



LANSING COMMUNITY COLLEGE
BOARD OF TRUSTEES
December 16, 2024

Regular Meeting
Adopted Meeting Minutes

Call to Order

The meeting was called to order at 6:01 p.m.

Roll Call

Present: Frazier, Garcia, Hidalgo, Mathews, Proctor, Thomas, Vaive
Absent: None

Pledge of Allegiance

Trustee Frazier led the Pledge of Allegiance.

Samantha Vaive read the LCC Land Acknowledge.

Special Recognition

The Board of Trustees presented gifts and resolutions to honor Lawrence Hidalgo, Jr. and Samantha Vaive for their Distinguished Service as a Trustee of Lansing Community College. The following resolutions were read into the record.

The Board of Trustees of Lansing Community College resolves as follows:

WHEREAS, Lawrence Hidalgo, Jr. has served with distinction as a Trustee of Lansing Community College for a total of twelve years, having been first elected to the Board in November 2012, and reelected in November 2018; and

WHEREAS, throughout his tenure on the Board, Lawrence demonstrated exemplary leadership, serving in numerous capacities, including as a member of the Audit Committee, Foundation Board Member, Board Secretary, Vice Chair, and ultimately, Chair of the Board; and

WHEREAS, Lawrence served as Board Chair during the unprecedented challenges of the COVID-19 pandemic, providing steady and decisive leadership during a time of great uncertainty; and

WHEREAS, as Board Chair, Lawrence played a key role in the selection of Lansing Community College's 7th President, Dr. Steve Robinson, ensuring a smooth transition and the continued success of the college during a time of change and crisis; and

WHEREAS, in July 2020, Lawrence Hidalgo, Jr. was instrumental in dedicating and naming a conference room in the Arts and Sciences Building after former President Brent M. Knight, recognizing his significant contributions to Lansing Community College and ensuring his legacy would endure; and

WHEREAS, Lawrence Hidalgo, Jr. worked alongside 15 dedicated trustees and served with two college presidents, always placing the well-being of students and the future of Lansing Community College at the forefront of his service; and

WHEREAS, on September 18, 2006, Lawrence Hidalgo, as a member of IBEW Local Union 665, was appointed to the 2006 President Search Screening Committee for the selection of the 6th President of Lansing Community College, contributing his expertise and dedication to a pivotal moment in the institution's history; and

WHEREAS, Lawrence served on the committee to create the high school completion program at Lansing Community College, demonstrating his commitment to providing accessible pathways to education and success for all students; and

WHEREAS, Lawrence, a native of Louisiana, has been a cherished member of the Lansing Community College District, and outside of his professional and civic commitments, enjoys vacationing with his wife, Cheryl, and spending time with his grandchildren, further reflecting his deep love and commitment to family and community; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Lansing Community College hereby expresses its deepest gratitude and appreciation to Lawrence Hidalgo, Jr. for his twelve years of dedicated service as a Trustee, his leadership in shaping the future of Lansing Community College, and his unwavering commitment to the success of the students and the greater community of Lansing; and

BE IT FURTHER RESOLVED that the Board recognizes and celebrates Lawrence Hidalgo, Jr. for his outstanding service to Lansing Community College and the community it serves, and wishes him continued success in all future endeavors.

The Board of Trustees of Lansing Community College resolves as follows:

WHEREAS, Samantha Vaive has served with distinction as a Trustee of Lansing Community College for a total of six years, having been elected in November 2018; and

WHEREAS, Samantha Vaive has passionately upheld her belief that Lansing Community College is a vital resource capable of enhancing the quality of life for all members of the community, and has tirelessly worked to sustain and advance that legacy; and

WHEREAS, Samantha Vaive has demonstrated an unwavering commitment to education and equity by using her knowledge and skills to help all individuals in Lansing pursue higher education and personal growth; and

WHEREAS, during her tenure as a Trustee, Samantha Vaive played a pivotal role in the selection of Lansing Community College's 7th President, Dr. Steve Robinson, ensuring strong leadership for the institution's future; and

WHEREAS, Samantha Vaive has provided exemplary service on several committees, including a member of the Audit Committee, a member of the Association of Community College Trustees

(ACCT) Finance and Audit Committee, and a member of the ACCT Governance and Bylaws Committee, and the President of the ACCT Under 40 Caucus; and

WHEREAS, in September 2019, Samantha Vaive was instrumental in ensuring that free feminine hygiene products were provided in restrooms, a significant step in addressing the needs of LCC's diverse student body; and

WHEREAS, in June 2020, Samantha Vaive supported the adoption of the Equity Action Plan to address racial injustice, diversify faculty, enhance workplace policies, and establish processes to prevent inequitable behaviors, exemplifying her dedication to social justice and equity; and

WHEREAS, in September 2021, Samantha Vaive initiated a resolution to support the recognition and practice of Land Acknowledgments and the celebration of Indigenous Peoples' Day at LCC, fostering inclusivity and cultural awareness; and

WHEREAS, in 2024, Samantha Vaive earned her Ph.D. in psychology, conducting groundbreaking research on the relationship between prenatal yoga, childbirth experiences, and breastfeeding success, with the goal of increasing accessibility to affordable practices that improve outcomes across all demographics; and

NOW, THEREFORE, BE IT RESOLVED, that the Lansing Community College Board of Trustees extends its deepest gratitude to Samantha Vaive for her years of dedicated service, leadership, and advocacy for equity, education, and community development; and

BE IT FURTHER RESOLVED, that the Board recognizes and celebrates Samantha Vaive's enduring contributions to Lansing Community College and the community it serves, and wishes her continued success in all future endeavors.

Approval of Minutes

TRUSTEE VAIVE MOVED AND TRUSTEE HIDALGO SECONDED, that the minutes of the November 18, 2024, Regular Board of Trustees be adopted.

Roll call vote:

Ayes: Garcia, Mathews, Hidalgo, Proctor, Frazier, Thomas

Nays: None

Absent: None

Trustee Vaive abstained from voting.

The motion carried.

Additions/Deletions to the Agenda

- Dr. Robinson asked that a Resolution Addressing the 2024 cost of Living be added before the consent agenda.
- Trustee Proctor asked that his election to an ACCT Committee position be added to the agenda after Linkage Planning/Implementation.
- Trustee Thomas asked that item F of the consent agenda be removed from the consent agenda.

Limited Public Comment Regarding Agenda Items

There were no Limited Public Comments regarding an agenda item.

Linkage Planning/Implementation

President Report

President Robinson presented the December 2024 President's report to the Board.

Action Item – Resolution Addressing the 2024 Cost of Living

TRUSTEE VAIVE MOVED AND TRUSTEE HIDALGO SECONDED, that the resolution Addressing the 2024 Cost of Living be approved.

Dr. Robinson presented the following resolution language to be adopted by the Board to address the 2024 Cost of Living.

