

## SEXUAL MISCONDUCT POLICY

### I. Policy Section

6.0 Human Resources

### II. Policy Subsection

6.4 Sexual Misconduct

### III. Policy Statement

#### A. Sexual Misconduct:

Members of the college community, guests and visitors have the right to be free from all forms of gender-and sex-based discrimination. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. This policy specifically prohibits any form of gender and/or sex-based discrimination, including sexual assault, sexual harassment, domestic violence, dating violence, sexual exploitation, and/or stalking, as defined by the Clery Act, state law, and this policy. This policy also prohibits any sexual activity that does not have the clear consent of all parties involved.

GRCC will provide appropriate programming to promote the awareness of sexual misconduct for all employees and incoming students by providing examples and definitions for domestic violence, dating violence, sexual assault, stalking, sexual harassment, and sexual exploitation. This program will include information regarding safe and positive options for bystander intervention and information on risk reduction. This programming will also include information on procedures GRCC will follow in the event of reported violations of this policy, regardless of where they occurred.

#### B. Prohibition on Consensual Relationships with Students or Subordinates:

Consensual relationships to which this policy applies are those romantic, intimate, or sexual relationships where an individual has actual institutional responsibility for or authority over an individual and/or is involved in the evaluation of an individual. Relationships where there is a reasonable perception of a power differential (e.g., senior member of a group and a perspective member of a group) may be included as well. GRCC considers such relationships to be a basic violation of professional ethics and responsibility, and expressly forbids them unless GRCC and both parties agree to and cooperate in making alternative arrangements for the supervision, evaluation, teaching, grading, or advising of the individual. This policy applies to all faculty members, administrators, staff members, and students of GRCC.

#### C. Duty to Report:

Staff and faculty must report allegations of sexual misconduct or other violations of this policy to the Title IX coordinator, Title IX deputy coordinator or designees and/or Campus Police as soon as possible and normally within three workdays. All authorized volunteers who work with student organizations or conduct other on-campus activities are also required to report. All complaints of sexual misconduct, investigation documents and documents relative to the resolution of the complaint will be maintained in a confidential file in the appropriate office. These documents will be confidential to the extent allowed under state and federal law.

#### D. Retaliation:

Reprisals or retaliation towards any person for alleging sexual misconduct or for filing a sexual misconduct complaint or other charge under this policy is illegal and a violation of GRCC policy. Any person who retaliates against a complainant will be subject to disciplinary action up to and including, termination of employment for employees, expulsion for students. Any student or employee who believes that he or she has been retaliated against in violation of this policy should immediately report such incidents by following the procedures indicated in Section X, Procedures.

#### E. False Statements:

Knowingly making false allegations of sexual misconduct or providing evidence with the knowledge that it is false is also a violation of this policy and will subject a person to disciplinary action up to and including termination or expulsion.

#### F. Confidentiality:

Before a victim reveals any information to staff or faculty ("employee"), the employee should ensure that the victim understands the employee's reporting obligations and, if the victim wants to maintain confidentiality, direct the victim to a "confidential employee" or other confidential resource. Professional, licensed counselors who provide mental health counseling to members of the school community (including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim's permission. A victim who speaks to these "confidential employees" must understand that, if he or she wants to maintain confidentiality, the college will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. Confidential employees can be found in the Counseling and Career Development Office, which can be reached at 616-234-3900.

If the victim requests that a "non-confidential" employee maintain confidentiality, the employee should tell the victim that the college will consider the request, but

cannot guarantee that the college will be able to honor it. In reporting the details of the incident to the Title IX coordinator, the employee will also inform the coordinator of the victim's request for confidentiality.

Employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including the victim's wish to have the college fully investigate an incident. By the same token, employees will not pressure a victim to make a full report if the victim is not ready to do so. Those persons responsible for consulting about, investigating and resolving complaints of sexual misconduct will make reasonable efforts to protect the privacy of both the complainant and the respondent. For the purposes of Clery crime reporting, employees identified as Campus Security Authorities may maintain the confidentiality of the victim even though they must report that the incident occurred to Campus Police.

#### G. Classroom Speech:

GRCC recognizes that the academic setting is distinct from the typical workplace in that latitude is required in determining the appropriate content of academic material. Using language that is discriminatory on the basis of gender or sex is prohibited in the classroom and may lead to disciplinary action by the College. Considerations may include the relevance, purpose, or context of the content.

