



Standard Operating Procedure

Procedure Title: Investigating Title IX Complaints of Sexual Misconduct or Gender Discrimination

Procedure #: HR.012

Revision #: 2

Unit Responsible: Human Resources

Individual Responsible: Executive Director of Human Resources

Effective Date: 11/03/2021

Initial Approval Date: 8/30/2021

Last Review/Update Date: 11/3/2021

Next Review Date: 8/30/2022

***Does this procedure support a Board Policy?** Yes

If yes, identify: [4.120-Prohibited Sex or Gender Based Discrimination, Harassment, and Sexual Misconduct](#)

Board policies can be found at: [LCC Board of Trustees Policy Page](#)

***Does this procedure support HLC criteria?** No

If yes, identify: N/A

HLC Criteria can be found at: [HLC Accreditation Criteria](#)

***Does this procedure support a State or Federal Regulation?** Yes

If yes, identify: [Title IX of the Education Amendments Act of 1972](#)

***Note:** Standard Operating Procedures should be in furtherance of some LCC policy and/or accreditation criteria, even if the relationship is not direct. Assistance in determining this information can be obtained from the Academic Procedure Advisory Committee (APAC) and/or the Accreditation Liaison Officer.



Prohibited Sex or Gender Based Discrimination, Harassment, and Sexual Misconduct, Board Policy 4.12

1. Purpose

The purpose of this procedure is to identify the steps to be taken when a Title IX complaint against any employee of the College.

2. Scope

This procedure is followed when a Title IX complaint is made against an employee of the College who is participating in the school's education program or activity within the United States.

3. Prerequisites

None.

4. Responsibilities

The Title IX Coordinator, the Title IX Investigator(s), Hearing Officer(s), Decision Maker(s), the Director of Labor Relations and Organizational Development, and the Executive Director of Human Resources each have roles and responsibilities for the execution of this procedure. The College has two Title IX Coordinators. One has responsibilities for complaints against students, and the other has responsibilities for complaints against employees. They are as follows:

EMPLOYEE TITLE IX COORDINATOR

Dr. Lisa Thomas

HR Manager, Employee Title IX Coordinator

Location: ADM 106

Phone: (517) 483-1879

Email: thomal32@star.lcc.edu

STUDENT TITLE IX COORDINATOR

Christine Thompson

Director of Student Compliance

Student Title IX Coordinator

Location: GB 1210

Phone: (517) 483-9632

Email: thompsc@star.lcc.edu

Each Title IX Coordinator has been trained to objectively evaluate all relevant evidence without prejudgment of the facts at issue and free from conflicts of interest or bias for or against either party.

5. Procedure

A. General

Title IX complaints are complaints from employees or students against other students, faculty, staff, or administrators, related to sexual misconduct or gender discrimination. The applicable College Policy upon which this procedure is based is, “Prohibited Sex or Gender Based Discrimination, Harassment, and Sexual Misconduct.” This procedure applies to complaints alleging all forms of sex discrimination (including sexual and gender-based harassment, assault, and violence) against employees, students, and third parties alleged to have been conducted by employees or third parties of the College. If the respondent is not an employee but is a student at LCC, a separate procedure is followed, led by LCC’s Office of Student Compliance. If the respondent is a guest or contractor, a separate procedure is followed, led by LCC Human Resources. If a complaint is received and determined to not fall under Title IX, the College will investigate and resolve the complaint using other applicable policies, procedures, statutes, practices, and/or labor agreements. If the respondent is an employee covered by a labor agreement, the language of that labor agreement will be followed as it relates to due process, options for disciplinary action, and grievances. Whether a hearing is held in person or over telephone or Webex/Zoom or other online methods is determined by the Title IX Coordinator.

B. Considerations

Sexual harassment is a form of sex discrimination prohibited by Title IX. Hostile environment sexual harassment is unwelcome conduct of a sexual nature that is sufficiently serious that it denies or limits a student’s or employee’s ability to participate in or receive the benefits, services, or opportunities of the College’s programs. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person’s gender. For example, it is illegal to harass a woman by making offensive comments about women in general. Both the victim and the harasser can be any gender, and the complainant and respondent can be the same sex. Although the law doesn’t prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is a policy violation when it is so frequent or severe that it creates a hostile or offensive environment or it denies or limits a student’s or employee’s ability to participate in or benefit from the College’s academic programs, extracurricular programs, research activity, occupational training, or other

educational program or activity operated by LCC. In determining whether this denial or limitation has occurred, LCC considers all relevant circumstances, including, but not limited to:

- The degree to which the conduct affected one or more students' education or the employee's ability to perform their assigned tasks;
- The type, frequency, and duration of the conduct; the identity of and relationship between the respondent and the subject or subjects of the harassment;
- The number of individuals involved;
- The age and sex of the respondent and subject of the harassment;
- The location of the incidents and the context in which they occurred;
- Other incidents at the College; and
- Whether there were also incidents of gender-based but non-sexual harassment.