The Board of Trustees of Lansing Community College resolves as follows:

WHEREAS, Michiganders have experienced several costs of living increases over the last three to five years; and college Administration and Board of Trustees seek to distribute one-time, non-precedent setting lump sum payments to employees not to exceed a combined amount of \$985,000; and

WHEREAS, to be eligible to receive the lump sum payments employees would need to be actively employed at the time of the lump sum payment distribution and working in the following classifications: administrator, faculty/academic professional, facilities, police, and support. Notwithstanding student employees, specialized professionals, temporary agency employees, and athletic coaches are excluded from eligibility; and

WHEREAS, the recommended lump sum payment total for eligible full-time employees is \$900; for eligible part-time is \$525; and

WHEREAS, payments would be distributed in two installments. In this connection, full-time employees would receive \$450.00 on January 24, 2025, and again on June 25, 2025. Likewise, part-time employees would receive \$262.50 on January 24, 2025, and again on June 25, 2025; and

WHEREAS, to receive lump sum payments employees must have received compensation in the prior six months of the pay period end date. For example, to receive a lump sum disbursement on January 24, 2025, then an employee must have received compensation between July 18, 2024 and January 18, 2025; and

WHEREAS, eligibility criteria must be met at the time of each disbursement in order to receive a lump sum payment.; and

WHEREAS, by providing this lump sum payment employees can use the additional funds to supplement costs of living increases impacting individual households; and

NOW, THEREFORE, BE IT RESOLVED that Lansing Community College Board of Trustees directs the President to ensure that employees receive lump sum payments as described in this resolution.

Roll call vote:

Ayes: Hidalgo, Garcia, Frazier, Mathews, Proctor, Vaive, Thomas

Nays: None

Absent: None

The motion carried.

Action Items – Consent Agenda

The following items were presented under the consent agenda:

- A. 2025 Audit Committee Meeting Calendar
- B. 2025 Regular Board of Trustees Meeting Calendar
- C. Board Governance Policy
 - 1. E-100 Mission, Vision, Motto (REVISED)
 - 2. E-104 Diversity, Equity, and Inclusion (REVISED)
- D. Board of Trustees Employees
 - 1. Expenses – November 2024
 - 2. Time Reporting – November 2024
- E. Lansing Electrical Joint Apprenticeship and Training Trust
 - 1. Education Agreement and Instructional Costs
 - 2. Lease Agreement
- ~~F. Lease Agreement between Lansing Community College and the Louise J. Eyde Family, LLC. (REMOVED)~~
- G. Request for Proposal
 - 1. Painting Services
- H. Resolution Honoring Trustee Lawrence Hidalgo, Jr.
- I. Resolution Honoring Trustee Samantha Vaive

TRUSTEE VAIVE MOVED AND TRUSTEE HIDALGO SECONDED, that the Consent Agenda, removing the Lease Agreement between Lansing Community College and the Louise J. Eyde Family, LLC., be approved.

Roll call vote:

Ayes: Mathews, Garcia, Thomas, Hidalgo, Frazier, Proctor, Vaive

Nays: None

Absent: None

The motion carried.

Action Items – Lease Agreement between Lansing Community College and the Louise J. Eyde Family, LCC.

TRUSTEE VAIVE MOVED AND TRUSTEE HIDALGO SECONDED, that the Lease Agreement between Lansing Community College and the Louise J. Eyde Family be approved.

Trustee Thomas asked why LCC was still leasing the building in East Lansing.

Dr. Robinson stated that the college is still happy to have a presence in East Lansing and that the decision to continue leasing at East Lansing is based on the uncertain future of enrollment and the cost benefits of leasing rather than owning.

Chair Mathews asked what the enrollment numbers were in East Lansing.

It was stated that Enrollment at the East campus has increased by 12.7% and there has been a 6.8% increase in campus seat counts.

Roll call vote:

Ayes: Frazier, Thomas, Vaive, Mathews, Garcia, Hidalgo, Proctor

Nays: None

Absent: None

The motion carried.

Monthly Monitoring Report

The following Monitoring Reports were presented:

1. Financial Statements Publications
2. Monthly Financial Statement
3. Monthly Public Safety Report

Policy Development

Trustee Proctor stated that the following revisions comply with Title IX regulations set by the Department of Education.

4.020 AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS, AND SECTION 504 OF THE REHABILITATION ACT/MICHIGAN'S PERSONS WITH DISABILITIES CIVIL RIGHTS ACT

I. Purpose

To ensure compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act by providing and maintaining a barrier-free environment so that individuals with disabilities can fully access employment, programs, services, and all activities offered by the College.

II. Scope

This policy applies to all persons seeking reasonable accommodations from the College under the Americans with Disabilities Act (ADA) and section 504 of the Rehabilitation Act, Michigan's Persons with Disabilities Civil Rights Act, or any other statutes addressing disabilities.

The College's Center for Student Access and the College's Human Resources Department respectively assist students and employees as well as others by maximizing the opportunity for full participation at the College.

III. General

Lansing Community College is committed to providing equal employment opportunities and equal education for all persons regardless of race, color, sex, age, religion, national origin, creed, ancestry, height, weight, sexual orientation, gender identity, gender expression, disability, familial status, marital status, **pregnancy, pregnancy-related conditions**, military status, veteran's status, or other status as protected by law, or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position or that is unrelated to the person's ability to participate in educational programs, courses services or activities offered by the college.

The college prohibits retaliation or reprisals against any individual because they have filed a complaint or report, participated in an investigation, or otherwise opposed unlawful discrimination.

The Executive Director of Human Resources and the ~~Office of Risk Management and Legal Services~~ **Dean of Student Affairs** are charged with the publication of Procedures, Rules, Guidelines, and Contact Persons relative to this policy.

IV. Responsibility

Responsibility for the interpretation and administration of this policy is delegated to the ~~Director of the Office of Compliance~~ **Executive Director of Human Resources and the Dean of Student Affairs**.

4.110

NONDISCRIMINATION

I. Purpose

To provide equal opportunity for all persons and to prohibit discriminatory practices based on race, color, sex, age, religion, national origin, creed, ancestry, height, weight, sexual orientation, gender identity, gender expression, disability, familial status, marital status, **pregnancy, pregnancy-related conditions**, military status, veteran's status, or other status as protected by law, or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position or participate in educational programs, courses, services or activities offered by the College.

II. Scope

This policy applies to employees, applicants for employment, students, and persons applying for admission to the college, contractors, visitors, volunteers, or any person or entity engaged in business or seeking to engage in business with the College.

III. General

The College is an educational institution that embraces and promotes diversity, equity, and inclusion in all aspects of its operations.

A. Equal Employment Opportunity

1. Employees shall be selected, promoted, and transferred based on their qualifications and ability to perform without regard to race, color, sex, age, religion, national origin, creed, ancestry, height, weight, sexual orientation, gender identity, gender expression, disability, familial status, marital status, **pregnancy, pregnancy-related conditions**, military status, veteran status, or other status protected by law or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position.
2. All other personnel actions, including, but not limited to compensation, employee benefits, terms and conditions of employment, and staff reduction, will be administered without regard to race, color, sex, age, religion, national origin, creed, ancestry, height, weight, sexual orientation, gender identity, gender expression, disability, familial status, marital status, **pregnancy, pregnancy-related conditions**, military status, veteran status, or other status protected by law or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position.
3. No employee of the College shall:
 - a. Fail or refuse to hire, recruit, or promote; discharge; or otherwise discriminate against a person with respect to employment, compensation, or a term, condition, or privilege of employment because of race, color, sex, age, religion, national origin, creed, ancestry, height, weight, sexual orientation, gender identity, gender expression, disability, familial status, marital status, **pregnancy, pregnancy-related conditions**, military status, veteran status, or other status protected by law or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position.
 - b. Limit, segregate or classify an employee or applicant for employment in a way that deprives or tends to deprive the employee or applicant of an employment opportunity or otherwise adversely affects the status of an employee or applicant because of race, color, sex, age, religion, national origin, creed, ancestry, height, weight, sexual orientation, gender identity, gender expression, disability, familial status, marital status, **pregnancy, pregnancy-related conditions**, military status, veteran status, or other status protected by law or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position.