#### IV. Reason for Policy

Sexual misconduct, including dating violence, domestic violence, sexual exploitation, sexual assault, stalking and sexual harassment, violates the law, undermines the integrity of the college, traumatizes individuals, creates tension in the workplace and academic environment and causes friction between employees and students.

GRCC is committed to maintaining a positive learning and working environment for students, faculty and staff. All forms of sexual misconduct detract from a positive environment and are absolutely prohibited. Such conduct unreasonably interferes with an individual's work or educational performance and can create an intimidating, hostile or offensive work or learning environment.

GRCC attempts to maintain a professional and ethical educational environment. It is essential that those who are in positions of authority not abuse the power with which they are entrusted.

Relationships covered by the Consensual Relationship provision of this policy are inherently risky, can raise concerns about conflicts of interest, validity of consent, and preferential treatment. They may also lead to allegations of sexual harassment. Members of the GRCC community who participate in such relationships should do so knowing that they risk being accused of sexual

harassment and may be subject to disciplinary action. In a sexual harassment proceeding, it is incumbent upon the respondent to establish that a real or implied power differential did not exist within the relationship with the individual.

A member of the GRCC community who is involved romantically or sexually with an individual for whom he or she has real or implied supervisory responsibility has the obligation to disclose its existence to his or her supervisor, or department chair or dean, and to cooperate in making alternative arrangements as described above. Failure to comply with these notification and recusal requirements is a violation of GRCC policy, and shall be subject to sanctions ranging from warning to dismissal.

V. Entities Affected by This Policy

Persons covered by this policy include students, members of the Board of Trustees, applicants for employment, authorized volunteers, all employees including faculty, staff, and persons employed on the premises of the college as independent contractors, as well as persons participating in or attending college-sponsored programs and travel.

VI. Who Should Read This Policy

Grand Rapids Community College Employees, including faculty  
Board of Trustees  
Students  
Community members as college guests

VII. Related Documents

A. College Documents:

1. Student Code of Conduct
2. GRCC catalog
3. Office of General Counsel webpage
4. Ethics Monitoring System brochure
5. Sexual Misconduct brochure
6. GRCC Conflict of Interest Policy
7. GRCC EEO/Non-Discrimination Policy
8. Annual Security Report
9. Faculty Code of Ethics
10. Administrator Code of Ethics
11. APSS Code of Ethics
12. Acceptable Use of Technology Policy
13. On and Off Campus Reporting Resources

B. Other Documents:

1. The Elliott-Larsen Civil Rights Act

2. Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a) (2006).
3. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2000).
4. Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2000).
5. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

## VIII. Contacts

- A. Policy Owner: Title IX Coordinator:  
Kimberly DeVries; [kimberlydevries1@grcc.edu](mailto:kimberlydevries1@grcc.edu)  
(616) 234-2120
- B. Director of Student Life and Conduct  
Lina Blair; [carolineblair@grcc.edu](mailto:carolineblair@grcc.edu)  
(616) 234-3924
- C. Labor Relations and EO Generalist  
Deven Swanigan; [devenswanigan@grcc.edu](mailto:devenswanigan@grcc.edu)  
(616) 234-4176
- D. Campus Police Chief  
Rebecca Whitman; [rwhitman@grcc.edu](mailto:rwhitman@grcc.edu)  
(616) 234-4012
- E. Executive Director of Human Resources  
Cathy Kubiak; [ckubiak@grcc.edu](mailto:ckubiak@grcc.edu)  
(616) 234-3971
- F. General Counsel:  
Kathy Keating; [kkeating@grcc.edu](mailto:kkeating@grcc.edu)  
(616) 234-4953

