Unlawful Discrimination and Harassment Including Sexual Misconduct - Prevention, Reporting, Investigation, and Resolution

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Revision: This procedure defines and prohibits sexual misconduct, harassment, and discrimination and provides due process. If statutory provisions, regulatory guidance, or court interpretations change or conflict with this procedure, the procedure can be deemed amended as of the time of the decision, ruling, or legislative enactment to ensure continued compliance. The College reserves the right to change any provision or requirement of this procedure at any time and the change shall become effective immediately.
ADM 47 Unlawful Discrimination and Harassment Including Sexual Misconduct - Prevention, Reporting, Investigation, and Resolution

I. PURPOSE
West Shore Community College (College) is committed to maintaining a fair and respectful work and academic environment and to protecting students and applicants for admission, as well as employees and applicants for employment, from prohibited discrimination or harassment, consistent with federal, state and local law, other policies adopted by the Board of Trustees, and standards of conduct adopted by the College.

The College strictly prohibits discrimination against any person on the basis of age, ancestry, citizenship status, color, creed, ethnicity, gender identity and expression, genetic information, marital status, mental or physical disability, height, weight, national origin, race, religious affiliation, sex, sexual orientation, or veteran status in its activities, admissions, educational programs, and employment. Sexual discrimination includes sexual misconduct such as sexual assault, relationship (dating) violence, domestic violence, and stalking.

As a recipient of federal funds, the College is required to comply with Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. s.1681 et seq., which prohibits discrimination on the basis of sex in education programs and activities. Sexual misconduct is defined as a form of sexual discrimination prohibited by Title IX. Similarly, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) 1990, 20 U.S.C. 1092(f) 34 C.F.R. Part 668.46, and the Violence Against Women Reauthorization Act of 2013, 34 C.F.R. 668 ("VAWA") (amendment to the Clery Act), require that colleges have procedures in place to respond to matters of sexual assault, relationship (dating) violence, domestic violence, and stalking. The College has adopted these procedures to, among other things, comply with Title IX, VAWA, and the Clery Act.

II. AUTHORITY
Board Policies 6087; 6084; 4050; 2022; 2015

III. DEFINITIONS

**Campus:** All land, buildings, facilities, and property in the possession of or owned, used, or controlled by the College.

**Complainant(s):** A person who is subject to the alleged harassment, discrimination, sexual misconduct, or related retaliation. For purpose of this procedure, a complainant can be a College employee(s), student(s), authorized volunteer(s), guest(s), or visitor(s).

**Jurisdiction** applies to behaviors that take place on the campus, at College-sponsored events, and may also apply off-campus and to actions online when the Title IX Coordinator determines
that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- Any action that constitutes criminal offense as defined by federal or state law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law committed in the municipality where the College is located;
- Any situation where it appears that the accused individual may present a danger or threat to the health or safety of self or others;
- Any situation that significantly impinges upon the rights, property, or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests of the College.

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc... occurring completely outside of the College’s control (e.g., not on College network, website, or email accounts) will only be subject to this procedure when those online behaviors can be shown to cause a substantial on-campus disruption. The College may not have a sufficient level of control over certain Respondents, such as vendors, members of the public, or students from other educational institutions, to impose the hearing processes contained in this procedure or take certain remedial actions. Even if the College's ability to take direct action against the alleged perpetrator may be limited in such situations, the College will conduct an inquiry into any reported conduct and take steps to provide appropriate remedies to the complainant and, if necessary, the general College population.

Off-campus discriminatory or harassing speech by employees may be regulated by the College only when such speech is made in an employee’s official or work-related capacity.

**Respondent:** A person whose alleged conduct is the basis of a complaint. For purposes of this procedure, a respondent can be a College employee(s), student(s), authorized volunteer(s), guest(s), or visitor(s).

**Retaliation:** It is a violation of College policy to retaliate against any person making a complaint of unlawful discrimination, harassment, or sexual misconduct, or to retaliate against any person cooperating in the investigation of (including testifying as a witness) any allegation of discrimination, harassment, or sexual misconduct, and supporters of the complainant. For these purposes, "retaliation" includes, but is not limited to, intimidation, threats, harassment, and other adverse action threatened or taken against any such complainant or third party. Retaliation should be reported promptly to the Title IX Coordinator and may result in disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations.

**Student:** Any person enrolled (either full-time or part-time) in a credit, non-credit continuing education, or community service course offered by the College (a) at the time of the alleged
discrimination, harassment, or sexual misconduct (including that which is alleged to have occurred during any academic recess, provided that there is an expectation of such student's continued enrollment at the College), and (b) at the time that the Title IX Coordinator prepares and delivers to the Investigators a formal complaint against such student.

**Timing of Complaints and Availability of Procedures**

So long as there is jurisdiction over the accused student, employee, or third parties as noted above, there is no time limit to invoking this process in responding to complaints of alleged discrimination, harassment, or sexual misconduct. Nevertheless, individuals are encouraged to report alleged discrimination, harassment, or sexual misconduct immediately in order to maximize the College's ability to obtain evidence, and conduct a thorough, impartial, and reliable investigation. Delays in reporting alleged misconduct may result in the loss of relevant evidence and witness testimony, and may impair the College's ability to engage in this process.

If the accused student will be graduating, the conferral of a degree may be deferred until proper resolution of any sexual misconduct charges, provided that a hearing opportunity will be scheduled for the earliest practicable date that may reasonably accommodate the parties and their witnesses.

**Victim:** A person who reports being subject to an alleged act of sexual misconduct.

**Working Day:** When the College’s offices are open for business (typically Monday – Friday).

**IV. PROCEDURE**

**A. INTRODUCTION – Unlawful Discrimination, Harassment, Sexual Misconduct**

It is the policy of West Shore Community College that no member of the College community—students, faculty, administrators, staff, vendors, contractors, or third parties—may discriminate against or harass any other member of the community. This procedure covers concerns of discrimination, harassment, and sexual misconduct including sexual assault, domestic violence, dating violence, and stalking, that violate state and federal law and may be subject to College disciplinary sanctions and/or criminal prosecution.