A sexually hostile environment may deny or limit a student's or employee's ability to receive the benefits, services, or opportunities of the College's programs even if there are not tangible effects, e.g. a drop in the student's grades or increased absenteeism. The more severe the conduct, the less the need to show a repetitive series of incidents; this is particularly true if the harassment is physical. A single or isolated incident of sexual harassment may, if sufficiently severe, create a hostile environment. Moreover, a series of incidents at the College, not involving the same people, could – taken together – create a hostile environment, even if each by itself would not be sufficient. Likewise, repeated incidents may not reach the threshold of severe conduct or hostile environment. This determination would be made through a thorough and objective investigation. When responding to a Title IX complaint, the College takes immediate and appropriate action to investigate or otherwise determine what occurred. The specific steps in the investigation will vary depending upon the nature of the allegations, the source of the complaint, etc. In all cases, however, the investigation will be prompt, thorough, and impartial. If there is a dispute about whether harassment occurred or whether conduct was welcome, in cases where it is appropriate to consider whether the conduct would be welcome, determinations should be based on the totality of the circumstances such as:

- Statements made by any witnesses to the alleged incident;
- Evidence about the relative credibility of the alleged harassed victim/complainant and respondent (e.g. the level of detail and consistency of each person's account should be compared to one another and to the existence or lack of corroborative evidence);
- Evidence that the respondent has been found to have harassed others; Evidence that the alleged harassed complainant has made false allegations against other individuals; Evidence of the allegedly harassed complainant's reaction or behavior after the incident or evidence of significant changes in the complainant's behavior in the weeks or after the incident;
- Evidence about whether the allegedly harassed person filed a complaint or took other action to protest the conduct after it had occurred (note that failure to immediately report may not be indicative that the alleged harassment did not occur);
- Any other relevant contemporaneous evidence.

If an employee sexually harasses a student, employee, or guest, and the harassing conduct is sufficiently serious to deny or limit the student's or employee's ability to participate in or benefit from the program or employment, and the College knew or reasonably should have known about the harassment, the College is responsible for taking immediate effective action reasonably calculated to end the harassment, eliminate any hostile environment, prevent the recurrence of the harassment, and, as appropriate, remedy its effects. Appropriate steps to end harassment may include separating the accused harasser and the target or taking disciplinary action against the harasser. These steps should not penalize the person who was harassed. In addition, depending on the extent of the harassment, the College may need to provide training or other interventions not only for the respondents but also for the larger College community to ensure that all students and College staff can recognize harassment if it recurs and know how to respond. The College may also be required to provide additional services to the person who was harassed in order to address the effects of the harassment.

The College uses a preponderance of the evidence standard (i.e. it is more likely than not that discrimination occurred) when examining allegations of discrimination under Title IX.

C. Complaint

1. Human Resources is designated to investigate Title IX complaints against employees. All complaints against employees are forwarded to the Title IX Coordinator in Human Resources.
2. Notice of a complaint can be made in person or orally to an appropriate official, but the College strongly encourages submission of complaints in writing using the Discrimination/Harassment Complaint Form, found here Sexual Misconduct and Title IX Resources Web Page. Regardless of whether the complaint is received formally, in writing, or whether the College learns of the issue through informal notification, the College will pursue resolution using this same procedure.
3. The complaint should clearly and concisely describe the alleged incident(s); when and where it occurred; names of witnesses, if any; and the desired remedy sought.
4. The complaint form should be signed by the person making the complaint and include any supporting documentation, if any exist. If supporting documentation exists, the complainant's supporting documentation should clearly demonstrate all informal efforts, if any, to resolve the issue(s) with the person involved and/or the person's supervisor.
5. Upon receipt of the complaint, the College will complete the Title IX Intake Checklist. This involves the Title IX Investigator and/or Title IX Coordinator interviewing the complainant. During the interview, the complainant may be accompanied by a person of their choice: family member, coworker, friend, or legal counsel.
6. If the complainant requests confidentiality or asks that the complaint not be pursued, the College will take reasonable steps to investigate and respond, but the ability to respond may be limited.
7. If the complainant asks that their name or other identifiable information not be revealed, the College evaluates the request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students, employees, and guests. The College will inform the complainant if it cannot ensure confidentiality.