## IX. Definitions

- A. **Sexual Misconduct:** Sexual misconduct includes but is not limited to sexual violence including sexual harassment, dating violence, domestic violence, stalking, sexual assault, and sexual exploitation.
- B. **Sexual Harassment:** Sexual harassment is defined as any unsolicited, offensive behavior that uses sexuality to disadvantage another, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to sexual harassment is made either explicitly or implicitly a term or condition of employment or academic admission or advancement, or;
2. Submission to or rejection of sexual harassment is used as the basis (or threatened to be used as the basis) for employment actions or academic decisions or evaluations, or;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive work or learning environment.
4. Examples of sexual harassment include:
  - i. Threats or insinuations which lead the victim to reasonably believe that granting or denying sexual favors will affect his/her reputation, education, employment, advancement, or standing within the college
  - ii. Sexual advances, sexual propositions, or sexual demands which are not agreeable to the recipient and/or sexually explicit emails or text messages
  - iii. Unwelcome and persistent sexually explicit statements or stories which are not legitimately related to employment duties, course content, research, or other college programs or activities
  - iv. Repeatedly using sexually degrading words or sounds to describe a person
5. Recurring comments or questions about an individual's sexual prowess, sexual deficiencies, sexual orientation or sexual behavior. Unsolicited, offensive behavior may involve harassment of women by men, harassment of men by women, and harassment between persons of the same sex.

C. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

1. Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
2. The existence of a social relationship of a romantic or intimate nature with the victim is determined based on;
  - i. The reporting party's statement;
  - ii. The length of the relationship;
  - iii. The type of relationship; and
  - iv. The frequency of interaction between the persons involved in the relationship.

**D. Domestic Violence:** A felony or misdemeanor crime of violence committed by any of the following individuals:

1. A current or former spouse or intimate partner of the victim; or
2. A person with whom the victim shares a child in common; or
3. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or
4. A person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred; or
5. Any other person against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**E. Sexual Assault**

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Sexual assault includes any of the following:

1. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object or oral penetration by a sex organ of another person, without the consent of the victim.
2. Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
3. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. Statutory Rape: Sexual intercourse with a person who is under statutory age of consent.
5. Non-consensual sexual contact: Any intentional sexual touching or sexual intercourse, however slight, with any object, by a man or woman upon a man or woman that is without consent. Sexual contact is 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; any

intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

## F. Sexual Exploitation

1. Sexual Exploitation occurs when a student takes non-consensual or abusive sexual advantage of another for his or 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 other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:
  - i. Invasion of sexual privacy;
  - ii. Prostituting another student;
  - iii. Non-consensual video or audio-taping of sexual activity;
  - iv. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
  - v. Engaging in voyeurism;
  - vi. Knowingly transmitting an STI or HIV to another student;
  - vii. Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
  - viii. Sexually-based stalking or bullying may also be forms of sexual exploitation
2. For reference to the pertinent state statutes on sex offenses, please see Appendix.

G. **Consent:** The state of Michigan does not have one single definition of consent; however, GRCC utilizes the following as the definition of consent for purposes of this policy. Any investigations of violations of this policy will rely on this definition. Consent is a clear, freely given, "yes" to sexual activity. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. The absence of "no" is not consent. Silence, in and of itself, cannot be interpreted as consent. Similarly, a freely given, verbalized "yes" will contribute to a mutual understanding that consent has been given and received.

However, consent, whether verbal or nonverbal, that has been coerced does not constitute valid consent. To coerce consent means to gain consent through force, or threat of force. Individuals who consent to sex must be able to understand what they are doing and do so willingly.

A person may not be able to give consent if: they are under the age of 16, if they are legally mentally incapable, mentally incapacitated or physically helpless. This may include impairment due to drug or alcohol use.  
Important reminders about consent:

1. Consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity.
2. Previous relationships or prior consent does not imply consent to future sexual acts.
3. Consent may be withdrawn at any time, even during the course of sexual activity.

H. **Independent Contractors:** This status is determined by Human Resources, per Fair Labor Standards Act guidelines. Independent Contractors are expected to also be familiar and comply with this policy.

I. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. GRCC considers acts of cyberstalking, recording or transmitting sexual images, and voyeurism to be a violation of this policy.

1. A course of conduct is two or more acts, including but not limited to:
  - i. Acts in which the “stalker” directly, indirectly, or through third parties by any action, method, device or means,
  - ii. Follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property.
2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
3. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling

J. **Employee:** Anyone employed by GRCC as faculty or staff, full or part time.

K. **Supervisor and College Official:** Anyone who oversees directs or evaluates the work of others, including but not limited to, managers, Board of Trustee members, volunteers, administrators, independent contractor, coaches, directors, deans, department heads, program directors, counselors, advisors, coordinators, persons who manage student workers as well as faculty

members in their role as instructors, and as participants in decisions affecting the careers of other faculty members.