With the exception of student disability complaints, all members of the College community should use this procedure to address concerns regarding discrimination and harassment. Student disability complaints are handled under procedure SS23. The College is committed to fostering a community that promotes prompt reporting of discrimination, harassment, sexual misconduct, domestic violence, dating violence, and stalking in any form and the timely, fair, and impartial resolution of complaints.
B. TITLE IX COORDINATOR

The College’s Title IX Coordinator oversees compliance with all aspects of the sex/gender based harassment, discrimination, sexual misconduct, stalking, and dating and domestic violence policies and procedures. The Coordinator reports directly to the President and is housed in the Administrative and Conference Building. Title IX concerns should be directed to the Title IX Coordinator or Dean of Student Services. These individuals are in place to help lead others through the process.

1. Debbie Campbell, Title IX Coordinator/ Director of Human Resources, P.O. Box 277, Scottville, MI 49454, 231-843-5819 or djcampbell@westshore.edu

2. Chad Inabinet, Dean of Student Services, P.O. Box 277, Scottville, MI 49454, 231-843-5965, or ceinabinet@westshore.edu

C. UNLAWFUL DISCRIMINATION/HARASSMENT

Unlawful Discrimination/Harassment can be defined as treating an employee or student differently in the terms or conditions of his or her employment or education on the basis of age, ancestry, citizenship status, color, creed, ethnicity, gender identity and expression, genetic information, marital status, mental or physical disability, height, weight, national origin, race, religious affiliation, sex, sexual orientation, veteran status or any other protected status.

While Section E of this procedure gives specific examples of sexual harassment (a form of discrimination), harassment of an individual on the basis of any protected status or characteristic can be unlawful and is not acceptable behavior at the College. Examples of behavior that could give rise to a discriminatory hostile work environment include, but are not limited to:

a) Making or threatening to make decisions about a person’s employment, compensation, or education based upon a protected status.

b) Verbal abuse, offensive innuendos, derogatory words, or engaging in purported jokes or pranks related to a person’s protected status.

c) Threatening, intimidating, or engaging in hostile acts related to a person’s protected status.

d) An open display of objects or pictures designed to denigrate or show hostility or aversion toward a person or group because of a protected status.
There may be situations where a person’s behavior is inappropriate but does not rise to the level of harassment prohibited by this procedure. These situations will be handled separately, and if appropriate, action will be taken including discipline.

D. OVERVIEW OF EXPECTATIONS

Expectations with Respect to Physical Sexual Misconduct
The expectation of our College community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. Consent is an agreement reached by both parties to engage in a specific activity. Also, in order to give effective consent, one must be of legal age. Consent can be given by word or action, but non-verbal consent is not as clear as each individual talking about what is wanted sexually and what is not. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Previous consent does not imply consent to sexual activity in the future. Silence or passivity – without actions demonstrating permission – cannot be assumed to show consent. Consent, once given, can be withdrawn at any time. There must be a clear indication that consent is being withdrawn.

Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent. Incapacitation could result from mental disability, sleep, involuntary physical restraint, or from the ingestion of alcohol or other drugs. Use of alcohol or other drugs will never function as a defense to a violation of this procedure. Sexual activity with someone whom one should know to be—or based on the circumstances reasonably should have known to be—mentally or physically incapacitated (including unconsciousness or blackout), constitutes a violation of this procedure.

Expectations with Respect to Consensual Relationships
There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, or supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student, supervisor-supervisee) are generally discouraged.
Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift the student out of being supervised or evaluated by someone with whom they have established a consensual relationship. While no relationships are prohibited by this procedure, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee, up to and including termination.

E. SEXUAL MISCONDUCT

As defined by Title IX, sexual misconduct includes, but is not limited to, actual or attempted:

1. sexual harassment
2. non-consensual sexual contact (or attempts to commit same)
3. non-consensual sexual intercourse (or attempts to commit same)
4. sexual exploitation

All sexual assault violations are covered by this procedure. Sexual assault includes forcible and non-forcible offenses as classified under the Uniform Crime Reporting (UCR) system of the Federal Bureau of Investigation pursuant to the Clery Act, including acquaintance rape.

1. Sexual Harassment

Sexual harassment is “unwelcome conduct of a sexual nature” which may be manifested as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature.

Unwelcome, gender-based verbal or physical conduct rises to an actionable level when it is sufficiently severe, persistent, or pervasive and objectively offensive that it unreasonably interferes with or deprives someone of educational or employment access, benefits, or opportunities.

There are three types of sexual harassment:

a) Quid Pro Quo Sexual Harassment exists when submission to or rejection of such unwelcome conduct or communication is a term or condition of educational or employment access, benefits, or opportunities.

b) Hostile Environment includes any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive and objectively offensive that it
unreasonably interferes with or deprives someone of education or employment access, benefits, or opportunities from both a subjective (the alleged victim’s) and an objective (reasonable person’s) viewpoint.

The determination of whether an environment is “hostile” can be based on the following circumstances:

- the frequency of the conduct;
- the nature and severity of the conduct;
- whether the conduct was physically threatening;
- whether the conduct was humiliating;
- the effect of the conduct on the alleged victim’s mental or emotional state;
- whether the conduct was directed at more than one person;
- whether the conduct arose in the context of other discriminatory conduct;
- whether the conduct unreasonably interfered with the alleged victim’s educational or work performance;
- whether a statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness; and
- whether the speech or conduct deserved the protections of the First Amendment.

c) Retaliatory Harassment is any adverse employment or education action taken against a person because of the person’s perceived participation in a complaint or investigation of discrimination or sexual misconduct.

