & Conduct
Executive Director of Human Resources

IX. Definitions

A. **Complainant:**

1. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination, sex-based harassment or retaliation prohibited under this policy; or
2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination, sex-based harassment or retaliation prohibited by this policy and who was participating or attempting to participate in the College's education program or activity at the time of the alleged sex discrimination, sex-based harassment or retaliation.

B. **Complaint:** An oral or written request to the College that can objectively be understood as a request for the College to investigate and make a determination about violation(s) of this policy.

C. **Conduct Prohibited by this Policy:**

1. **Sex Discrimination:** Conduct based upon sex that: limits or denies an individual the opportunity to participate in, or benefit from, a College education program or activity; or otherwise adversely affects a term or condition of an individual's employment or education.

Sex discrimination includes discriminatory conduct on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity.

- a. Discrimination may include conduct which meets the above-stated definition involving:

1. Intentional differential treatment based upon sex.
2. Unintentional differential treatment relating to policies or practices that appear neutral, but which results in a disproportionate impact on a protected group or individual; or
3. Failure to provide reasonable accommodation(s) or modifications as required by law or policy.

2. **Sex-Based Harassment:** Sex-based harassment is a form of sex discrimination, and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity, that is:

- a. **Quid Pro Quo Harassment:** An employee, agent or other person authorized by the College to provide an aid, benefit or service under the College's education program or activity explicitly or impliedly conditioning the provision of such aid, benefit or service on a person's participation in unwelcome sexual conduct.

- b. **Hostile Environment Harassment:** Unwelcome sex-based conduct that, based on the totality of the circumstances: is so subjectively and objectively offensive; and is so severe or pervasive; that it limits or denies a person's ability to participate in, or benefit from, a College education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

1. The degree to which the conduct affected a complainant's ability to access the College's education program or activity;
2. The type, frequency and duration of the conduct;
3. The parties' ages, roles within the College's education program or activity, previous interactions and other factors about each

- party that may be relevant to evaluating the effects of the conduct;
4. The location of the conduct and the context in which the conduct occurred; and
 5. Other sex-based harassment in the College's education program or activity.
- c. **Sexual Assault:** Any sexual act, including Rape, Sodomy, Sexual Assault with an Object; or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also, unlawful sexual intercourse.
1. **Rape:** Penetration, without the consent of the complainant.
 2. **Sodomy:** Oral or anal penetration of the complainant by the respondent without the consent of the complainant.
 3. **Sexual Assault with an Object:** Respondent's use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of the complainant, without the consent of the complainant.
 4. **Fondling:** The touching of the private body parts (breasts, buttocks, groin) of the complainant by the respondent or causing the complainant to touch the respondent's private body parts intentionally for a sexual purpose without the consent of the complainant.
 5. **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by the laws of the State of Michigan.
 6. **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent of the State of Michigan.
- d. **Dating Violence:** Violence committed by an individual who is in or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
1. Length of the relationship;
 2. Type of relationship; and
 3. Frequency of the interaction between the individuals involved in the relationship.
- e. **Domestic Violence:** Felony or misdemeanor crimes committed by a person who:

1. Is a current or former spouse or intimate partner of the victim under the family or domestic laws of the State of Michigan or a person similarly situated to a spouse of the victim;
2. Is cohabitating with, or has cohabitated with, the victim, as a spouse or intimate partner;
3. Shares a child in common with victim; or
4. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic laws of the State of Michigan.

f. **Stalking:** Engaging in a course of conduct directed at a specific person, that would cause a reasonable person to:

1. Fear for their safety or the safety of others; or
2. Suffer substantial emotional distress.

3. **Retaliation** is any adverse action taken against an individual because of their participation in a protected activity. Retaliation includes intimidation, threats, coercion or discrimination by the College, a student, or an employee or other agent of the College, against any individual for the purpose of interference with any right or privilege secured by law or this policy, or because that person has made a report or complaint, testified, assisted, or participated or refused to participate¹ in an investigation, proceeding, or hearing under this policy.

The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for the College to investigate or pursue policy violations against those who make materially false statements in bad faith in the course of grievance, investigation and/or complaint resolution procedures under this policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any individual has made a materially false statement in bad faith.

D. **Confidential Employee:** An employee with confidentiality bestowed by law or professional ethics who is exempt from mandatory reporting requirements when functioning within the scope of their duties to which privilege or confidentiality applies. GRCC employees designated as “confidential employees” are specifically identified below within this policy.