B. Equal Educational Opportunity

No student or applicant for admission to any of the College's educational programs or services shall be discriminated against on the basis of race, color, sex, age, religion, national origin, creed, ancestry, height, weight, sexual orientation, gender identity, gender expression, disability, familial status, marital status, **pregnancy, pregnancy-related conditions**, military status, veteran status, or other status protected by law or genetic information that is unrelated to the person's ability to participate in educational programs, courses, services or activities offered by the College.

C. No Retaliation

The College prohibits retaliation or reprisals against any individual because the individual has filed a complaint or report about, participated in an investigation of, or otherwise opposed unlawful discrimination.

IV. Responsibility

Responsibility for the interpretation and administration of this policy is delegated to the Executive Director of Human Resources or designee and the Director of Legal Services and Risk Management or designee.

4.120

PROHIBITED SEX OR GENDER-BASED DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT

I. Purpose

~~The purpose of this Policy is to set forth, consistent with federal, state, and local laws, other rules and the standards of conduct adopted by the College, the College's commitment to maintaining a fair and respectful environment for both work and study and to protect students and applicants for admission, as well as employees and applicants for employment, from prohibited discrimination and harassment, including sex or gender-based discrimination or harassment and, sexual misconduct.~~ To establish clear guidelines in accordance with federal, state, and local laws, as well as the policies adopted by the Board of Trustees, and the standards of conduct adopted by the College, the College's commitment to maintaining a fair and respectful environment for both work and study and to protect students and applicants for admission, as well as employees and applicants for employment, from prohibited discrimination and harassment, including sex or gender-based discrimination or harassment and, sexual misconduct. This includes protection against discrimination or harassment based on sex or gender, as well as incidents of sexual misconduct.

II. Scope

The College's Prohibited Sex or Gender-Based Discrimination, Harassment, and Sexual Misconduct Policy applies to all members of the LCC Community, including students, applicants for admission, employees, applicants for employment, volunteers, guests, vendors, contractors, and visitors to campus or participants in and/or users of College-related programs, services, and activities. The Policy applies to all College programs and activities, including all academic, educational, extracurricular, athletic, social, and other programs and activities related to the College. Application of the Policy is not limited to the College's campuses, facilities, or premises whether they are owned, rented, leased, or otherwise under the control of the College at which any College-related programs or activities occur. The Policy also applies to off-campus misconduct that does not occur in the context of a College-related program or activity if it contributes to a hostile environment on campus, or in any College-related program or activity. ~~For Title IX purposes, this policy does not apply to off-campus activities that are not sponsored by the College.~~

III. General

The College prohibits discrimination or harassment within the scope of this Policy by or against any member of the LCC Community based on the member's race, color, sex, age, religion or creed, national origin or ancestry, familial status, disability, marital status, pregnancy, pregnancy-related conditions, height, weight, sexual orientation, sex stereotypes, sex characteristics, gender, gender identity, gender expression, genetic information, veteran or military status, or any other factor prohibited by law. Prohibited discrimination occurs when one of these factors is the basis for treating a person worse than other people who are "similarly situated." None of these factors shall be permitted to have an adverse influence on decisions regarding students, applicants for admission, employees, applicants for employment, volunteers, guests, vendors, contractors, visitors to campus, volunteers, or participants in and/or users of College-related programs, services, and activities. Lansing Community College will maintain an educational and work environment free of such prohibited discrimination or harassment.

Prohibited harassment is a form of prohibited discrimination. It occurs when (1) severe or persistent unwelcome conduct or comments make it unreasonably difficult or unreasonably unpleasant for a person to be in the College workplace or to participate in or receive the benefits, services, or

opportunities of College studies, programs or activities; and (2) the comments or conduct are based on or reflect hostility to the person's race, color, sex, age, religion or creed, national origin or ancestry, familial status, disability, marital status, pregnancy, pregnancy-related conditions, height, weight, sexual orientation, sex stereotypes, sex characteristics, gender, gender identity, gender expression, genetic information, veteran or military status, or any other factor prohibited by law. Sexual misconduct (described more fully below), including all forms of sexual sex-based harassment, sexual misconduct, included, but not limited to sexual assault, sexual violence, domestic violence, dating violence, stalking, and sexual exploitation/misconduct, is a form of unlawful sex discrimination and is prohibited.

~~For Title IX purposes, sexual harassment is conduct on the basis of sex that satisfies one or more of the following: (1) An employee of Lansing Community College conditioning the provision of aid, benefit, or service of Lansing Community College on an individual's participation in unwelcome sexual conduct; (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Lansing Community College's education program or activity; or (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).~~

The following definitions apply to this policy and may include different definitions as required by specific regulations such as Title IX, The Clery Act (Clery), Violence Against Women (VAWA) Title IV, and Title VII.

A. Sexual Misconduct

All members of the Lansing Community College Community, regardless of their sexual orientation, ~~or their gender, or gender expression, or gender identity,~~ have the right to engage in their College education, work, and other activities free from all forms of sex or gender-based discrimination or harassment, including sexual misconduct. Sexual misconduct includes all forms of sexual harassment as well as acts of sexual assault, dating or domestic violence, stalking, sexual exploitation and intimidation, and retaliation. Consensual or non-consensual sexual activities are prohibited in non-residential areas of the College. All members of the LCC community are required to conduct themselves in a manner that does not infringe upon the rights of others.

1) Sexual Harassment

Sexual Harassment is unwelcome, sexual, sex-based, and/or gender-based verbal, non-verbal, written, electronic, online, and/or physical conduct that is so severe or pervasive that it unreasonably interferes with a person's College employment, academic performance, or participation in College programs or activities and creates a working, learning, program, or activity environment that a reasonable person would find intimidating, hostile, or offensive. Sexual harassment may include, for example, unwelcome sexual advances, requests for sexual favors, acts of sexual violence, physical contact of a sexual nature, or verbal or non-verbal conduct of a sexual nature.

A hostile work/educational environment is created when sexual harassment is sufficiently severe, persistent, or pervasive, and objectively offensive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the College's educational or employment programs or activities.

Quid Pro Quo Harassment is (1) unwelcome sexual advances, (2) requests for sexual favors, and (3) other verbal or physical conduct of a sexual nature by a person having power or authority over another when submission to such sexual conduct is made either explicitly or implicitly a term or condition of (a) employment or educational opportunities, or (b) receiving the benefits of any educational or employment program or activity, or (c) rating or evaluating an individual's education or employment progress, development, or performance.

~~For Title IX purposes sexual harassment is conduct on the basis of sex that satisfies one or more of the following: (1) An employee of Lansing Community College conditioning the provision of an aid, benefit, or service of Lansing Community College on an individual's participation in unwelcome sexual conduct; (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Lansing Community College's education program or activity; or (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).~~

All sexual harassment is prohibited by this Policy.

2) Sex-based Harassment

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment based on sex, including:

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;

Hostile Environment Harassment

Unwelcome sex-based conduct that, based on the totality of the circumstances, is 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 the College's 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:

- a) The degree to which the conduct affected the complainant's ability to access the College's education program or activity;
- b) The type, frequency, and duration of the conduct;
- c) 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;
- d) The location of the conduct and the context in which the conduct occurred; and
- e) Other sex-based harassment in the College's education program or activity

3) Sex Discrimination

Discrimination based on sex stereotypes, sex characteristics, pregnancy or pregnancy-related conditions, sexual orientations, and/or gender identity.