Examples of Sexual Harassment include, but are not limited to:

- Attempting to coerce an unwilling person into a sexual relationship.
- Repeatedly subjecting a person to egregious, unwelcome sexual attention.
- Punishing a refusal to comply with a sexually based request.
- Making a benefit conditional on submitting to sexual advances.
- Sexual violence which is defined as threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person.
- Violence between those in an intimate relationship, which includes romantic relationships, dating, domestic or relationship violence.
- Stalking, defined as a course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome and would cause a reasonable person to feel fear;
- Gender-based bullying which is defined as repeated and or severe aggressive behavior likely to diminish another person, physically or mentally (excluding speech or conduct otherwise protected by the First Amendment).
• Gender expression/stereotyping that is defined as simplistic generalizations about gender attributes, differences, and roles of individuals and/or groups. Stereotypes rarely communicate accurate information about others. When people automatically apply gender assumptions to others regardless of evidence to the contrary, they are perpetuating gender stereotyping.
• Hazing, which is defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community on the basis of gender, when related to the admissions, initiation, pledging, joining, or any other group-affiliation activity.
• Discrimination, which is defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex or gender.
• Intimidation that is gender-based, which is defined as implied threats or acts that cause a reasonable fear of harm in another.

While a particular interaction must be offensive to both a reasonable person and to the complainant to be defined as harassment, College employees and other persons of authority should be sensitive to questions about mutuality of consent that may be raised and to the conflict of interests that are inherent in personal relationships that result from professional and educational interactions.

2. Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is:
• any intentional sexual touching,
• however slight,
• with any object,
• by a person upon another person,
• that is without consent and/or by force.

Sexual Contact includes:
• intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, 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.

3. Non-Consensual Sexual Intercourse (including sexual violence)

Non-Consensual Sexual Intercourse is:
• any sexual intercourse
It however slight, with any object, by a person upon another person, that is without consent and/or by force

Intercourse includes:
- Vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

4. Sexual Exploitation

Occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- invasion of sexual privacy;
- prostituting another person;
- non-consensual digital, video, or audio recording of nudity or sexual activity;
- unauthorized sharing or distribution of digital, video, or audio recordings of nudity or sexual activity;
- engaging in voyeurism;
- going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
- knowingly exposing someone to or transmitting an STI, STD, or HIV to another person;
- intentionally or recklessly exposing one’s genitals in non-consensual circumstances;
- inducing another to expose their genitals;
- sexually-based stalking and/or bullying may also be forms of sexual exploitation

F. AWARENESS, PREVENTION AND EDUCATIONAL PROGRAMS

Sexual Violence Risk Reduction Tips
Risk reduction tips can often take a victim-blaming tone, even unintentionally. Only those who commit sexual violence are responsible for those actions. We offer the tips below with no intention to victim-blame, with recognition that these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act. Below, suggestions to avoid committing a non-consensual sexual act are also offered:
- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
• Find someone nearby and ask for help.
• Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
• Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:
• Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
• Understand and respect personal boundaries.
• DON’T MAKE ASSUMPTIONS about consent; about someone’s sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. Your partner’s consent should be affirmative and continuous. If there are any questions or ambiguity then you DO NOT have consent.
• Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension, and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
• Don’t take advantage of someone’s drunkenness or altered state, even if they willingly consumed alcohol or substances.
• Realize that your potential partner could feel intimidated or coerced by you. You may have a power advantage simply because of your gender or physical presence. Don’t abuse that power.
• Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
• Silence, passivity, or non-responsiveness cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and nonverbal communication and body language.

Educational Programs
The College engages in comprehensive educational programming to prevent domestic violence, dating violence, sexual assault, and stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students, staff, and faculty that:

• Identifies domestic violence, dating violence, sexual assault, and stalking as prohibited conduct;
• Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking pursuant to Michigan law;
• Defines what behavior and actions constitute consent to sexual activity;
• Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
• Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks; and
• Provides information on the procedures the College will adhere to after a sex offense occurs.

Sexual misconduct/assault, domestic violence, dating violence, and stalking materials and programs are designed specifically for the West Shore Community College campus and are developed in conjunction with off-campus authorities or may be pre-published, pre-packaged, or offered in conjunction with off-campus authorities, such as: National Safety Council; local law enforcement agencies; criminal justice program; student leader groups; C.O.V.E. Materials and programs include:

• Seminars and workshops offered online or through classroom discussion (upon request) for students and through in-service sessions for employees.
• Pamphlets, posters, and other literature addressing specific issues, such as sexual assault, acquaintance rape, sexual harassment, self-protection for men and women, crime reporting, and domestic violence are available at all times from Student Services and Human Resources offices.
• Offered educational and guest speakers may be scheduled through Carla Shay, Director of Student Resources.

G. REPORTING, CONFIDENTIALITY, AND PRIVACY

Anyone who believes they have been subjected to sexual misconduct, harassment, discrimination, or retaliation is encouraged to promptly report such conduct. The College is available to help individuals through this process and is obligated to act on any report of alleged sexual misconduct, harassment, or discrimination, and will do so pursuant to the investigation and resolution process in this procedure. Title IX requires that when an individual who is a “responsible employee” learns of sexual misconduct, the responsible employee is required to promptly report specific information about the situation to the Title IX Coordinator (see below) or other appropriate designee. At the College, all faculty and staff who have not otherwise been designated as confidential reporting resources (see below) are responsible employees.
Because of this, please note that, although the College takes confidentiality very seriously, your confidentiality cannot be guaranteed when reporting incidents of sexual violence to College employees other than those who have been designated as confidential reporting resources. Generally, climate surveys, classroom writing assignments, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported to the Coordinator by employees.

It is not the practice of the College to pursue disciplinary action against a complainant or witness for his or her improper use of alcohol or drugs, provided that such person is acting in good faith as a complainant or witness to the events of the alleged sexual misconduct.

