

# 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 law, other policies adopted by the Board of Trustees, and rules and standards of conduct adopted by the College, the College's commitment to maintaining a fair and respectful environment for 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.

## **II. Scope**

The College's Prohibited Sex or Gender-Based Discrimination, Harassment, and Sexual Misconduct Policy apply to all members of the LCC Community, including students, employees, volunteers, guests, vendors, contractors, and visitors to campus. 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, height, weight, sexual orientation, 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 upon decisions regarding students, applicants for admission, employees, applicants for employment, contractors, 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, height, weight, sexual orientation, 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 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 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).

## **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) 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.

- 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.

### 3) **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 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.

#### **4) 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 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.

## **5) 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.

## **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 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 members of the LCC Community who experiences any suspected violation of this Policy has options for reporting or filing a complaint about it. A 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 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 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. 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 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:

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: [thompsc@lcc.edu](mailto:thompsc@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:

Sarah Velez, Human Resources Manager  
Employee Title IX Coordinator  
Human Resources Office  
Location: 610 N. Capitol Avenue  
Administration Building Suite 106  
Lansing, MI 48933  
Phone: (517) 483-1874  
Email: dietels@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 [LCC-TitleIX@lcc.edu](mailto:LCC-TitleIX@lcc.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](mailto: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 occurs, 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 members 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 provide supportive measures, interim measures, protective measures, and accommodations. 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

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 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 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**

The College provides education and information, as appropriate, for 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. 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 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 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 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, 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 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, 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.



Adopted: March 18, 2002 (*original: Harassment Prevention*)

Revised: 3/19/2012 (*renamed: Prohibited Discrimination and Harassment*)

Revised: 10/17/2016 (*renamed: Prohibited Sex or Gender-Based Discrimination, Harassment, and Sexual Misconduct*), 04/15/2020, 01/25/2021

Reviewed: 03/19/2018