4) Sexual Assault

Sexual assault is any non-consensual sexual contact, including but not limited to non-consensual sexual penetration (see below).

Non-Consensual Sexual Contact

Non-Consensual Sexual Contact (e.g., fondling) is any intentional sexual touching, however slight, by any person upon another person that is without consent and/or accomplished by force or threat of force. Sexual contact includes (1) intentional contact with a person's breast, buttock, groin, or genitals, or (2) touching another with any of these body parts or with any object, or (3) making another touch you or themselves with

or on any of these body parts, or (4) any other intentional bodily contact in a sexual manner.

Non-Consensual Sexual Penetration

Non-Consensual Sexual Penetration (e.g., rape) is any sexual penetration, however slight, by a person upon another person that is without consent and/or accomplished by force or threat of force. This includes vaginal or anal penetration, no matter how slight, by any body part or object; or oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

~~For Title IX purposes, the following definition applies:~~

~~Sexual Assault is any attempted or actual sexual act directed against another person, without the consent of that person, including instances where they are incapable of giving consent~~ **an offense classified as forcible or nonforcible sex under the uniform crime reporting (UCR) system of the Federal Bureau of Investigation (FBI).**

- a) Rape is 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 that person, including instances where they are incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. This offense includes the rape of both males and females.
- b) Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of that person, including instances where they are incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- c) Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d) Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

All sexual assault is prohibited by this Policy.

5) Dating or Domestic Violence

Dating or domestic violence includes all violent criminal offenses (e.g., physical violence, interfering with personal liberty, etc.) as well as intimidation, harassment, physical abuse, or sexual abuse when it is caused by someone in an intimate relationship with another person. Examples of such actions include physical abuse (hitting, slapping, shoving, grabbing, biting, hair pulling, etc.); sexual abuse (marital rape, treating one in a sexually demeaning manner, coercing or attempting to coerce sexual contact without consent, etc.); and psychological or emotional abuse (name-calling, persistently undermining an individual's sense of self-worth or self-esteem, intentionally damaging one's relationships with others, etc.).

Dating Violence

Dating violence is committed by a person who **is in, or** has been in a dating relationship or a social relationship of a romantic or intimate nature with another person. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

~~For Title IX purposes, the following definition applies:~~

~~Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant or reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this definition:~~

- ~~• Dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse.~~
- ~~• Dating violence does not include acts covered under the definition of domestic violence.~~

All dating violence is prohibited by this Policy.

Domestic Violence

Domestic violence is committed by a person who is the complainant's current or former spouse, current or former domestic partner, current or former cohabitant, a person with whom the complainant shares a child in common, or a person similarly situated under domestic or family violence law.

~~For Title IX purposes, the following definition applies:~~

~~Domestic Violence is violence committed:~~

- ~~• By a current or former spouse or intimate partner of the complainant;~~
- ~~• By a person with whom the complainant shares a child in common;~~
- ~~• By a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner;~~
- ~~• By a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;~~
- ~~• By any other person against an adult or youth complainant who is protected from that person's act under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.~~

~~To categorize an incident as Domestic Violence, the relationship between the respondent and the complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.~~

~~All domestic violence is prohibited by this Policy.~~

~~For the Clery Act and the Violence Against Women's Act purposes, the following definition applies:~~

Domestic Violence is a felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior by a person who:

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

All domestic violence is prohibited by the Policy.

6) Stalking

Stalking means a course of harassment directed at a specific person that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested, or to fear for her, his, their, or others' safety, or to suffer substantial emotional distress. Conduct that can amount to stalking may include any combination of actions directed at another person, whether done directly, indirectly, through others, via devices, or by any other methods or means (specifically including electronic means), including but not limited to:

- Following, appearing within sight of, or confronting a person;
- Being or remaining in close proximity to a person;
- Appearing at a person's residence or place of employment;
- Monitoring, observing, or conducting surveillance of a person;
- Threatening (directly or indirectly) a person;
- Communicating with a person by telephone, mail, or electronic communications;
- Placing an object on or delivering an object to a place owned, leased, or occupied by a person;
- Interfering with or damaging a person's property (including pets).

~~For Title IX purposes, the following definition applies:~~

~~Engaging in Stalking is~~ a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. ~~For the purposes of this definition:~~

- ~~• Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.~~
- ~~• Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant.~~
- ~~• Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.~~

All stalking is prohibited by this Policy.

7) Economic Abuse

Economic abuse, in the context of domestic violence, dating violence, and abuse in later life, is behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to:

- Restrict a person's access to money, assets, credit, or financial information;
- Unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or
- Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

8) Technological Abuse

Technological abuse is an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to:

- Internet-enabled devices;
- online spaces and platforms;
- computers;
- mobile devices;
- cameras and imaging programs;
- apps;
- location tracking devices;
- or communication technologies;
- or any other emerging technologies

9) Sexual Exploitation

Sexual Exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for the advantage or benefit of oneself or a third party. This includes, but is not limited to, the following actions (including when they are done by electronic means, methods, or devices):

- Invasion of sexual privacy (e.g., engaging in sexual voyeurism or permitting others to witness or observe the nudity or sexual or intimate activity of another person) without that person's consent;
- Indecent or lewd exposure or inducing others to expose themselves when consent is not present;
- Recording any person's nudity or sexual or intimate activity in a private space without that person's consent;
- Sharing or distributing sexual information, or images or recordings of a person's nudity or sexual activity, without that person's consent;

- Recruiting, harboring, transporting, providing, or obtaining another person for the purpose of sexual exploitation, such as prostitution;
- Knowingly exposing someone to or transmitting HIV or an STI/STD to another person;
- Inducing incapacitation in another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct actually occurs.

All sexual exploitation is prohibited by this Policy.

10) Hazing

Hazing is prohibited as it constitutes a violation of this Policy and the state of Michigan's Anti-Hazing law (Garret's Law- MCL-Section 750.411t). This policy applies to all student organizations and student groups, including but not limited to athletic teams, spirit groups, military organizations, honor societies, fraternities and sororities, musical or theatrical ensembles, bands, and clubs.

"Hazing" means an intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against an individual and that the person knew or should have known endangers the physical health or safety of the individual, and that is done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization.

B. Consent

Consent is the cornerstone of respectful, responsible, and healthy relationships. Conduct that is welcome and occurs with the consent of everyone involved does not constitute sexual harassment.

For purposes of this Policy, it is important to understand the difference between conduct or comments that are welcome and those that are merely tolerated. Conduct or comments are considered welcome if they are received with pleasure or gladness by everyone involved. If two people are engaged in consensual conduct in private, that conduct is welcome to them. In such cases, the conduct or comments will not be deemed to violate the College Policy against sexual harassment (although they may violate other parts of this or other College policies).

In contrast, conduct or comments may be accepted or endured without objection, but still, be unwelcome. They are merely tolerated. People frequently tolerate unlawful harassment silently, or with only weak protests, because they are afraid of losing their job or they just want to "fit in" or "get along," etc. A person's decision to tolerate abusive or harassing comments or conduct does not make them welcome. The only way to be certain that comments or conduct are welcome is to obtain a person's consent to the comments or conduct.