**Confidential Reporting Resources**

An individual who wishes for the details of the incident to remain completely confidential may speak with College resources who, by law, may maintain confidentiality and may not disclose the details of an incident. College resources are available to help individuals understand the processes available to them. These resources include:

**Confidential Resources at the College:**

**Counseling Services**
Ann Genson  
Student Services Office  
(231) 843-5561, agenson@westshore.edu

**Director of Student Access & Resources**
**Carla Shay**  
Student Services Office  
(231) 843-5942, ceshay@westshore.edu

All of the above employees will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor. Short-term campus counseling services are available free of charge and a counselor can be seen on an emergency basis. These employees will submit annual anonymous, aggregate statistical information for Clery Act purposes unless they believe it would be harmful to a specific client.

**Confidential Reporting Options and Services Outside of the College:**

**C.O.V.E. (Communities Overcoming Violent Encounters)** – services offered for Sexual Assault and Domestic Violence  
906 East Ludington Ave., Ludington, MI 49431  
231-843-2541
Clergy Members in the Community

National Sexual Assault 24/7 Crisis Hotline (RAINN):
800-656-HOPE (4673)
http://www.rainn.org

Standard Reporting Resources
There may be circumstances where the complainant may request confidentiality or refuses to participate. The complainant may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. Although the College’s ability to take action may be limited, the College is still required to take all reasonable steps to investigate and respond.

The College will make all reasonable efforts to maintain the privacy of the parties involved in an investigation and/or hearing. Only a small group of officials who need to know will be told, including but not limited to: Dean of Student Services and the CARE Team. Information will be shared as necessary with investigators, witnesses, and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party’s rights and privacy.

Initial reports of discrimination, harassment, or sexual misconduct can be made via email, phone, or in person at the contact information below. These individuals are in place to help lead others through the process:

On-Campus Options:

Debbie Campbell, Title IX Coordinator/Director of Human Resources
Administrative and Conference Building, 3000 N. Stiles Rd., Scottville, MI 49454
231-843-5819
djcampbell@westshore.edu

Chad Inabinet, Dean of Student Services
Schoenherr Campus Center Building, 3000 N. Stiles Rd., Scottville, MI 49454
231-843-5965
ceinabinet@westshore.edu
Off-Campus Options:

In cases involving potential criminal misconduct, individuals are encouraged to file a report with law enforcement. The College’s complaint procedures and the legal system work independently from one another and the College will proceed with its process (the College's investigation may be delayed temporarily while the criminal investigators are gathering evidence), regardless of action or inaction by outside authorities. Decisions made or sanctions imposed through these complaint procedures are not subject to change because criminal or civil charges arising from the same conduct are dismissed, reduced, or rejected in favor of or against the Respondent.

To contact **Law Enforcement – Dial 911**

Students also have the right to file a formal complaint with the United States Department of Education:

**Office for Civil Rights (OCR)**
400 Maryland Avenue, SW, Washington, DC 20202-1100  
Customer Service Hotline: 1-800-421-3481  
Fax: 202-453-6012  
TDD: 877-521-2172  
Email: OCR@ed.gov  

Employees should also be aware that the Federal Equal Employment Opportunity Commission (“EEOC”) investigates complaints and prosecutes complaints of prohibited harassment, discrimination, and retaliation in employment.

**EEOC Detroit Field Office**
Patrick V. McNamara Building, 477 Michigan Avenue, Room 865, Detroit, MI 48226  
1-800-669-4000

*How to Report an Incident*
Sexual misconduct, harassment, and discrimination (civil rights) complaints can be submitted initially in the form of a verbal or written statement. If the complaint progresses to a formal phase, a written statement will be required. A Civil Rights Complaint/Report Form (Appendix A) is available for written statements.

The complaint should clearly and concisely describe the alleged incident(s), when and where it occurred, and the desired remedy sought. Any supporting documentation and evidence
should be referenced within the body of the formal complaint. Additionally, the initiator of a complaint should submit any supporting materials in writing as quickly as is practicable.

Except for complaints relating to sexual misconduct, the complainant’s supporting documentation should clearly demonstrate all informal efforts, if any, to resolve the issues(s) with the person involved and the person’s supervisor. This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort.

**Reporting Sexual Assault**

A victim of sexual misconduct/assault, domestic violence, dating violence, or stalking’s first priority should be to get to a place of safety and to obtain necessary medical treatment. Although it is the victim’s choice, the College strongly advocates that any incident of sexual assault should be reported immediately to law enforcement. Time is critical for evidence collection and preservation as well as to ensure the medical treatment/well-being of the victim and safety of the campus community. Whether or not law enforcement is contacted, a report of an assault should be reported directly to the Title IX Coordinator, or the Dean of Student Services (contact information found above under “Standard Reporting”).

Assistance can also be obtained 24 hours a day/seven days a week through:

- C.O.V.E. (Communities Overcoming Violent Encounters) 1-800-950-5808
- CHOICES of Manistee 1-800-723-7220 or 231-723-6597
- Hospitals/emergency rooms –
  - Spectrum Health Ludington Hospital
    One Atkinson Drive, Ludington, MI 231-843-2591
  - West Shore Medical Center
    1465 East Parkdale Avenue, Manistee, MI 231-398-1000
- National Domestic Violence Hotline 1-800-799-7233 or 1-800-787-3224 TTD

The filing of a police report does not obligate the victim to prosecute. The decision whether or not to prosecute neither negates the responsibility of the College to take disciplinary action if the suspect is associated with the College (student or employee) nor the College’s responsibility to count the statistic. The victim’s identity and investigation, however remain confidential to the extent permissible by law. However, the crime statistic, once reported to a campus employee, must be recorded in the Daily Crime Log and certain information regarding the report may be releasable under the public record laws. Appropriate information must also be reported to the Title IX coordinator for follow-up. Notification of the Title IX coordinator will occur.