L. **Students:** The term “student” includes persons who have been issued a student number at Grand Rapids Community College and are:

1. currently enrolled, or
2. admitted and show intent to enroll, or
3. withdrawn from a specific course or the college after allegedly violating the Student Code

M. **Response:** In cases where it is determined that sexual misconduct occurred, GRCC will take appropriate disciplinary action with or without concurrence from the complainant.

N. **Retaliation:** To intimidate, threaten or coerce, or otherwise discriminate against any individual for exercising his or her right to file a complaint of sexual misconduct or to participate in an investigation. Retaliatory conduct is illegal and constitutes a violation of this policy, and will be grounds for disciplinary action up to and including termination or expulsion. Any student or employee who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures indicated below.

O. **Volunteers:** Persons who provide services and do not receive any compensation from the college. Volunteers are expected to be aware of and comply with this policy.

X. Procedures

A. Education and Prevention Programs:

1. Programming Standards & Goals:

GRCC engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, sexual exploitations and stalking that:

- are culturally relevant,
- inclusive of diverse communities and identities,
- sustainable,
- responsive to community needs,
- and informed by research, or assessed for value, effectiveness, or outcome; and

- consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

## 2. Content and Delivery of Programming:

GRCC prevention and awareness programs for all students and employees, including student employees, will be developed and delivered by Student Affairs and Human Resources, and/or the Title IX coordinator. The programming, which may vary in delivery method and focus, will seek to:

- i. Identify domestic violence, dating violence, sexual assault and stalking as prohibited conduct.
- ii. Define what behavior constitutes domestic violence, dating violence, sexual assault and stalking using definitions provided by the Department of Education as well as state law.
- iii. Define what behavior and actions may constitute consent to sexual activity in the state of Michigan, and the definition GRCC uses. GRCC's definition as related to consent will be used in all investigations related to violations of this policy.
- iv. Procedures victims should follow to report a complaint of domestic violence, dating violence, stalking, sexual assault, sexual harassment, sexual exploitation or other form of gender discrimination occurs.
- v. How the institution will protect confidentiality of victims and other necessary parties, such as witnesses.
- vi. Existing options for counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both on- and off-campus.
- vii. Options for interim or protective measures related to changes to academic, transportation, and/or working situations related to complaints of sexual misconduct.
- viii. Provide a description for bystander intervention, which means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to

- intervening, identifying safe and effective intervention options, and taking action to intervene.
- ix. Information on risk reduction, including effects drug and alcohol often play in sexual violence incidents. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- x. Reporting obligations, options, and rights to report including how to report sexual violence to campus police or local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX investigation.
- xi. How to identify and prevent sexual violence including same-sex violence
- xii. Methods for responding to victims in a nonjudgmental way.
- xiii. Impact of trauma on victims.
- xiv. GRCC's investigation procedures used to process sexual misconduct complaints.
- xv. Consequences of violating GRCC Policy, Student Code and state law related to sexual misconduct, including procedures for institutional disciplinary action.

### 3. Bystander Intervention Focus:

Bystanders play a critical role in the prevention of sexual and relationship violence and GRCC programming will highlight that role and encourage students to take appropriate action. Bystanders have the choice to intervene, speak out, or assist others who may be experiencing sexual misconduct. GRCC seeks to promote a culture of accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Below is a list of ways in which students and GRCC community members can be active bystanders:

- i. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are okay.
- ii. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- iii. Speak up when someone discusses plans to take sexual advantage of another person.
- iv. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- v. Refer people to on- or off-campus resources listed in this document for support in health, counseling, or other forms of assistance.
- vi. If you feel you are unsafe in becoming involved in a situation or someone appears to be in immediate danger, call GRCC campus police or local police for assistance.

#### 4. Risk Reduction Information:

Victims are never to blame for abuse they may experience, but there are some strategies students can use which may help reduce the risk of sexual assault or harassment. GRCC programming will educate about these risk reduction strategies, while being careful to avoid victim-blaming.