Consent is the most critical element in any healthy and responsible intimate or sexual relationship. Any sexual activity within the scope of this Policy that occurs without consent is an extremely serious violation.

For purposes of this Policy, consent is present *when clearly understandable words or actions manifest a knowing, active, voluntary, and present and ongoing agreement to engage in specific sexual or intimate conduct*. Consent must be *all* of the following:

- *Knowing*: Consent must demonstrate that the individuals involved understand, are aware of, and agree to everything about the "who" (partners), "what" (acts), "where" (location), "when" (time), and "how" (conditions) of the sexual activity.

- *Active*: Consent must take the form of “clearly understandable words or actions” that reveal one’s expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, or the lack of verbal or physical resistance (including the lack of a “no”) should not, in and of themselves, be understood as consent. Consent cannot be inferred by an individual’s manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location, or going on a date.
- *Voluntary*: Consent must be freely given and cannot be the result of external pressures such as force (violence, physical restraint, or the presence of a weapon), threats (indications of intent to harm, whether direct or indirect), intimidation (extortion, menacing behavior, bullying), coercion (undue pressure, hazing) or fraud (misrepresentation or material omission about oneself or the present situation in order to gain permission for sexual or intimate activity).
- *Present and ongoing*: Consent must exist at the time of the sexual activity. Consent to previous sexual activity does not imply consent to later sexual acts; similarly, consent to one type of sexual activity does not imply consent to other sexual acts. Consent may also be withdrawn at any time, provided the person withdrawing consent makes that known in clearly understandable words or actions.

Consent is never present when an individual does not have the capacity to give consent due to age, mental or physical condition, or disability that impairs the individual’s ability to understand and give a knowing, active, voluntary, present, and ongoing agreement to engage in specific sexual or intimate conduct. A person does not have the capacity to give consent if their judgment or awareness is impaired due to **the** consumption of alcohol, drugs, or inhalants (voluntarily or involuntarily), or being in a state of unconsciousness, sleep, or another state in which the person is unaware that sexual activity is occurring. Signs of incapacitation include when an individual demonstrates that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction.

Some indicators of a lack of capacity to give consent due to consumption of alcohol, drugs, or inhalants may include, but are not limited to:

- Lack of full control over physical movements (for example, difficulty walking or standing without stumbling or assistance);
- Lack of awareness of circumstances or surroundings (for example, lack of awareness of where one is, how one got there, who one is with, or how or why one became engaged in sexual interaction);
- Inability to effectively communicate for any reason (for example, slurring speech, difficulty finding words, etc.).

If a person appears to be giving consent but may not have the capacity to do so, the apparent consent is not effective. If there is any doubt as to a person’s capacity to give consent, it should be assumed that the person does not have the capacity to give consent and that any sexual activity will constitute sexual misconduct.

Being intoxicated or impaired by drugs or alcohol does not excuse one from the responsibility to obtain consent. Being intoxicated or impaired by drugs or alcohol is never an excuse for committing sexual misconduct.

C. Reporting or Complaining About a Violation

Any student, employee, visitor, or other member of the LCC Community who experiences any suspected violation of this Policy has options for reporting or filing a complaint about it. A

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complainant may choose to report a violation to the College, to law enforcement, to both, or neither. At the complainant's election, campus authorities may assist in notifying law enforcement. LCC strongly encourages anyone who has experienced any form of violence or sexual misconduct to immediately notify law enforcement. Such persons are also strongly encouraged to seek immediate medical assistance in order to obtain treatment for injuries, obtain preventative treatment for sexually transmitted diseases, and to preserve evidence, among other things. For sexual assaults, in particular, immediate treatment and the preservation of evidence are important for many reasons, including facilitating a criminal investigation. In addition, individuals who have experienced or witnessed sexual violence are encouraged to seek emotional support as soon as possible. Once notified, the College will support affected individuals in understanding and pursuing available options.

Reporting to Law Enforcement: A complainant has the right to notify (or decline to notify) law enforcement of any act of violence, sexual misconduct, stalking, or other criminal activity. At the complainant's election, campus authorities may assist in notifying law enforcement. LCC urges complainants to report any such activity immediately by contacting local law enforcement, with local numbers listed below:

For emergencies, call 911.

For non-emergencies, call:

Any location: LCC Police ~~Department~~ and Public Safety (non-emergency) (517) 483-1800

Main Campus: Lansing Police Department (non-emergency) (517) 483-4600

East Campus: Meridian Township Police (non-emergency) (517) 332-6526

West Campus: Eaton County Sheriff (non-emergency) (517) 543-3512

Mason Jewett Airport: Ingham County Sheriff (non-emergency) (517) 676-2431

Livingston County Center: Livingston County Sheriff (non-emergency) (517) 546-2440

Law enforcement agencies have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking Personal Protection Orders. Although a police report may be made at any time, a delay in making a report can result in ~~the~~ loss of important evidence, and, in some cases, an extended delay may prevent law enforcement from taking meaningful action due to statutes of limitations.

Reporting to LCC: Whether or not a police report is filed, the College urges anyone who becomes aware of any apparent violation of this Policy to report the incident(s) immediately to the College. A complainant is not obligated to report an incident to College personnel, but the College can only take corrective action when it becomes aware of such incidents. Reports alleging any form of prohibited discrimination or harassment may be made in person, in writing, ~~(preferred)~~, or orally. ~~Procedures and complaint forms can be found on the Title IX and Sexual Misconduct website.~~

~~For Title IX purposes, Reports alleging any form of sexual harassment may be made in person, by phone, by mail, by electronic mail, or through the electronic complaint form. A written formal complaint alleging sexual misconduct/harassment must be made to the Title IX Coordinators listed below. The formal complaint made under Title IX should also include a statement on the part of the complainant as to whether the complainant requests the College to commence an investigation into the alleged matter.~~

~~Procedures and complaint forms can be found on the Title IX and Sexual Misconduct website.~~

Reports or complaints about misconduct should be given to one of the following:

1. **To report a student:** Any claim that a student engaged in sex discrimination (including pregnancy-based discrimination) or sexual misconduct (including sexual harassment) should be reported to:

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Christine Thompson, Director of Student Compliance
Student Title IX Coordinator
Office of Student Compliance
Location: 411 N. Grand Avenue
Gannon Building 1210
Lansing, MI 48933
Phone: (517) 483-9632
Email: thompssc@lcc.edu

Greg Lattig
Athletic Director
Deputy Student Title IX Coordinator
Gannon Building
411 N. Grand Avenue
Lansing, MI 48933
Phone: (517) 483-1622
Email: lattigg@lcc.edu

2. **To report an employee, guest, or vendor:** Any claim that a member of the LCC Community other than a student (employees, visitors, etc.) engaged in sex discrimination (including pregnancy-based discrimination) or sexual misconduct (including sexual harassment) should be reported to:

JR Beauboeuf
Director of Risk Management and Legal Services,
Equal Opportunity Officer & Employee Title IX Coordinator
Location: 309 Washington Square
Suite 150
Lansing, MI 48933
Phone: (517) 483-1730
Email: beauboej@lcc.edu
Email: HR-T9@star.lcc.edu

3. **To file an EEO complaint** Any incident involving any other form of prohibited discrimination or harassment based on race, religion, disability, or other non-gender-based issues should be reported to:

JR Beauboeuf
Director of Risk Management and Legal Services
Location: 309 Washington Square
Suite 150
Lansing, MI 48933
Phone: (517) 483-1730
Email: beauboej@lcc.edu

~~Reports of alleged violations of this Policy can also be made to Officials with Authority (OWA). An OWA is an employee who has the authority to institute immediate corrective measures on behalf of the College. For the purpose of this policy, an OWA is the Executive Director of Human Resources or any member of the Executive Leadership Team. OWA's are required to immediately report any allegations of sexual misconduct or sexual harassment to the appropriate Title IX Coordinator.~~

Additionally, Reports of alleged violations of this policy can be made to any employees of the College who are mandated reporters. Mandated reporters do not include student employees and Licensed Professional Counselors serving in a Counselor role at the College. Mandated reporters are required to immediately report any allegations of sexual misconduct or sexual harassment to the appropriate Title IX Coordinator.