Filing a police report will:

- Ensure that a victim of sexual assault, domestic violence, dating violence, or stalking receives the necessary medical treatment and tests at no expense to the victim.
• Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam).
• Ensure that the victim is provided information and opportunity to apply for an applicable restraining or harassment order against their assailant.
• Ensure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention, domestic violence/dating violence and stalking intervention.

**Employees Receiving Reports or Encountering Sexual Misconduct**
Any employee who receives a report of, or encounters sexual misconduct/sexual assault, domestic violence, dating violence, or stalking on campus shall immediately report this in the following ways.

• **In Emergency Situations:**
  Dial 911 in an emergency or if you see a crime in progress to receive immediate response from a public safety officer and health services. Stay with the victim in a safe place that allows for privacy. Do not leave the victim and, if possible, send someone to get additional support from Title IX Coordinator, Dean of Student Services or campus counselor.

• **In Non-Emergency Situations:**
  Remain with the victim and discuss the possible options¹ for services including:
  • Public Safety 911;
  • Health services (above local hospital contacts);
  • Counseling services (above counseling contacts)

Provide a Resource Information Sheet to all victims. This sheet provides information regarding how to contact the College’s Title IX Coordinator, Dean of Student Services, and local police as well as the rape crisis hotline, domestic violence hotlines, and emergency medical services.

In all situations, if the victim requests, institutional personnel shall assist the victim in notifying the appropriate law enforcement authorities. The safety and care of the victim should be of the utmost importance in dealing with persons having experienced a sexual assault. Great care should be given in making the victim as comfortable as possible and in providing an understanding and safe environment as the necessary procedures are

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¹ Encourage the victim to seek immediate medical attention and assist in contacting services if needed. However, it is the victim’s right to refuse treatment and a victim should never be forced to get medical attention or report to law enforcement.
implemented. It is extremely important that these steps are followed to ensure that appropriate services are provided.

**Federal Statistical Reporting Obligations**

Certain campus employees have a duty to report sexual assault, domestic violence, dating violence, and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information regarding the type of incident and its general location (on- or off-campus, in the surrounding area, but no addresses are given) is published in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs, local police, coaches, athletic directors, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories), and the Clery crime category. This reporting protects the identity of the complainant and may be done anonymously.

**Federal Timely Warning Reporting Obligations**

Victims of sexual violence should be aware that College administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The College will ensure that a victim’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

**H. RESOLUTION AND INVESTIGATION**

This process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe a College policy has been violated. If so, the College will initiate an investigation that is thorough, reliable, impartial, prompt, and fair. The investigation determines whether a College discrimination policy has been violated. If so, the College will promptly implement an effective remedy designed to end the discrimination, prevent its recurrence, and address its effects.

**Participation of Advisors**

Although the College will help individuals to understand the process, the complainant(s) and the respondent(s) have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or hearing.

An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting or hearing. These procedures are entirely administrative in nature and are not
considered legal proceedings. The College may remove or dismiss an advisor who becomes disruptive or who does not abide by the restrictions on their participation as explained above.

**Timeline of Process**
The College aims to bring all allegations to a resolution within a sixty (60) working day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties. In overview, the timeline for resolutions begins with notice to a mandated reporter. The Coordinator then engages in a preliminary inquiry that will typically be completed within seven (7) work days. From there, the allegation can lead to a formal investigation, which usually starts within days of the preliminary inquiry’s conclusion. Investigation range from days to weeks, depending on the nature and complexity of allegations, with the College commonly aiming for a ten-fourteen (10-14) window to completion. The parties are regularly apprised of the status of the investigation as it unfolds. The process may then end or continue. If it continues, barring necessary extensions, the investigation leads to formal and informal resolution options, which the College aims to complete in ten-fourteen (10-14) days from the end of the investigation. A failed informal resolution which triggers a formal resolution may require the College to extend this timeline accordingly. From there, appeals may be requested, with a three (3) day window to grant or deny the appeal request, and another ten (10) days for a final resolution to be reached. In rare cases where a remanded decision results in a new hearing, the results of that hearing can be appealed once, which would typically add another ten-fourteen (10-14) days to final results.
Interim Remedies/Actions
The College may provide interim measures to prevent continued discrimination or harassment during the investigation period as deemed appropriate. Examples include, but are not limited to, no contact order between the complainant and respondent, restrictions from areas of campus, provision of an escort to ensure safety in class and during activities, appropriate changes in academic or work schedules, and/or temporary suspension. Failure to adhere to the parameters of any interim measures is a violation of policy and may lead to additional disciplinary action.

The College may suspend a student, employee, or organization on an interim basis pending the completion of an investigation. Decisions of suspension, including conditions and duration, will depend on the severity of the alleged misconduct and/or if possible pattern of behavior by respondent exists. Violation of an interim suspension under these procedures will be grounds for expulsion or termination. An interim suspension of a student or paid leave of absence for an employee may be imposed:

- in instances where it is determined that the respondent poses a potential threat to another;
- to ensure the safety and well-being of members of the College community and/or the preservation of College property;
- to ensure the respondent’s own physical or emotional safety and well-being;
- if the respondent poses a threat of disruption or interference with the normal operations of the College;

During an interim suspension or paid leave of absence, the individual or organization may be denied access to campus, campus facilities and/or all other College activities or privileges for which the respondent might otherwise be eligible, as the College determines appropriate. When an interim suspension/paid leave of absence is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

Informal Resolution
Before pursuing the Formal Resolution Process, every reasonable effort should be made to constructively resolve conflict with students or employees. Whenever possible and safe, the problematic behavior, conflict or misconduct should first be discussed by the impacted person and the person engaged in the problematic behavior, conflict or misconduct. The Title IX Coordinator or designee will facilitate such conversations, upon request, and monitor them for safety. Informal resolution (such as conflict resolution, mediation, and/or educational sessions) will not be used when physical sexual misconduct behavior is involved, when the Coordinator determines a situation is not eligible, or the parties are reluctant to participate in good faith. The College does not require an impacted party to contact the person involved or that person’s supervisor if doing so is impracticable, or if the impacted party believes that the conduct cannot be effectively address through informal means. If informal efforts are unsuccessful, the formal process may be initiated. Either party has the right to end the informal process and begin the formal process at any time prior to resolution.
Resolution Process

- Following the receipt of notice (which may or may not come from a formal complaint), the Title IX Coordinator (or designee) will contact the complainant and acknowledge receipt of notice, typically within three (3) working days, and schedule a preliminary fact-finding meeting with the complainant.