- i. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- ii. Try to avoid isolated areas, as it can be more difficult to get help if no one else is around.
- iii. Walk with purpose. Even when you don't know where you are going, act like you do.
- iv. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be. If you see something suspicious, contact law enforcement or call 911.
- v. Try not to load yourself down with packages or bags, as this can make you appear more vulnerable.
- vi. If you have a cell phone, make sure it is charged and accessible.
- vii. Consider alternate transportation options so you can leave an uncomfortable situation, which may include carrying cab money, a bus pass, etc.
- viii. Try to avoid becoming isolated with someone you don't trust or someone you don't know.
- ix. Avoid putting headphones in both ears in public so you can be more aware of your surroundings, especially while walking alone.
- x. When you go to a social gathering, try to attend with friends. Arrive together, check in with each other, and leave together. Knowing where you are and who is around you may help to get you out of a bad situation.
- xi. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, get a new one.
- xii. Don't accept drinks from someone you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, be cautious about drinking from punch bowls or other large, common open containers that could easily be contaminated or "spiked" beyond what you expect.
- xiii. Watch out for your friends, and ask them to do the same. If a friend seems out of it or is way too intoxicated for the amount of alcohol they've had, or is acting out of character get them to a safe place immediately, and have someone they trust stay with them.

## B. Investigation Procedures:

### 1. Reporting a Complaint

Reports concerning sexual harassment, sex or gender discrimination, sexual assault or misconduct or violations of the Sexual Misconduct Policy should be filed with the Title IX coordinator or their designee. The Title IX coordinator may, at their discretion, dismiss a grievance if they determine the person filing the complaint is not entitled to use this process.

The Title IX coordinator may modify these procedures at any time as deemed appropriate for compliance with federal, state, local law or applicable guidance. The campus community will be notified of any changes via email as well as on the college Sexual Misconduct website.

An individual who has been the victim of sexual harassment, domestic violence, dating violence, sexual assault, sexual exploitation, stalking, or other sexual misconduct, is encouraged to report the incident promptly to the Title IX coordinator or deputy coordinator or designee, by calling, writing or coming in to the office to report in person or Campus Police if they so desire. GRCC's Title IX Coordinator is the Director of Equal Opportunity Compliance within the Office of General Counsel, which is housed in Mable Engle on the DeVos campus. The Title IX Coordinator may be reached at (616) 234-2120.

Although GRCC strongly encourages all members of its community to report violations of this policy to law enforcement (either GRCC or local law enforcement), it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. Because GRCC is a commuter campus that reaches multiple jurisdictions, victims can contact the local police department in which the incident occurred. The Title IX Coordinator can also assist an individual in identifying the proper police jurisdiction and helping them with the reporting process. Reports of all domestic violence, dating violence, sexual assault and stalking made to Campus Police will automatically be referred to the Title IX coordinator for investigation regardless of the complainant's desire to pursue criminal charges. As the Title IX coordinator is a Campus Security Authority, he or she will report that the incident occurred, without any personally identifying information, for the purposes of Clery crime reporting. The college will proceed with an investigation without the victim if there is a potential danger to the campus or the community.

### 2. Procedures the College will follow in the event of a report of sex-based discrimination, including sexual assault, sexual harassment, dating violence, domestic violence, and stalking:

Incident Being Reported	Procedures College Will Follow
Sexual Assault	<ul style="list-style-type: none"> <li data-bbox="789 260 1338 327">i. Assess immediate safety needs of complainant.</li> <li data-bbox="789 369 1425 474">ii. Depending on when reported (immediate versus delayed report), provide complainant with access to medical care.</li> <li data-bbox="789 516 1435 806">iii. Assist complainant with contacting Campus Police or local police if complainant requests and provide contact information for local police departments. GRCC's Title IX Coordinator will provide this assistance; they may be reached at Mable Engle on GRCC's DeVos campus, or by calling (616) 234-2120.</li> <li data-bbox="761 848 1416 953">iv. Provide written instructions on how to apply for a Protective Order if the complainant wishes to pursue this option.</li> <li data-bbox="789 995 1409 1423">v. Provide written information to complainant on how to preserve evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a Protection Order. Additional information about obtaining a protective order is available in the college's Annual Security Report, which is obtainable through GRCC Campus Police (616-234-4010) or through the Title IX Coordinator (616-234-2120).</li> <li data-bbox="789 1465 1419 1684">vi. Assess need to implement interim or long-term protective measures to protect the complainant, as described below. GRCC will assess the need for a "No Contact" order or a Trespass warning for the respondent, if appropriate.</li> <li data-bbox="789 1726 1419 1892">vii. Provide written information regarding the victim's rights and options, including the procedures a victim should follow to report an incident of sexual assault, stalking, domestic violence, dating</li> </ul>