8. The complainant will be advised of the investigatory status at regular intervals.

D. Provision of Adequate, Reliable, and Impartial Investigation

1. The complainant /victim will be notified of the right to file a criminal complaint where appropriate.
2. All investigation and hearing processes will be impartial and devoid of conflicts of interest that would compromise the objectivity of the process
3. Due, or fair, process will be provided to respondents, consistent with applicable collective bargaining agreements
4. The College will investigate and resolve Title IX complaints within 60 days from the time the complaint is received unless extenuating circumstances prohibit that completion.
5. The complainant/victim and respondent will be notified promptly in writing of the outcome of the investigation, including whether misconduct/discrimination was found to have occurred.

E. Bias and Conflicts of Interest

The College requires that coordinators, investigators, and decision-makers (including appeal decisionmakers) do not have conflicts of interest or bias for or against Complainants and Respondents generally, or for or against an individual party. This requirement extends to any materials used to train coordinators, investigators, decision-makers, and others involved in the process. All participants will be screened by the Title IX Coordinator and/or the Director of Labor Relations and may be denied participated if a bias of conflict of interest is found.

F. Clery Act

1. The College complies with all Clery Act Regulations.
2. The Clery Act requires the College to give timely warnings of crimes that represent a threat to the safety of students or employees. LCC's Police and Public Safety are responsible for such notifications.
3. Certain acts of sexual misconduct, such as unwelcome sexual touching, may also be criminal in nature, in which case it may be appropriate for the complainant/investigator to contact law enforcement authorities. Contacting law enforcement authorities does not relieve the College of its obligation to investigate and address acts of sexual harassment. The legal standards applied to criminal investigations are different than the standards applied under Title IX, so the College cannot rely on a police investigation to fulfil its Title IX obligations. Further, certain remedies, such as separating the person reporting the harassment from the alleged respondent at work, can only be implemented by the College and are the College's responsibilities.
4. LCC's Director of Compliance is responsible for ensuring compliance with the Clery Act.

G. Advisors

All advisors are subject to the same College policies and procedures, whether they are attorneys or not. Advisors cannot be a party or witness to the proceedings. Advisors should not address College officials in a meeting or interview unless invited to. Advisors may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or other decision-makers except during a hearing proceeding, for the purpose of cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the advisor generally may not speak on behalf of their advisee, the advisor may consult with their advisee, either privately as needed or quietly by passing notes during any resolution process meeting or interview, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks to step out of meetings to allow for private consultation. Breakout rooms may be used if the meetings are held virtually.

Any advisor who oversteps their role as defined by this procedure will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated or replaced by a different advisor.

The College expects that the parties may wish to have the College share documentation and evidence related to the allegations with their advisors. Parties may share this information directly with their advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process. The College also provides a consent form to the parties that authorizes the College to share such information directly with the advisor. The parties must either complete this form or provide similar documentation consenting to a release of information to the advisor before College is able to share records with an advisor.

If a party requests that all communication be made through their attorney, acting as their advisor, the College will not comply with that request.

The College generally expects an advisor to adjust their schedule to allow them to attend College meetings when planned but may change scheduled meetings to accommodate an advisor's inability to attend, if doing so does not cause an unreasonable delay. The College may also make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

A party may elect to change advisors during the process and is not obligated to use the same advisor throughout. The parties are expected to inform the investigators of the identity of their advisor at least one day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties are expected to provide timely notice to investigators if they change advisors at any time. Similarly, parties are expected to inform the Title IX Coordinator of who their hearing advisors will be, at least five business days before the hearing.

For parties who are entitled to union representation, the College will allow the unionized employee to have their union representative (if requested by the party) as well as an advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two

advisors. Witnesses are not permitted to have union representation or advisors in grievance process interviews or meetings.

For representation, Respondents may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>), and/or
- SAVE (<http://www.saveservices.org>).

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>),
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association, and/or
- The Times Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/>.