- Normally, within seven (7) working days after the preliminary fact-finding meeting, an initial determination will be made by the Title IX Coordinator in conjunction with appropriate administrators whether there is reasonable cause to believe a conduct and/or policy violation may have occurred and/or whether informal measures might be appropriate. To make this determination, preliminary investigative sessions may be required with the complainant, respondent, and identified witnesses. If the complaint does not appear to allege a policy violation or if informal resolution is desired by the complainant, and appears appropriate given the nature of the alleged behavior, then the complaint does not proceed to the formal phase. The College will aim to complete informal resolution within ten-fourteen (10 – 14) work days.

- If after initial assessment of a complaint, the Title IX Coordinator in conjunction with appropriate administrators determines that the complaint alleges a possible conduct and/or policy violation that is not appropriate for informal resolution, they will move forward to the formal phase.

- Typically within two (2) working days of when the decision was made to move forward to a formal resolution, the Title IX Coordinator will appoint trained investigators (typically using a team of two investigators), to conduct the investigation.

- The College is required to internally investigate all civil rights complaints, even in the event of a separate external criminal investigation. The College may undertake a short delay (several days to weeks) in its investigation or resolution process, to comply with a law enforcement request for cooperation (e.g., to allow for criminal evidence collection) when criminal charges are being investigated.

Investigation

Investigations are completed as expeditiously as possible, normally within ten-fourteen (10-14) working days of the completion of the preliminary inquiry by the Title IX Coordinator. Investigations may take longer when, for example, initial reports fail to provide direct first-hand information or in complex situations. At any point during the investigation, if it is determined there is no reasonable cause to believe that College policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.
All investigations will be thorough, reliable, and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

The investigator will take the following steps (not necessarily in order):

- In coordination with the campus Title IX Coordinator, initiate any necessary remedial actions;
- Determine the identity and contact information of the reporting party;
- Identify the exact policies allegedly violated;
- Conduct an immediate initial inquiry to determine if there is reasonable cause to charge the responding party, and what policy violations should be alleged as part of the charge;
  - If there is insufficient evidence to support reasonable cause, the report should be closed with no further action;
- Meet with the reporting party to finalize their statement, and prepare the notice of charges on the basis of the initial inquiry;
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
- Revise or adapt the investigation plan, if necessary, after meeting with witnesses and/or the responding party to include, for example, additional interviews;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline of ten-fourteen (10-14) working days;
- Provide regular updates to both the reporting and responding parties, as appropriate, throughout the investigation;
- Produce a draft investigative report that summarizes and analyzes the allegations, the relevant facts, and any supporting documentation, and submit to Title IX Coordinator;
- Share the draft with both parties so they can provide comments on the Report identifying any factual inaccuracies or misunderstandings within five (5) calendar days of receipt of the Report.
- Address any identified factual inaccuracies or misunderstandings as appropriate.
- Make a finding, based on a preponderance of the evidence (based upon all information obtained, is it more likely than not that one or more violations of the policy/procedure occurred?);
- Share the findings with the respondent, who may accept the findings, accept the findings in part and reject them in part, or may reject all findings; and
- Share the findings and update the complainant on the status of the investigation and the outcome.

**Findings for Reports of Misconduct by EMPLOYEES**

Where the responding party is found not responsible for the alleged violation(s), the investigation will be closed.
Where a violation is found, the College will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the College community. The College will follow disciplinary provisions in its procedures and collective bargaining agreements to determine sanctions. All parties will receive written notification of the outcome, to the extent permitted by or mandated by law. In cases involving sexual misconduct, sexual harassment, stalking, and/or intimate partner violence, the written notification includes the finding, any resulting responsive actions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications, and explains appeal options. Appeal proceedings are described below.

**Findings for Reports of Misconduct by STUDENTS**

Where the responding party is found not responsible for the alleged violation(s), the investigation will be closed.

Where the respondent accepts the finding that s/he is in violation of a College policy, the Title IX Coordinator will forward the final investigative report to the appropriate College official for determination of sanctions after consultation with the Title IX Coordinator. Such a disposition will be final and there will be no subsequent proceedings. The College will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the College community.

In the event that the respondent rejects the findings in part or entirely, s/he must submit their rejection to the investigator in writing within three (3) work days from the date of the findings were received and clearly outline what findings they disagree with. The complaint will then be referred for an administrative hearing. The investigator(s) will inform the Title IX Coordinator of the rejection by sharing the parties’ written objection.

While the complainant does not have a right to initiate a hearing at this point, if they are unsatisfied with the outcome they may petition the Title IX Coordinator to reopen the investigation or forward the allegation to a hearing. This request should only be granted in extraordinary circumstances, and at the sole discretion of the Coordinator.