	<p>violence, sexual harassment, sexual exploitation, or other form of gender discrimination.</p> <p>viii. Provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant about timeframes for inquiry, investigation and resolution. Advise complainant that they will be notified of the outcome, whether charges, are filed and applicable sanctions.</p> <p>ix. Remind complainant that GRCC will strictly enforce the anti-retaliation policy and take immediate and separate action against parties who retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</p>
Stalking	<p>i. Assess immediate safety needs of complainant.</p> <p>ii. Depending on when reported (immediate versus delayed report), provide complainant with access to medical care.</p> <p>iii. Assist complainant with contacting Campus Police or local police if complainant requests and provide contact information for local police departments. GRCC's Title IX Coordinator will provide this assistance; they may be reached at Mable Engle on GRCC's DeVos campus, or by calling (616) 234-2120.</p> <p>iv. Provide written instructions on how to apply for a Protective Order if the complainant wishes to pursue this option.</p> <p>v. Provide written information to complainant on how to preserve evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a Protection Order. Additional information about</p>

	<p>obtaining a protective order is available in the college’s Annual Security Report, which is obtainable through GRCC Campus Police (616-234-4010) or through the Title IX Coordinator (616-234-2120).</p> <ul style="list-style-type: none"> <li>vi. Assess need to implement interim or long-term protective measures to protect the complainant, as described below. GRCC will assess the need for a “No Contact” order or a Trespass warning for the respondent, if appropriate.</li> <li>vii. Provide written information regarding the victim’s rights and options, including the procedures a victim should follow to report an incident of sexual assault, stalking, domestic violence, dating violence, sexual harassment, sexual exploitation, or other form of gender discrimination.</li> <li>viii. Provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant about timeframes for inquiry, investigation and resolution. Advise complainant that they will be notified of the outcome, whether charges, are filed and applicable sanctions.</li> <li>ix. Remind complainant that GRCC will strictly enforce the anti-retaliation policy and take immediate and separate action against parties who retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ul>
<p>Domestic violence and Dating Violence</p>	<ul style="list-style-type: none"> <li>i. Assess immediate safety needs of complainant.</li> <li>ii. Depending on when reported (immediate versus delayed report), provide complainant with access to medical care.</li> </ul>

	<ul style="list-style-type: none"> <li>iii. Assist complainant with contacting Campus Police or local police if complainant requests and provide contact information for local police departments. GRCC's Title IX Coordinator will provide this assistance; they may be reached at Mable Engle on GRCC's DeVos campus, or by calling (616) 234-2120.</li> <li>iv. Provide written instructions on how to apply for a Protective Order if the complainant wishes to pursue this option.</li> <li>v. Provide written information to complainant on how to preserve evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a Protection Order. Additional information about obtaining a protective order is available in the college's Annual Security Report, which is obtainable through GRCC Campus Police (616-234-4010) or through the Title IX Coordinator (616-234-2120).</li> <li>vi. Assess need to implement interim or long-term protective measures to protect the complainant, as described below. GRCC will assess the need for a "No Contact" order or a Trespass warning for the respondent, if appropriate.</li> <li>vii. Provide written information regarding the victim's rights and options, including the procedures a victim should follow to report an incident of sexual assault, stalking, domestic violence, dating violence, sexual harassment, sexual exploitation, or other form of gender discrimination.</li> <li>vii. Provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant about timeframes for inquiry, investigation and resolution. Advise</li> </ul>
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	<p>complainant that they will be notified of the outcome, whether charges, are filed and applicable sanctions.</p> <p>ix. Remind complainant that GRCC will strictly enforce the anti-retaliation policy and take immediate and separate action against parties who retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</p>
<p>Sexual harassment/ sexual exploitation</p>	<p>i. Assess immediate safety needs of complainant.</p> <p>ii. Depending on when reported (immediate versus delayed report), provide complainant with access to medical care.</p> <p>iii. Assist complainant with contacting Campus Police or local police if complainant requests and provide contact information for local police departments. GRCC's Title IX Coordinator will provide this assistance; they may be reached at Mable Engle on GRCC's DeVos campus, or by calling (616) 234-2120.</p> <p>iv. Provide written instructions on how to apply for a Protective Order if the complainant wishes to pursue this option.</p> <p>v. Provide written information to complainant on how to preserve evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a Protection Order. Additional information about obtaining a protective order is available in the college's Annual Security Report, which is obtainable through GRCC Campus Police (616-234-4010) or through the Title IX Coordinator (616-234-2120).</p> <p>vi. Assess need to implement interim or</p>