H. Initial Remedial Actions

1. When an OWA is made aware of a potential Title IX violation, they are required to take immediate action, including notifying the appropriate Title IX Coordinator.
2. The investigator assesses whether there is a need to immediately suspend the respondent or take other interim measures, pending investigation. Any interim measure taken will not disproportionately impact the complainant/victim or respondent.
3. The investigator reviews the complaint with the Title IX Coordinator. Together, the coordinator and investigator determine if the complaint demands investigation and, if so, if it falls under Title IX.
 - a. If there is no reasonable cause to believe a policy or law has been violated, no investigation will be conducted.
 - b. If the complaint reveals probable cause that a policy has been violated but does not fall under the confines of Title IX, the investigator determines whether the complaint will be investigated through Human Resources, Office of Student Compliance, or Risk Management, and follows up accordingly.
4. The Title IX Coordinator is obligated to dismiss a formal Title IX complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:
 - a. The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy hereinabove, even if proved; and/or
 - b. The conduct did not occur in an educational program or activity controlled by the College (including buildings or property controlled by recognized student organizations), and/or the College does not have control of the Respondent; and/or
 - c. The conduct did not occur against a person in the United States.
5. The Title IX Coordinator has the discretion to dismiss a formal Title IX complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:
 - a. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or

- b. The Respondent is no longer enrolled in or employed by the recipient; or
- c. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

I. Title IX Investigation – Steps in the Process

1. There may be times when the Title IX Coordinator conducts the investigation, either instead of or in conjunction with the Title IX Investigator. The administrative supervisor of the Respondent will accompany the Title IX Investigator in every investigatory meeting, as appropriate. An additional individual(s) may also be present in the capacity of notetaker and will be passive in the process.
2. At the appropriate time in the investigation, the investigator sends a notice to the respondent, with copy to the complainant and appropriate union official, providing notice that the investigation has been initiated, consistent with language in the applicable collective bargaining agreement. The notice will generally include a no contact order between the parties.
 - a. The investigator may determine that the situation requires the respondent to be interviewed without advance notice. In that case, the no contact information is provided during the investigatory meeting, along with an order of no retaliation.
 - b. The respondent may waive union representation, consistent with the language in the applicable collective bargaining agreement.
3. Each party has the opportunity to select an advisor of the party's choice who may be, but does not need to be, an attorney. The College will maintain a list of trained, willing advisors available to either party.
4. A pre-interview meeting will be held with the advisors and the Title IX Coordinator, to clarify the role of the advisor, with a review of the procedure that will be followed.
5. Each party has the opportunity to submit and review evidence throughout the investigation.
6. The investigator conducts the thorough, impartial investigation. The Complainant, victim, and Respondent may make a request for the investigator to interview witnesses.
7. During the investigatory interview with the Complainant and Respondent, the Title IX Investigator provides each party with related documents, including a link to the LCC Title IX and Sexual Misconduct website.
8. The investigator completes the investigation with a finding, based upon a preponderance of the evidence.
9. The Title IX Investigator or Coordinator completes a draft Investigatory Report. This report details interviews with the Complainant, Respondent, and any witnesses; any intermediate steps taken by the College; a credibility assessment; the standard of proof; findings; and appeal information.
10. Both parties are allowed to review the Investigatory Report in draft form along with all available evidence, whether relied upon during the investigation or not, during a review and comment period of ten calendar days. They make request changes based upon their role in the investigation.
11. The final report is sent to both parties at the same time. If reports are sent by US Mail, they are sent via Registered Mail. It will be provided to the parties at least ten calendar

days prior to a hearing, if one is necessary. This ten-day period may be waived by the parties.

12. The College will decide whether to consolidate formal complaints of allegations of sexual harassment against more than one Respondent or by more than one Complainant against one or more Respondents or by one party against the other party, when the allegations of sexual harassment arise out of the same facts or circumstances.
13. The College will provide notice of the hearing, including the date, time, location, participants, applicable procedures, potential sanctions, and purpose.
14. Advisors may be required to submit all questions to the Hearing Officer prior to the hearing. The decision-maker has the final word on whether a question will be asked or not.
15. The decision-maker may require the parties and their advisors to attend a pre-hearing meeting to discuss topics or questions that the decision-maker deems relevant, appropriate, etc.
16. At the live hearing, the Hearing Officer will ask direct examination questions. During cross-examination, the Hearing Officer must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those that challenge credibility. The cross-examination must be done by the advisor, but that is the only portion of hearing during which the advisor participates. This cross-examination must be conducted directly, orally, and in real time, but the use of virtual avenues is permitted. If a party does not have an advisor, the College will provide an advisor, who does not have to be a lawyer, at no cost, to participate in the hearing and conduct the cross-examination.
17. During cross-examination, the advisor will pose a question orally. The proceedings will pause while the Hearing Officer considers the question and then determines its relevance. The Hearing Officer explains their determination on the record and directs the party or witness whether to respond. In this way, questions are funneled through the decision-maker.
18. Cross-examination must exclude evidence of the Complainant's prior sexual behavior or predisposition, unless such evidence about the Complainant's sexual behavior is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or if the evidence concerns specific incidents of the Complainant's sexual behavior with respect to the Respondent and is offered to prove consent.
19. At the request of either party, the cross-examination will be facilitated through the use of technology to permit the parties to be in separate rooms. The Hearing Officer will make the final decision regarding whether the hearing will take place in person or not. Both parties will have access to the same information in real time.
20. The College will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains that party's voluntary, written consent to do so for purposes of this investigation and/or hearing or the party self-discloses information relevant to the issue(s).