Reports of alleged violations of this policy may trigger an investigation. There is no guarantee that confidentiality can be maintained concerning any reported incident, although the College will strive to keep matters as confidential as possible.

Reports concerning alleged violations of this Policy can also be made to one of the College's Licensed Professional Counselors. Counselors can talk with a complainant in confidence,

and if requested, they will only report that a prohibited incident has occurred without revealing any personally identifiable information about the incident. If a complainant wants a counselor to maintain confidentiality, the College will be unable to conduct an investigation or pursue disciplinary action. If a Licensed Professional Counselor learns of an allegation of sexual misconduct or sexual harassment outside of their counselor/client relationship, they are required to make a report with the appropriate Title IX Coordinator. Further, anyone who is a Licensed Professional Counselor but is employed in a role other than a counselor working for the College is required to make a report of alleged sexual misconduct or sexual harassment with the appropriate Title IX Coordinator.

Another option is for a complainant or witness to report an incident anonymously. Anonymous complaints ~~regarding a student~~ should be submitted through the form on the [Title IX and Sexual Misconduct](#) website. ~~Anonymous complaints regarding an employee, guest, or vendor should be completed by calling the Human Resources direct line at (517) 483-1870 or by emailing HR-T9@star-icc.edu.~~ Anonymous reports may result in the College conducting an investigation, but the College's ability to deal with an incident may be limited by a lack of necessary information.

There is no time limit for reporting alleged violations of this Policy to the College; however, the College's ability to respond may diminish over time, as evidence may disappear or erode, memories may fade, and respondents (alleged perpetrators) may no longer be affiliated with the College. Even if a respondent is no longer a student or an employee, the College will provide reasonably appropriate remedial measures, assist the complainant in identifying external reporting options, investigate any alleged violation of this Policy, and take reasonable steps to end any violation of the Policy, prevent its recurrence, and remedy its effects.

Reporting to other agencies. Anyone experiencing unlawful discrimination or harassment can also file a complaint with other agencies, whether or not they have chosen to do so with the College or with law enforcement. Government agencies that accept complaints, conduct investigations, and enforce the laws against unlawful discrimination and harassment include:

United States Department of Education
Office for Civil Rights (OCR)
1350 Euclid Avenue, Suite 325
Cleveland, OH 44115-1812
Phone: 216-522-4970
TTY: 800-877-8339
Fax: 216-522-2573
E-Mail: OCR.Cleveland@ed.gov

United States Equal Employment Opportunity Commission
Patrick V. McNamara Building
477 Michigan Avenue
Room 865
Detroit, MI 48226
Phone: 1-800-669-4000
Fax: 313-226-4610
TTY: 1-800-669-6820
Michigan Department of Education
Office of Career and Technical Education
P.O. Box 30712, Lansing, Michigan 48909
Telephone: (517) 373-0600

Michigan Department of Civil Rights
Lansing Executive Office
Capitol Tower Building
110 W. Michigan Ave., Suite 800
Lansing, MI 48933
Phone: 517-335-3165
Fax: 517-241-0546
TTY: 517-241-1965
Email: MDCR-INFO@michigan.gov

D. Confidentiality

The College has a strong desire to assist members of the LCC Community who have been subjected to conduct or comments that violate this Policy and strongly encourages them to report any such incidents. The College will make every reasonable effort to preserve an individual's privacy and protect the confidentiality of information it receives in connection with such a report. The information reported will be shared only with individuals who assist or are otherwise involved in the investigation and/or the resolution of the complaint, or who otherwise have a need to know about the complaint and/or its resolution. Allegations reported to mandated reporters will be reported to the appropriate Title IX coordinator or EEO officer. If a person discloses an incident but wishes to maintain confidentiality or requests that no investigation or disciplinary action occur, that request must be weighed against the College's obligation to provide a safe, non-discriminatory environment. In deciding what to do, the College will consider a range of factors, including, but not limited to:

- Whether there have been other complaints against the same person(s) ~~(may not apply to Title IX)~~
- The risk that the alleged respondent (s) will commit additional acts of misconduct ~~(may not apply to Title IX)~~
- Whether there were threats of further misconduct
- Whether the College can obtain other relevant evidence (e.g., security video or physical evidence)
- Whether the alleged respondent has a known history of arrests or violence
- Whether the incident(s) involved actual or threatened violence or force
- Whether the complainant is under the age of consent or a minor
- The degree of harm or trauma suffered by the complainant or by potential complainants

If it determines that it can respect a request for confidentiality, the College will consider non-specific remedial action, such as increased monitoring, security, and/or education and prevention efforts. If it determines that it cannot maintain confidentiality, the College will so inform the individual(s) subjected to misconduct prior to the start of an investigation. The College will also provide security and support prior to, during, and if necessary after, the investigation.

E. Getting Help

Any student, employee, visitor, or other member of the LCC Community who experiences any suspected violation of this Policy has options for getting assistance, care, support, and protection. Internal and external resources can be found on the [Title IX and Sexual Misconduct website](#). The College strongly encourages people to utilize these resources as soon as possible.

The following confidential resources, LCC counseling for students, and an Employee Assistance Program (EAP) are available for individuals to discuss incidents and issues related to unlawful discrimination, harassment, or sexual misconduct on a confidential basis. Confidential resources will not disclose information about such incidents to anyone, including law enforcement or the College, except in very limited situations, such as when failure to disclose the information would result in imminent danger to the individual or to others or where state law requires a report be made. Confidential resources can provide individuals with information about support services and their options. Because of the confidential nature of these resources, disclosing information to or seeking advice from a confidential counselor does not constitute a report or complaint to the College and will not result in a response or intervention by the College except in extreme circumstances.

LCC Counseling offers free confidential counseling services which are available to all LCC students:

Location: Gannon Building
Phone: 517-483-1924
[Website: Counseling Services](#)

The College provides a confidential Employee Assistance Program, at no cost to all LCC employees:

Phone: 800-847-7240

Both LCC Counseling and the EAP have the ability to provide information related to available outside resources, depending on the situation reported.