E. **Consent:** 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

¹ It is not retaliation for the College to require an employee or other agent of the College to participate as a witness in, or otherwise assist with, an investigation or other proceeding related to this policy.

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; or mentally or physically incapacitated.

Consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity.

Previous relationships or prior consent does not imply consent to future sexual acts.

Consent may be withdrawn at any time, even during the course of sexual activity.

- F. **Education Program or Activity:** Locations, events or circumstances where GRCC exercises substantial control over the context in which the alleged prohibited discrimination, harassment and/or retaliation occurred, including any building owned or controlled by a student organization officially recognized by GRCC.
- G. **Party:** A complainant or respondent (collectively, the “parties”).
- H. **Pregnancy or Related Conditions:** Pregnancy or related conditions mean:
 - 1. Pregnancy, childbirth, termination of pregnancy or lactation;
 - 2. Medical conditions related to pregnancy, childbirth, termination of pregnancy or lactation; or
 - 3. Recovery from pregnancy, childbirth, termination of pregnancy or lactation.
- I. **Respondent:** A person who is alleged to have engaged in conduct that could constitute sex discrimination, sex-based harassment, retaliation or other conduct prohibited by this policy.

X. Procedures

- A. **Title IX Coordinator Roles and Responsibilities:** The College’s Title IX Coordinator is the official designated by GRCC to ensure compliance with this policy on behalf of the College. This includes ensuring compliance with Title IX

and GRCC's Title IX program, as well as all other applicable laws, rules and regulations. The Title IX Coordinator maintains the primary responsibility for ensuring appropriate education and training, and for coordinating the College's efforts related to the intake, investigation, resolution and implementation of supportive measures to stop, remediate and prevent sex discrimination, including sex-based harassment, and retaliation prohibited under this policy.

The College's Director of Equal Opportunity Compliance serves as GRCC's Title IX Coordinator and oversees implementation of the Title IX Policy (as well as other policies prohibiting unlawful discrimination, harassment and retaliation, including the College's Non-Discrimination, Anti-Harassment and Equal Opportunity Policy). Complaints, inquiries or concerns regarding this policy may be directed to the Title IX Coordinator:

Director of Equal Opportunity Compliance & Title IX Coordinator
Bostwick Office Suites
140 Bostwick Ave NE
Grand Rapids, MI 49503
titleix@grcc.edu
(616) 234-4999

The Title IX Coordinator is also responsible for monitoring for barriers to reporting information about conduct that may constitute sex discrimination, including sex-based harassment under Title IX. GRCC will take steps reasonably calculated to address barriers the Title IX Coordinator identifies.

- B. **Jurisdiction:** This policy applies to conduct occurring under the College's education programs and activities, within any building owned or controlled by a student organization recognized by GRCC or under any circumstances where the College maintains disciplinary authority.

This policy may also apply to the effects of off-campus misconduct that limit or deny a person's access to the College's education program or activities.

For disciplinary action to be issued under this policy, the respondent must be a GRCC student or employee at the time of the alleged incident. If the respondent is unknown or is not a member of the campus community, the Director of Equal Opportunity Compliance & Title IX Coordinator (or designee), will offer to assist the complainant in identifying appropriate institutional support and local resources and support options, and will implement or facilitate the implementation of appropriate supportive measures and/or remedial actions (e.g., the issuance of a "no-trespass order").

- C. **Mandatory Reporting and Information Sharing Requirements:** All GRCC employees (including student-employees), other than those deemed "confidential employees," are mandated reporters and are expected to promptly report all known details of actual or suspected sex discrimination, sex-based harassment and/or retaliation to the Title IX Coordinator or a Deputy Title IX Coordinator.

Mandatory reporting requirements apply whenever any employee receives a disclosure of conduct that violates this policy or becomes aware of information that would lead a reasonable person to believe that prohibited discrimination, harassment, sex-based harassment and/or retaliation has occurred.

A mandated reporter who is themselves subject to any conduct prohibited by this policy is not required to report their own experience, though they are encouraged to do so.

Employees who have an obligation to report under this policy should still treat this information as private and only share with individuals as necessary under this policy.

Corrective action may be taken against any employee who has a duty to report and who fails to respond in a manner consistent with this policy.

1. **Confidential Employees:** Reports to individuals designated below as confidential employees shall only be considered confidential when they are in a confidential relationship with the person reporting, such that they are within the scope of their licensure, professional ethics, or confidential role at the time of receiving a report. In such circumstances (which may not encompass all reports), such individuals will maintain confidentiality except where disclosure is required by law or court order.