The Dean of Student Services (or designee) will convene a hearing typically within five (5) working days under respective student conduct procedure SS17, section IV A6 - 9, to determine whether the responding party is in violation of the contested aspects of the report. A “Hearing Notification Letter” will be delivered to both parties at least three (3) working days prior to the scheduled hearing. This letter will be delivered in the most expedient manner possible. Delivery in-person or by certified mail are both acceptable. At the hearing, the findings of the investigation will be admitted but are not binding on the hearing officer, though any undisputed conclusions of the investigation report will not be revisited. The investigator(s) may give evidence. The hearing will determine whether it is more likely than not that the responding party
violated the policies forming the basis of the charge. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants. All parties will receive written notification of the outcome, within two (2) working days of the hearing.

The hearing officer has final decision-making authority with regard to formal reports, subject to appeal. Where the responding party is found in violation as the result of a hearing, the hearing officer will impose appropriate sanctions for the violation, after consultation with the Title IX Coordinator. The College will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the College community. Appeal proceedings as described below apply to all parties to the report. The parties will receive written notification of the outcome of the hearing, to the extent permitted or mandated by law. In cases involving sexual misconduct, sexual harassment, stalking and/or intimate partner violence, the written notification includes the finding, any resulting sanctions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications, explains appeals options and procedures, and any changes to the results that could occur before the decision is finalized.

**Requesting an Appeal**

In the event that the responding party accepts the findings of the investigation, those findings cannot be appealed. Sanctions imposed post-investigation can be appealed by any party according to the grounds, below. Post-hearing, any party may appeal the findings and/or sanctions only under the grounds described below.

All sanctions imposed by the original hearing officer will be in effect during the appeal. A request may be made to the Title IX Coordinator to delay implementation of the sanctions until the appeal is decided, but the presumptive stance of the institution is that the sanctions will go into effect immediately. For complaints involving students, graduation, internships/externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

The decision of the hearing officer may be appealed by petitioning the appeals officer (Vice President of Academic and Student Services or Title IX Coordinator or designee). Any party who files an appeal request must do so in writing to the Title IX Coordinator, within three (3) working days of receiving the written decision, for a review of the decision or the sanctions imposed. The written decision to grant or deny the request will be provided in person and/or mailed to the mailing address of the respective party as indicated in College records within three (3) days after receiving the appeal request. Once received in person or mailed, the notice of decision will be deemed presumptively delivered.
The appeals officer will share the appeal request with the other party (e.g., if the respondent files an appeal, the appeal is shared with the complainant, who may also wish to file a response and/or bring their own appeal on separate grounds; this response or appeal will be shared with the initial appealing party). Based on the written requests/responses or on interviews as necessary, the appeals officer will send a letter of outcome for the appeal to all parties typically within ten (10) days of when appeal was granted. The appeals officer can take one of three possible actions: dismiss an appeal request as untimely or ineligible, grant an appeal and remand the finding and/or sanction for further investigation or reconsideration at the hearing level, or may modify a sanction.

The original finding and sanction will stand if the appeal request is not timely or substantively eligible, and that decision is final. The party requesting appeal must show clear error as the original finding and/or a compelling justification to modify a sanction, as both finding and sanction are presumed to have been decided reasonably and appropriately during the original hearing.

The ONLY grounds for appeal are as follows:
1. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
3. The sanctions imposed fall outside the range of sanctions designated for this offense and the cumulative conduct history of the responding party.

If remanded to re-open the investigation, the results of a revised investigation can be subsequently forwarded for reconsideration at the hearing level, at the discretion of the appeals officer. If the appeal remands to the hearing body for review, the reconsideration of the hearing body is not appealable.

In rare cases where a procedural or substantive error cannot be cured by the original hearing officer (as in cases of bias), the appeals officer may order a new hearing with a new hearing officer. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on any of the three applicable grounds for appeals.

The procedures governing the hearing of appeals include the following:
- All parties should be informed of the status of requests for appeal in a timely fashion, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original hearing body for reconsideration (remand) should be pursued;
• Appeals are not intended to be full re-hearings of the allegation (*de novo*). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal;
• Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so;
• An appeal is not an opportunity for appeal officers to substitute their judgment for that of the original hearing officer merely because they disagree with findings and/or sanctions.
• The appeals officer will typically render a written decision on the appeal to all parties within five (5) working days from hearing of the appeal. The appeals officer’s decision to deny an appeal request is final.

**Sanctions**
Sanctions or responsive actions will be determined by the appropriate disciplinary authority. Factors considered when determining a sanction/responsive action may include, but are not limited to, the following:
- The nature, severity of, and circumstance surrounding the violation;
- An individual's disciplinary history;
- Previous complaint or allegations involving similar conduct;
- Any other information deemed relevant by the Disciplinary Authority;
- The need for sanctions/responsive actions to bring an end to the behavior and/or retaliation;
- The need for sanctions/responsive actions to prevent the future recurrence of the behavior and/or retaliation; and
- The need to remedy the effects of the inappropriate behavior and/or retaliation on the victim and the College community.

The following are usual sanctions that may be imposed:
- For students – warning, restitution, denial of privileges, assignment to perform services for the benefit of the College community, re-assignment to another class section including the option for an online section, withdrawal agreement, suspension, expulsion, a "Cease communications" directive, or a "No trespass" directive.
- For employees – written warning, corrective actions, probation, restitution, denial of privileges, suspension, termination of employment, a "Cease Communications" directive, or a "No trespass" directive.
- For authorized volunteers, guest(s), third parties, or visitors - written warning, denial of privileges, dismissal from the College, a “Cease Communication” directive, or a “No trespass” directive.

President Approval: 1/26/16
APPENDIX A: Complaint/Report Form – Civil Rights

Directions: If you believe that you have been subjected to civil rights violations (including but not limited to sexual misconduct, harassment, and discrimination), you may submit your complaint using this form, or verbally by contacting the Title IX Coordinator. Depending on the information you provide, the College may be obligated to investigate even without your permission. If more space is necessary, please continue your comments on a separate sheet of paper.