If the College is notified of an alleged incident of unlawful discrimination, harassment, or sexual misconduct, it ~~may~~ **will** provide **non**-punitive supportive measures, interim measures, protective measures, and accommodations **as reasonably available. These supportive measures shall not be unreasonably burdensome on the Respondent.** Such steps can be taken temporarily, during the pendency of an investigation, or may become permanent in some circumstances. Supportive measures, interim measures, protective measures, and accommodations include, but are not limited to:

- A no-contact directive
- Adjustment of course schedules or employment schedules
- Time off from class or work or a leave of absence
- Transportation arrangements
- Safety planning
- **Referral to counseling, medical, and/or other healthcare services**
- **Referral to community-based service providers**
- **Visa and immigration assistance**
- **Student financial aid counseling**
- **Timely warnings**
- **Any other actions deemed appropriate by the Title IX Coordinator**

Supportive measures, interim measures, protective measures, and accommodations can be made available whether or not an individual chooses to pursue a ~~formal~~ complaint through law enforcement agencies or College disciplinary procedures and will be offered to both the complainant and the respondent. The Title IX Coordinator will determine whether supportive measures, interim measures, protective measures, or accommodations are reasonable and appropriate and if so, will work to ensure that interim protective measures or accommodations are implemented as soon as possible. There is no cost to a complainant or respondent for supportive measures, interim measures, protective measures, or accommodations. The College will keep any supportive measures, interim measures, protective measures, and accommodations, or protective measures provided as confidential as practicable.

Any violation of a directive related to supportive measures, interim measures, protective measures, or accommodations may result in disciplinary action which may include, but is not limited to, suspension, or expulsion from the College or suspension or termination of employment.

F. Retaliation

No person ~~will~~ **shall** be penalized for good faith utilization of channels available for resolving concerns dealing with prohibited discrimination or harassment. Lansing Community College strictly prohibits any adverse **or retaliatory** action against any individual for making a good faith report, providing information, exercising one's rights or responsibilities under this Policy, or otherwise being involved in the process of responding to, investigating, or addressing, or opposing any alleged incidents of prohibited discrimination or harassment, including allegations of sexual misconduct. Any person who engages in any retaliatory actions against any such individual for having engaged in these legally protected activities will be subject to disciplinary action that may include but is not limited to, expulsion from the College and termination of employment. In addition, any person who engages in such retaliatory actions may be subject to criminal prosecution and may become liable in civil litigation.

Making deliberately false accusations of discrimination or harassment violates this policy and may violate other standards of conduct. In such instances, the complainant will be subject to disciplinary action. However, failure to prove a claim of discrimination or harassment does not constitute proof of a false and/or malicious accusation.

For Title IX purposes, no recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing. Intimidation, threats, coercion, or discrimination (including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances) for the purpose of interfering with any right or privilege under Title IX, constitutes retaliation.

Anyone who is aware of possible retaliation or has concerns regarding the response to a complaint of prohibited discrimination or harassment, including sexual misconduct, should immediately report such concerns to the Title IX Coordinator or the Equal Opportunity Officer, who will investigate the matter and pursue any appropriate corrective action.

G. Education & Training

The College provides education and information, as appropriate, for **training** to students and employees ~~to enhance understanding and increase awareness of the College's Prohibited Sex or Gender-Based Discrimination, Harassment, and Sexual Misconduct Policy and Procedures~~ **on the subject of prohibited discrimination, harassment, and sexual misconduct and other topics related to Title IX. LCC employees are required to participate in Title IX training specific to the areas above.** Periodic training is conducted for ~~mandated reporters and~~ those involved in the investigation and resolution of complaints and appeals. ~~Records of all training are maintained and, for Title IX purposes, published on the Title IX and Sexual Misconduct website.~~ Human Resources, Student Affairs, and LCC ~~Public Safety~~ **Police Department** are authorized to provide and develop education programs to increase knowledge and share information and resources to prevent sexual misconduct, promote safety, and reduce perpetration.

H. Investigations

All reports and complaints of prohibited discrimination, harassment, or sexual misconduct received by a Title IX Coordinator or EEO Officer will be promptly reviewed and appropriate action will be taken as expeditiously as possible. **The investigatory files under this policy are not part of the public domain.**

The College will make reasonable efforts to protect the rights of both the complainant and the respondent during the course of an investigation. The College will respect the privacy of the complainant(s), the respondent(s), and any other witnesses in a manner consistent with the College's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations required by state or federal law. **In the event of a conflict with FERPA or State Law at any point in a Title IX process, Title IX regulations will take precedence. A parent or legal guardian of a minor child retains all legal rights to act on behalf of a complainant, respondent, or other person.**

In the course of investigating, the College will determine whether the complaint ~~is one that~~ is covered by this Policy. If not, the complaint may be referred to another College complaint/dispute resolution procedure. Upon ~~actual~~ knowledge of an alleged violation of this policy, the College will respond promptly in a manner that is not deliberately indifferent, meaning a response that is not clearly unreasonable in light of the known circumstances. The College will treat complainants and respondents equitably and will follow the appropriate process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

For Title IX purposes, once a ~~formal~~ complaint is ~~signed~~ **received**, the Title IX Coordinator will

initiate the investigation process, and the Title IX Investigator will conduct the investigation. The investigation will be conducted in a reasonably prompt time frame, and complainants and respondents will be treated equitably, ~~and in a manner that is not deliberately indifferent~~. This time frame and treatment of the parties also applies to any appeal process.

If a complaint appears to be covered by this Policy, the responsible investigator will promptly meet with the complainant to obtain any necessary information, including a detailed description of the incident(s) and the identity of any witnesses. The investigator will then seek additional information and evidence as appropriate. Any person(s) against whom a complaint is made will be timely notified of the complaint and a meeting to discuss the complaint may be scheduled as appropriate.

The investigator will maintain appropriate documentation of the complaint and will disclose information to others with a legitimate interest consistent with internal procedures, this Policy, and state and federal law. In appropriate cases, the investigator may make a referral to and cooperate with criminal justice agencies for possible investigation and prosecution. The College, however, will continue with its investigation independent of any investigation conducted by law enforcement agencies.

During the investigation, the College has the responsibility of collecting evidence. Each party has an equal opportunity to present and suggest witnesses and to submit inculpatory and exculpatory evidence. Parties will have equal access to evidence, written reports, witness statements, and other information relevant to the investigation. Respondents are presumed to have not violated any policy until a determination regarding responsibility is made at the conclusion of the process.

Upon conclusion, if required or appropriate, the College will notify the complainant and respondent of the results of the College's investigation. In the event the investigation reveals a violation of this or any other College Policy, corrective action will be taken by the College. Where prohibited discrimination and/or harassment is found, steps will be taken to end it immediately. Disciplinary action may be imposed if appropriate. The level of discipline will depend on the severity of the discrimination, harassment, or misconduct and may include, but is not limited to, probation, suspension, expulsion, or termination from the College. The College may also take other corrective or remedial action to address the effects of any violation of this Policy and will follow up as necessary to ensure that the corrective or remedial action is effective.

In determining whether or not an incident involves prohibited discrimination, harassment, or sexual misconduct, the College uses the "preponderance of the evidence" (also known as "more likely than not") as the standard for proof. In campus resolution proceedings, legal terms like "guilt," "innocence," and "burden of proof" are not applicable, and the College never assumes a responding party is or is not in violation of the College Policy. College resolution proceedings are conducted to take into account the totality of all relevant evidence available.

The full Title IX procedure when the respondent is a student ~~or employee~~ can be found on the [Title IX and Sexual Misconduct](#) website.

~~The full Title IX investigatory procedure when the respondent is an employee can be found on the [Title IX and Sexual Misconduct](#) website.~~

I. Relationship to Other Policies

This Policy is closely related to the College's broader policy that prohibits unlawful discrimination or harassment by or against any member of the LCC Community on the basis of the member's race, color, sex, age, religion or creed, national origin, or ancestry, familial status, disability, marital status, ~~pregnancy, pregnancy-related conditions~~, height, weight, sexual orientation, gender, gender identity, gender expression, genetic information, veteran or military status, or any other factor prohibited by law.