In designating limited employees as confidential under this policy, the College seeks to enable complainants to access support and resources without filing a complaint. While individuals designated as confidential employees are not required to report actual or suspected sex discrimination, sex-based harassment or retaliation in a way that identifies the parties, they are required to provide complainants with the Title IX Coordinator's contact information and offer options and resources without any obligation to inform an outside agency or the College unless a complainant has requested that the information be shared.

Designated Confidential Employees include the following: Licensed Professional Counselors employed in GRCC's Counseling and Career Development Department.

2. **Provision of Information to Pregnant Students:**² Pursuant to this policy's prohibition against sex discrimination, GRCC will not discriminate against any person on the basis of pregnancy or related conditions, and further, will ensure that reasonable modifications to College policies, practices or procedures, as necessary, are made available to prevent sex discrimination and ensure equal access to the College's education program or activity.

² This Section relates to employee requirements upon being informed of a student's pregnancy or related conditions. Additional information regarding supports for pregnant and parenting students and employees is set forth below in Section (G) of this Policy.

Upon being informed by any student (or individual with the legal right to act on behalf of the student) of the student's pregnancy or related conditions, all College employees, including confidential employees, must:

- a. Promptly provide that person with the Title IX Coordinator's contact information; and
- b. Inform that person that the Title IX Coordinator can coordinate specific actions, including reasonable modifications, to prevent sex discrimination and ensure equal access to the College's education program or activity.

D. Internal Reporting Options: Reports regarding alleged violations of this policy (including all circumstances where mandatory reporting requirements exist) should be provided to the Director of Equal Opportunity Compliance & Title IX Coordinator or any Deputy Title IX Coordinator. Reports regarding alleged violations of this policy may be provided to the Title IX Coordinator utilizing the contact information provided within this policy. Contact information relating to the College's Deputy Title IX Coordinators is available on the College's website. Additionally, a webform for reporting alleged violations of this Policy is also available on the College's website.

1. **Anonymous Reporting:** Anonymous reports may be provided to GRCC's Ethics Hotline by calling: (616) 234-3169.
2. **Criminal Reporting:** Safety of the campus community is of the utmost importance to Grand Rapids Community College; and the GRCC Police Department has been established to serve and protect members of the GRCC campus community.

In addition to violating College policy, conduct that constitutes sex discrimination, harassment or retaliation may also violate applicable criminal laws. Criminal behavior should be reported to the GRCC Police Department or other local law enforcement authorities. GRCC administrators are available to assist complainants with notification of complaints to law enforcement on- or off-campus.

The GRCC Police Department is located at 25 Lyon St NE, Grand Rapids, MI 49503, and may be contacted as follows:

In Emergencies:

- Dial 911 (off-campus); or
- (616) 234-4911 (off-campus); or
- Ext. 4911 (on-campus).

In Non-Emergency Circumstances:

- (616) 234-4910 (off-campus); or
- Ext. 4910 (on-campus); or
- Via email at police@grcc.edu.

3. **Other Reporting Resources:**

Center for Student Life and Leadership:

- (616) 234-4160;
- studentlife@grcc.edu.

Disability Support Services:

- (616) 234-4140;
- disability@grcc.edu.

ADA/Section 504/Section 508 Coordinator:

- (616) 234-3134;
- ada@grcc.edu.

Free Student Counseling Services:

- (616) 234-4130;
- counseling@grcc.edu.

Employee Assistance Program:

- (800) 442-0809;

Woodrick Center of Inclusion and Multicultural Affairs:

- (616) 234-3850;
- odei@grcc.edu.

E. **External Complaint Resolution:** GRCC takes seriously its responsibility to provide an educational environment free from unlawful discrimination, harassment and retaliation. To that end, the College has established this policy and other policies prohibiting such conduct. The College has also established grievance procedures, referenced further below, for investigating alleged violations of this and other policies; and the campus community is encouraged to use those procedures to address complaints of discrimination, harassment or retaliation occurring within the campus community. External resources are also available at the state and federal level to investigate and assist in the resolution of complaints. The following resources may be utilized concurrently with, or separate from, a complaint pursuant to GRCC's grievance procedures:

Michigan Department of Civil Rights
MDCR Service Center
Cadillac Place
3054 West Grand Blvd, Ste 3-600
Detroit, MI 48202
Phone: (313) 456-3700
Fax: (313) 456-3701
www.michigan.gov/mdcr