Name (Complainant): ___________________________ Date of Complaint: ____________

Please check:  ___ Employee  ___ Student  ___ Authorized Volunteer  ___ Guest/Visitor

If you are not the victim, please include their name(s): ________________________________

Is victim: (please check)

___ Employee  ___ Student  ___ Authorized Volunteer  ___ Guest/Visitor

Name(s) of who you believe committed the alleged act(s): ________________________________

________________________________________________________________________________

Is above person an employee, student, authorized volunteer, or guest/visitor? If so, check one:

___ Employee  ___ Student  ___ Authorized Volunteer  ___ Guest/Visitor

Please describe the alleged incident(s) and when and where it occurred. Also, please attach any supporting documentation and evidence. Please note that the College will use this information for an initial review so be as accurate and thorough as possible.

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________
Identify all individuals with knowledge of the conduct about which you are reporting:

________________________________________________________________________

________________________________________________________________________

We encourage attempting to resolve complaints informally. Would you be interested in attempting this process?

___ Yes   ___ No

*If the complaint is an allegation of sexual assault, the College will not allow an informal proceeding to occur.

Please describe your requested remedy for this complaint:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Disclosure

To investigate your complaint, it will be necessary to interview you, the alleged respondent(s), and any witnesses with knowledge of the allegations or defenses. The statements and the information that you are providing may be attributed to you and could be included in any investigative reports that are prepared. Further, it may be necessary to include you as a witness in any hearing that may occur due to these alleged incidents.

Authorization to disclose identity of person reporting incident: ___ Yes   ___ No

Signature:______________________________________________

*Please note limiting the College’s ability to disclose will affect the ability to respond to the complaint.

Please provide your contact information:

Phone Number: ___________________________  Alternate Phone Number: ___________________________

Email:__________________________________________
APPENDIX B: Statement of the Accused/Respondent’s Rights – Title IX

- The right to investigation and appropriate resolution of all credible reports of sexual misconduct made in good faith to College officials;

- The right to be informed in advance, when possible, of any public release of information regarding the report;

- The right to be treated with respect by College officials;

- The right to have College policies and procedures followed without material deviation;

- The right to be informed of and have access to campus resources for medical, health, counseling, and advisory services;

- The right to be fully informed of the policies and procedures of the campus resolution process and to timely written notice of all alleged violations within the report, including the nature of the violation and possible sanctions;

- The right to a hearing on the report, including timely notice of the hearing date, and adequate time for preparation;

- The right to review all documentary evidence available regarding the allegation, including the investigative report, subject to the privacy limitations imposed by state and federal law, at least two (2) working days prior to the hearing;

- The right to be informed of the names of all witnesses who will be called to give testimony, at least two (2) working days prior to the hearing, except in cases where a witness’ identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed);

- The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process;

- The right to have reports heard by hearing and appeals officers who have received at least (8) hours of annual training;

- The right to petition that any member of the conduct body be recused on the basis of demonstrated bias;

- The right to meetings, interviews and hearings that are closed to the public;

- The right to have an advisor of the respondent’s choosing to all phases of the investigation and resolution proceeding;

- The right to a fundamentally fair resolution, as defined in these procedures;
• The right to make or provide an impact statement in person or in writing to the hearing officer following any determination of responsibility, but prior to sanctioning;

• The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;

• The right to be informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;

• The right to be informed in writing of when a decision of the College is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College.
APPENDIX C: Statement of the Reporting Party’s Rights – Title IX

• The right to investigation and appropriate resolution of all credible reports or notice of sexual misconduct or discrimination made in good faith to College officials;

• The right to be informed in advance of any public release of information regarding the incident;

• The right of the reporting party not to have any personally identifiable information released to the public, without his or her consent.

• The right to be treated with respect by College officials;

• The right to have College policies and procedures followed without material deviation;

• The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.

• The right not to be discouraged by College officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.

• The right to be informed by College officials of options to notify proper law enforcement authorities, and the option to be assisted by campus officials in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim’s desire;

• The right to have reports of sexual misconduct responded to promptly and with sensitivity by campus College officials.

• The right to be notified of available counseling, mental health, victim advocacy, health, or other student services for victims of sexual assault, both on campus and in the community;

• The right to a campus no contact order (or a trespass order against a nonaffiliated 3rd party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others;

• The right to notification of, options for, and available assistance in, changing academic or work situations after an alleged sexual misconduct incident, if so requested by the victim and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
  o Academic deadline (paper, assignment) rescheduling;
  o Taking an incomplete in a class;
  o Appropriate changes in academic or work schedules;
  o Alternative course completion options.

• The right to have the institution maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution’s ability to provide the accommodations or protective measures.
• The right to be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;

• The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;

• The right to review all documentary evidence available regarding the allegation, including the investigative report, subject to the privacy limitations imposed by state and federal law, at least two (2) working days prior to the hearing;

• The right to be informed of the names of all witnesses who will be called to give testimony, at least two (2) working day prior to a hearing, except in cases where a witness’ identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the alleged victim/reporting party, which will always be revealed);

• The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;

• The right to regular updates on the status of the investigation and/or resolution.

• The right to have reports heard by hearing and appeals officers who have received at least eight (8) hours of annual sexual misconduct training;

• The right to a panel comprised of representatives of both genders, if a panel is to be used;

• The right to preservation of privacy, to the extent possible and permitted by law;

• The right to meetings, interviews and/or hearings that are closed to the public;

• The right to petition that any member of the conduct body be recused on the basis of demonstrated bias;

• The right to bring a victim advocate or advisor of the reporting party’s choosing to all phases of the investigation and resolution proceeding;

• The right to provide evidence by means other than being in the same room with the responding party;

• The right to be present for all testimony given and evidence presented during any resolution-related hearing;

• The right to make or provide an impact statement in person or in writing to the hearing officer following determination of responsibility, but prior to sanctioning;

• The right to be informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;

• The right to be informed in writing of when a decision of the College is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College.