The College is committed to protecting, maintaining, and encouraging both freedoms of expression and full academic freedom of inquiry and teaching. Academic freedom and freedom of expression

will be carefully considered in investigating and reviewing complaints and reports of prohibited discrimination, harassment, or sexual misconduct. However, raising issues of academic freedom and freedom of expression will not excuse behavior that constitutes a violation of the law or the College's Prohibited Sex or Gender-Based Discrimination, Harassment, and Sexual Misconduct Policy.

The College's Policy on Consensual Relationships addresses a variety of restrictions on relationships between students, faculty, staff, and administrators. Compliance with that policy will not excuse a violation of this Policy.

IV. Responsibility

Responsibility for the interpretation and administration of this policy is delegated to the Executive Director of Human Resources or ~~his/her~~ designee, ~~as applicable~~.

TRUSTEE PROCTOR MOVED AND TRUSTEE VAIVE SECONDED to suspend Board Bylaw 1.6.6 requiring a first read of proposed policy revisions.

Roll call vote:

Ayes: Hidalgo, Vaive, Mathews, Garcia, Frazier, Thomas, Proctor

Nays: None

Absent: None

The motion carried.

TRUSTEE PROCTOR MOVED AND TRUSTEE VAIVE SECONDED, that the recommended policy revisions to College Policy 4.020, 4.110, and 4.120 be approved.

Roll call vote:

Ayes: Vaive, Garcia, Hidalgo, Frazier, Thomas, Proctor, Mathews

Nays: None

Absent: None

The motion carried.

Linkage Planning/Implementation

Chair's Report

Chair Mathews gave a recap and wished everyone a Happy Holiday with their family and friends.

Board Report – Foundation Update

Trustee LaShunda gave the following Foundation update:

- The Foundation celebrated 18 donors who came together on Giving Tuesday and donated \$2,250.

Board Report – Trustee Proctor Request

Trustee Proctor stated that he was considering running for an ACCT office and that one of the requirements is to submit a letter of support from your local board indicating your institution's commitment to providing financial support for your service as an ACCT Board member, including participation in the ACCT Leadership Congress, Community College National Legislative Summit, and Annual Summer Board of Directors Retreat and Meeting.

TRUSTEE HIDALGO MOVED AND TRUSTEE MATHEWS SECONDED, to submit a letter of recommendation and financial support for Trustee Proctor's service as an ACCT Board member.

Roll call vote:

Ayes: Mathews, Garcia, Vaive, Frazier, Thomas, Hidalgo

Nays: None

Absent: None

Trustee Proctor abstained from voting.

Unfinished Business

There was no Unfinished Business.

New Business

Chair Mathews mentions the New Business items for January 27, 2025.

A. Oath of Office Ceremony

1. Noel Garcia, Jr.
2. Hope M. Lovell
3. Terrence Frazier
4. Chatum Taylor

B. Chair's Report

1. Conflict of Interest Disclosure Statement
2. Review of the Annual Board Planning Cycle
3. Board Reorganization
4. Election of Officers
5. New Committee Appointments

Public Comment

Eva Menefee: Eva Menefee, President of MAHE and a member of the Health Care Task Force, thanked the Board for the resolution addressing the cost of living adjustment.

Karen Sturdiavant: Karen Sturdiavant thanked the Board for the decision to support continued free access to the fitness center for retirees and alumni.

Pam Davis: Pam Davis, an LCC Counselor, addressed the Board regarding her seeing a decline in morale on the campus and hearing statements that the culture of care was just a COVID thing. She stated she is not hearing the message of empowerment and inclusion at the meetings she attends.

Cheryl Garayta: Cheryl Garayta, AFT representative to the healthcare task force, addressed the Board regarding the upcoming renegotiations of contract and hoping to work with the college to look at other carriers and plans to find better options for everyone.

Board Comment

There were Board comments from Thomas, Vaive, Hidalgo.

Chair Mathews made the following statement:

The Board reviewed and appreciates all of the public comments and emails related to healthcare premiums. At the Board's request, the President and college administration have also reviewed feedback and continue to keep the Board informed on developments with healthcare costs and the legal requirements of Public Act 152. This is a very complex issue, and the Board understands it creates a large impact on all employees of the college who receive their health care benefits from LCC. While the college is currently exploring creative solutions to lower premium costs in future years, there are no plans for the Board to revisit Public Act 152 and the hard cap for 2026 through Board action. The challenge is bigger than LCC. Our rates are not set by LCC but are determined externally by the Western Michigan Health Insurance Pool (WMHIP). Healthcare costs are rising nationally and across the state, and certainly at every community college in Michigan. We also have the added complication that Public Act 152 limits LCC's contributions to employee health care costs. Since the inception of this law, LCC has used what the state calls the "hard cap," and the state-set limit on the hard cap for 2025 increased by only 0.2%. That means LCC's contributions to employee health care costs can only go up by 0.2% by law, while rates are rising much faster. We are hopeful that the Legislature will get involved, but we don't know what the future holds. Because the hard cap is in place for 2025, changes to the current rates are not possible. Open enrollment has concluded and the 2025 rates are set. The College has reached out to our insurance provider to uncover alternative options for the future. This has been explored at length with the Health Care Task Force and explained in great detail in The Star and a special FAQ prepared by Human Resources. Public Act 152 outlines the hard cap as the default for all public employers; special action by the Board would be required to deviate from this default, which has been in place at LCC since the law was passed.

Closed Session

TRUSTEE HIDALGO MOVED AND TRUSTEE THOMAS SECONDED, that the Board enter into a Closed Session under Section 8(a) of the Michigan OMA to discuss the President's annual performance review at his request that this review be conducted in a closed session.

Roll call vote:

Ayes: Frazier, Garcia, Hidalgo, Mathews, Proctor, Thomas, Vaive

Nays: None

Absent: None

The motion carried.

The Board entered into a closed session at 7:50 p.m.

The Board returned to the open session at 8:18 p.m.

Roll Call

Present: Frazier, Garcia, Hidalgo, Mathews, Proctor, Thomas, Vaive

Absent: None

TRUSTEE VAIVE MOVED AND TRUSTEE GARCIA SECONDED, to submit a letter of recommendation and financial support for Trustee Mathews's service as an ACCT Board member.

Roll call vote:

Ayes: Frazier, Garcia, Hidalgo, Mathews, Proctor, Thomas, Vaive

Nays: None

Absent: None

The motion carried.

TRUSTEE HIDALGO MOVED AND TRUSTEE VAIVE SECONDED, that the Board increase the President's annual salary to \$291,200 and extend his employment term to June 30, 2029, effective January 1, 2025.

Roll call vote:

Ayes: Frazier, Garcia, Hidalgo, Mathews, Proctor, Thomas, Vaive

Nays: None

Absent: None

The motion carried.

Adjournment

TRUSTEE PROCTOR MOVED AND TRUSTEE FRAZIER SECONDED to adjourn the meeting.

Roll call vote:

Ayes: Frazier, Garcia, Hidalgo, Mathews, Proctor, Thomas, Vaive

Nays: None

Absent: None

The motion carried.

The meeting adjourned at 8:20 p.m.

Submitted,

Executive Assistant/Liaison to the Board
Benita Duncan