21. The College may consider statements made by parties or witnesses, even if those parties or witnesses do not participate in cross-examination at the live hearing. This may include emails or text exchanges between the parties leading up to the alleged sexual harassment, regardless of whether the parties or witnesses submit to cross-examination at the live hearing. A decision maker may also consider police reports, Sexual Assault Nurse Examiner documents, medical reports, and other documents even if those documents contain statements of a party or witness who is not cross-examined at the hearing.
22. All hearings will be recorded by the College. No other parties are allowed to record hearings.
23. The decision maker will issue a written determination regarding responsibility for each section of the policy alleged to have been violated. All parties will be provided the final written determination at the same time.
24. Any party may appeal the findings and/or remedy by filing a written appeal to the Executive Director of Human Resources within seven business days of receipt of the final outcome document(s). The written appeal must articulate, in writing, the grounds upon which they base their request for appeal. Reasons for appeal are limited to:
 - a. A procedural irregularity that affected the outcome of the matter;
 - b. New evidence that was not reasonably available at the time the determination regarding the responsibility or dismissal was made, that could affect the outcome of the matter; or
 - c. A party's belief that the Title IX Coordinator, investigator, hearing officer, or decision maker had a conflict of interest or bias for or against a party that affected the outcome of the matter.
25. The Executive Director of Human Resources will assess if the appeal was made timely and whether it falls under one of the approved appeal criteria. The Executive Director of Human Resources may deny an untimely appeal or one that does not meet the criteria for appeal.
26. When the Executive Director of Human Resources receives an acceptable request for appeal, they will notify all parties and provide them with seven business days to submit a written statement in support of or challenging the outcome.
27. Within 28 calendar days of receipt of the appeal, the Executive Director of Human Resources will either uphold the investigative findings or remand the matter back to the investigators for a second review of the investigatory findings.
28. If either party is a member of a bargaining unit, they may elect to be represented by their union representative at every step of the process and may file a grievance protesting the final decision as stated by the decision-maker. If a party is not a member of a union, they may appeal the disciplinary action to the Board of Trustees, consistent with College policy.
29. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of an appeal, if an appeal is filed, or, if an appeal is not filed, the date upon which an appeal would no longer be considered timely.
30. If a violation(s) is found to have occurred:

- a. The investigator works with appropriate administrators to ensure the violation(s) immediately cease.
- b. The investigator, together with the supervisor of the respondent, determines appropriate remedies/corrective action, consistent with the facts of the case and provisions in the applicable collective bargaining agreement and/or College policies.
- c. If countermeasures include disciplinary action, that disciplinary action is noted in the final Investigatory Report.
- d. If disciplinary action is noted in the Investigatory Report, the Title IX Coordinator also sends a letter to the Respondent, informing them that their disciplinary action was disclosed to a third party, consistent with Michigan's Bullard Plawecki Act.

J. Hearing for Contested Facts

For contested allegations, the determination of responsibility must come from a separate decision-maker, which will be an individual hearing officer (also referred to as a "decisionmaker"). It is important that investigators not unduly influence the hearing outcome and that the hearing decision-makers and the College's process advisors/managers do not unduly influence the appeal. Each function is independent but inter-reliant. The Title IX Coordinator should have no substantive influence on the decision or appeal. Senior officials of the College, such as the president, other ELT members, or general counsel should not have any sway on the outcome of the process unless they have a formal role within it (and typically, they should not).

This does not alter the ability of the College to resolve the matter informally during the course of the investigation (when appropriate) or to resolve the matter without a hearing when the Respondent admits to the allegations. Hearings are for contested facts. If there are no contested facts, there will be no hearing if the parties agree to resolve informally.