U.S. Department of Education, Office for Civil Rights
Cleveland Office
1350 Euclid Ave, Ste 325
Cleveland, OH 44115-1812
Phone: (216) 522-4970
Fax: (216) 522-2573
Email: OCR.Cleveland@ed.gov
<https://ocrcas.ed.gov/index.cfm>

U.S. Equal Employment Opportunity Commission
Detroit Field Office
Patrick V. McNamara Bldg.
477 Michigan Ave, Rm 865
Detroit, MI 48226
Phone: (800) 669-4000
Fax: (313) 226-4610
www.eeoc.gov/field/detroit

F. Pregnant and Parenting Students and Employees:

1. Pregnant and Parenting Students:

- a. Students wishing to request reasonable modifications for pregnancy or related conditions may contact the Title IX Coordinator. GRCC's Title IX Coordinator or designee will work with the student and campus partners to provide reasonable modifications to policies, practices and procedures, if requested. These reasonable modifications:
 1. Cannot fundamentally alter the education program or activity; and
 2. May be accepted or denied by the student;
 3. May include, without limitation: breaks to express breastmilk or attend to health-related needs; breaks to eat, drink or use the restroom; intermittent absences; schedule modifications; and voluntary leaves of absence with the right to be returned to the same position in an education program or activity.
- b. Any pregnant or parenting student has the right to access lactation spaces on campus. Lactation spaces are locations that are clean, shielded from view, and free from intrusion by others. Lactation spaces may not be

bathrooms. Lactation spaces are located throughout GRCC's the College's campus, and information regarding such spaces is available on the College's [website](#). Additional information may be obtained from the College's Title IX Coordinator.

- c. GRCC will not require a student to provide documentation from a healthcare provider or any other person regarding pregnancy or related conditions that the student is physically able to participate in a College education program or activity unless:
 1. The certified level of physical ability or health is necessary for participation;
 2. The College requires such certification of all students participating in the education program or activity; and
 3. The information obtained is not used as a basis for discrimination.

2. Supporting Pregnant Employees:

- a. Employees and prospective employees or applicants may request reasonable accommodations for known limitations related to pregnancy or related conditions. The College will provide reasonable accommodations for qualified employees for pregnancy or related conditions unless the accommodation would impose an undue hardship on the College. The College will review the requested accommodation and engage in an interactive process with the employee regarding any such request, and will not take retaliatory action against any individuals who request or receive accommodations.
- b. Requests for reasonable accommodations may be made by contacting the College's ADA Coordinator.³
- c. In certain circumstances, qualified employees may also be entitled to leave under the Family and Medical Leave Act. Employees may contact GRCC's FMLA Coordinator within the Human Resources Department for additional information.

G. Grievance, Investigation and Complaint Resolution Procedures: GRCC's grievance, investigation and complaint resolution procedures regarding alleged violations of this policy and violations of its Non-Discrimination, Anti-Harassment and Equal Opportunity Policy are set forth in a separate policy document, entitled: **"Procedures for Responding to Complaints of Discrimination, Harassment and Retaliation."** All reported violations of this policy will be promptly investigated in accordance with the procedures set forth in that policy document.

³ GRCC recognizes that pregnancy is not a disability under the ADA, although related conditions may constitute a disability.

In addition, GRCC provides grievance, investigation and complaint resolution procedures relating to alleged violations of other College policies in accordance with the procedures set forth in those policies, or in accompanying policy documents. These policies include GRCC's Student Code of Conduct.

Investigations relating to other alleged policy violations may be conducted by an appropriate administrator (or, where appropriate, an external investigator), including a representative of the College's Human Resources Department.

XI. Forms

N/A

XII. Effective Date

Original date: On August 14, 2020, this policy (then, GRCC's Title IX Sexual Harassment Policy) became effective. On August 1, 2024, the current iteration of this policy (GRCC's Title IX Policy became effective).

XIII. Policy History

August, 2020: Title IX Sexual Harassment Policy was created as a stand-alone policy separate from GRCC's (rescinded) Sexual Misconduct Policy in order to comply with revised requirements of 20 U.S.C. 1681 and 34 CFR Part 106.

August, 2021: Revised

August, 2024: This policy was revised on an interim basis to ensure the College's compliance with the newly revised requirements of 20 U.S.C. 1681 and 34 CFR Part 106.

October, 2024: Revised to finalize and update prior interim revisions.

XIV. Next Review/Revision Date

May, 2026