

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

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## **I. Purpose**

The purpose of this Policy is to more fully set forth 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 sex or gender based discrimination or harassment, as well as sexual misconduct, 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.

## **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, employees, staff, faculty, supervisors, administrators, officials, 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, or to facilities or premises 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.

## **III. General**

The College prohibits discrimination or harassment within the scope of this Policy 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. 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 assault,

sexual violence, domestic violence, dating violence, stalking, and sexual exploitation/misconduct, is a form of unlawful sex discrimination and is prohibited.

## **A. Sexual Misconduct**

All members of the Lansing Community College Community, regardless of their sexual orientation or their gender or gender expression, 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. All members of the LCC community are expected to conduct themselves in a manner that does not infringe upon the rights of others.

### **1) Sexual Harassment**

Sexual Harassment is unwelcomed, sexual, sex-based, and/or gender-based verbal, written, electronic, online, and/or physical conduct which 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 a variety of 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 unwelcome sexual advances, requests for sexual favors, and 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 as a term or condition of employment or educational opportunities, or of receiving the benefits of any educational or employment program or activity, or of rating or evaluating an individual's education or employment progress, development, or performance.

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). All sexual assault is prohibited by this Policy.

#### **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. Sexual contact includes intentional contact with a person's breast, buttock, groin, or genitals, or touching another with any of these body parts or with any object, or making another touch you or themselves with or on any of these body parts, or 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. 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.

Sexual penetration or other overt sexual activity, whether consensual or non-consensual, is prohibited in non-residential areas on all College campuses, and during all College programs and activities, on or off campus, at all times.

## **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.). All dating or domestic violence is prohibited by this Policy.

### **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 relationship will be gauged by its length, type, and frequency of interaction.

### **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, or a person similarly situated under domestic or family violence law.

## **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, 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).

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 as 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 his or her 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 other 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 complainant may choose to report a violation to the College, to law enforcement, to both, or to neither. 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 rapes 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. 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

LCC North: St. Johns Police Department (non-emergency) (989) 224-6721

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, delay in making a report can result in loss of important evidence, and, in some cases, 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 writing (preferred) or orally. Procedures and complaint forms can be found on the [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: Gannon Building 133  
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:

Lori Willett  
Employee Title IX Coordinator  
Human Resources Office  
Location: Administration Building 103  
Phone: (517) 483-1979  
Email: [loriw@lcc.edu](mailto:loriw@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 Beaubouef, Director of Risk Management  
Finance, Administration and Advancement  
Location: Washington Court Place  
Phone: (517) 483-1730  
Email: [beauboej@lcc.edu](mailto:beauboej@lcc.edu)

Reports of alleged violations of this Policy can also be made to Associate Deans, Deans, Vice Presidents or the President. They, like all non-confidential employees of the College who are mandatory reporters, are required to report all information about alleged violations to a Title IX Coordinator or the Equal Opportunity Officer as soon as they learn about it. Such reports may trigger an investigation, and 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 victim 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 victim wants a counselor to maintain confidentiality, the College will be unable to conduct an investigation or pursue disciplinary action.

Another option is for a victim or witness to report an incident anonymously by calling the Human Resources direct line at (517) 483-1870 or by emailing [hr@lcc.edu](mailto:hr@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 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](mailto: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 resolution of the complaint, or who otherwise have a need to know about the complaint and/or its resolution.

It must be understood, however, that the College generally has an obligation to investigate an alleged violation of this Policy. Allegations reported to non-confidential employees will be reported to the appropriate Title IX coordinator or EEO officer, which will ordinarily lead to an investigation. If a person discloses an incident to a non-confidential employee/mandatory reporter or designated coordinator/officer 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:

- Whether there have been other complaints against the same person(s)
- The risk that the alleged perpetrator(s) will commit additional acts of misconduct
- 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 perpetrator has a known history of arrests or violence
- Whether the incident(s) involved actual or threatened violence or force
- Whether the complainant is 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 increasing 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 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, and the College strongly encourages people to utilize these resources as soon as possible.

The following resources 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* is free, confidential counseling services available to all LCC students:

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

*FEI* provides confidential Employee Assistance Program, at no cost to all LCC employees:

Phone: 800-638-3327  
[Employee Assistant Program Flyer](#)

Both LCC Counseling and FEI 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 interim protective measures and accommodations. Such steps can be taken temporarily, during the pendency of an investigation, or may become permanent in some circumstances. Interim protective measures and accommodations include, but are not limited to:

- A no-contact directive issued by the Title IX Coordinator or the Equal Opportunity Officer
- Adjustment of course schedules or employment schedules
- Time off from class or work or a leave of absence
- Transportation arrangements
- Safety planning

Interim protective measures can be made available whether or not an individual chooses to pursue a formal complaint through law enforcement agencies or through College disciplinary procedures. The Title IX Coordinator or the Equal Opportunity Officer will determine whether interim 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 for interim protective measures or accommodations. The College will keep any accommodations or protective measures provided as confidential as possible.

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

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. Investigations**

All reports and complaints of prohibited discrimination or harassment 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 individual(s) against whom the complaint is filed 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 responsible investigator will determine whether the complaint is one that is covered by this Policy. If not, the investigator may refer the complaint to another College complaint/dispute resolution procedure. 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 will be questioned as appropriate.

The investigator will maintain appropriate documentation of the complaint and the investigation and will disclose appropriate information to others only on a need-to-know basis consistent with internal procedures, this Policy, and state and federal law. In appropriate cases, the investigator may make a referral to a criminal justice/law enforcement agency for additional investigation and possible prosecution. The College will continue with its investigation separate from any investigation conducted by law enforcement.

Upon conclusion, the investigator 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 or harassment and may include, but is not limited to, probation or termination. 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 or harassment, 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 evidence available, from all relevant sources.

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

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

## **H. 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 freedom 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 or harassment. 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**

Every member of the College Community is expected to uphold this Policy as a matter of mutual respect and fundamental fairness in human relations. Every student of this institution has a responsibility to conduct himself/herself in accordance with this Policy as a condition of enrollment. Every College employee has an obligation to comply with this Policy as a term of employment. Every volunteer, visitor, vendor, etc., is obligated to comply with this Policy as a condition of their relationship with the College.

Responsibility for the interpretation, administration and enforcement of this policy is delegated to the Title IX Coordinators.

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