K. Retaliation

Retaliation is not tolerated at LCC. The College will take steps to prevent any retaliation against persons who made the complaint, who was the subject of harassment, against those who provided information as witnesses, or who was the Respondent. The College will ensure that the harassed person(s) know how to report any subsequent problems, conducting follow-up inquiries to see if there have been any new incidents or any instances of retaliation, and responding promptly and appropriately to address continuing or new problems.

L. File Maintenance

The Title IX Coordinator maintains complete files of all complaints, regardless of whether an investigation is conducted. All files are maintained in paper and/or electronically, subject to the College's records retention policy.

6. **Reference**

Lansing Community College Board Policy 4.012 – Prohibited Sex or Gender Based Discrimination, Harassment, and Sexual Misconduct.

DATE	PAGE NO.	VERSION #	INSTRUCTIONS/COMMENTS/REASONS
06.15.12	Various	2	Modified to reflect that complaints may be made by Employees.
07.17.12	Various	3	Modified to include language consistent with Yale Voluntary Resolution Agreement
12.01.15	All	4	Updated policy to conform to OCS requirements and recommendations.
02.23.17	6	5	Added language to address situations where no advanced notice is given to respondent. Also formatted footer.
04.06.18	Various	6	Modified consistent with current practice.
04.12.18	Various	7	Modified consistent with current practice.
04.19.19	All	8	Reformatted to new SOP template and modified to be accessible.
09.12.19	All	9	Modified consistent with current practice, including modification of gender pronouns.
01.29.2020	F, G, H	10	Changed order of the items. In H, clarified the role of the Executive Director of HR.
05.10.2021	All	11	Total rewrite for consistency with 2020 reformed guidance.
06.14.2021	18	12	Update of definitions
08.31.2021	9, 10	13	Reordered 14 and 15. Modified cross-exam language to reflect ruling on inclusion of statements, etc. (1.5.21).

7. **Definitions**

- A. Actual Knowledge.** Notice of sexual harassment or allegations of sexual harassment to the College's Title IX Coordinator or an Official with Authority (OWA).
- B. Complainant.** A person who is alleged to be the victim of conduct that could constitute sexual harassment or who filed a complaint alleging sexual harassment.
- C. Formal Complaint.** A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment.
- D. Respondent.** An individual who has been reported to be the alleged perpetrator of conduct that could constitute sexual harassment.
- E. Officials with Authority (OWAs).** Employees who have the authority to institute immediate corrective measure(s) on behalf of the College. For Title IX purposes, an OWA is any member of the Executive Leadership Team (ELT). When an OWA is made aware of a potential Title IX

violation, they are required to take immediate action, including notifying the appropriate Title IX Coordinator.

- F. Mandated Reporters.** Anyone who works at the College in any role except those in Student Employee positions. Also exempt are College Counselors who are acting in the role of Counselor. Mandated Reporters *must* report a potential Title IX incident to the appropriate Title IX Coordinator as soon as they are made aware of the situation. A Mandated Report who fails to make such timely report is subject to disciplinary action, up to and including termination of employment.
- G. Supportive Measures.** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint.
1. Supportive measures are designed to restore or preserve equal access to the College's educational program or activity without unreasonably burdening the other party, including measure designed to protect the safety of all parties or the College's educational environment or deter sexual harassment. Supportive measures may include:
 - Counseling
 - Extensions of deadlines or other course-related adjustments
 - Modification of work or class schedules
 - Campus escort services
 - Mutual restrictions on contact between the parties
 - Changes in work locations
 - Leaves of absence
 - Increased security and monitoring of certain areas of campus
 - Other similar measures.
 1. The College must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.
 2. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
- H. Preponderance of the Evidence.** More likely than not that the misconduct occurred.
- I. College.** Lansing Community College.
- J. Hearing Officer.** The hearing officer is responsible for scheduling and oversight of all live hearings, including any pre-meetings.
- K. Decision Maker.** A trained individual who oversees the hearing and makes decisions as to the relevancy of questions or evidence. The hearing officer is also responsible for making the final decision after the hearing and preparing the final report.
- L. Title IX Coordinator.** The trained, responsible employee of the College with major responsibility for the Title IX compliance efforts. The Title IX Coordinator may also participate or lead Title IX investigations.
- M. Title IX Investigator.** The trained individual who works with the Title IX Coordinator to conduct investigation when Title IX complaints are received.