	<p>long-term protective measures to protect the complainant, as described below. GRCC will assess the need for a “No Contact” order or a Trespass warning for the respondent, if appropriate.</p> <ul style="list-style-type: none"> <li>vii. Provide written information regarding the victim’s rights and options, including the procedures a victim should follow to report an incident of sexual assault, stalking, domestic violence, dating violence, sexual harassment, sexual exploitation, or other form of gender discrimination.</li> <li>viii. Provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant about timeframes for inquiry, investigation and resolution. Advise complainant that they will be notified of the outcome, whether charges, are filed and applicable sanctions.</li> <li>ix. Remind complainant that GRCC will strictly enforce the anti-retaliation policy and take immediate and separate action against parties who retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ul>
<p>Any other form of gender or sex-based discrimination</p>	<ul style="list-style-type: none"> <li>i. Assess immediate safety needs of complainant.</li> <li>ii. Depending on when reported (immediate versus delayed report), provide complainant with access to medical care.</li> <li>iii. Assist complainant with contacting Campus Police or local police if complainant requests and provide contact information for local police departments. GRCC’s Title IX Coordinator will provide this assistance; they may be reached at Mable Engle on GRCC’s DeVos campus, or by calling (616) 234-2120.</li> </ul>

	<ul style="list-style-type: none"> <li>iv. Provide written instructions on how to apply for a Protective Order if the complainant wishes to pursue this option.</li> <li>v. Provide written information to complainant on how to preserve evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a Protection Order. Additional information about obtaining a protective order is available in the college's Annual Security Report, which is obtainable through GRCC Campus Police (616-234-4010) or through the Title IX Coordinator (616-234-2120).</li> <li>vi. Assess need to implement interim or long-term protective measures to protect the complainant, as described below. GRCC will assess the need for a "No Contact" order or a Trespass warning for the respondent, if appropriate.</li> <li>vii. Provide written information regarding the victim's rights and options, including the procedures a victim should follow to report an incident of sexual assault, stalking, domestic violence, dating violence, sexual harassment, sexual exploitation, or other form of gender discrimination.</li> <li>viii. Provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant about timeframes for inquiry, investigation and resolution. Advise complainant that they will be notified of the outcome, whether charges, are filed and applicable sanctions.</li> <li>ix. Remind complainant that GRCC will strictly enforce the anti-retaliation policy and take immediate and separate action against parties who retaliate against a person for complaining of sex-</li> </ul>
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	based discrimination or for assisting in the investigation.
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The college recognizes its obligation to address incidents of sexual misconduct, discrimination and harassment, regardless of where they occur when it becomes aware of its existence even if no complaints are filed; therefore, the college reserves the right to take appropriate action unilaterally under this procedure, including but not limited to issuing no-contact orders, modification of course schedules, etc.

The college will take immediate administrative or disciplinary action deemed necessary for the welfare or safety of the college community.

The general procedure to be followed in the case of a report of sexual misconduct will be as described in the chart.

For any allegation (including sexual assault, sexual harassment, domestic violence, or dating violence), the college will provide written information regarding the victim’s rights and options, including:

1. Contact information for the Title IX Coordinator and other college employees who may be involved as investigators.
2. The procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
3. Information about how the institution will protect the confidentiality of the victim and other necessary parties;
4. Information about victim services and community resources, including referrals to on-campus counseling, off-campus Sexual Assault Nurse Examiner (SANE) services, community shelters, support groups, mental health providers, and other relevant community resources; ;
5. Options for available assistance in and how to request accommodations and protective measures; including notifications about accommodations available to victims, including adjustments regarding academic, transportation or work arrangements.
6. An explanation of the procedures for institutional disciplinary action.
7. The Title IX Coordinator’s information, as they will be the individual who should be contacted to request any accommodations/protective measures.

Protective measures will be considered at the victim's request and to the extent of the victim's cooperation and consent, and may range from No Contact orders, to classroom adjustments or arrangements, work schedule changes, minimized contact during appeal hearings, interim suspensions of the alleged perpetrator if necessary, or any other appropriate safety measures based on the circumstances. GRCC representatives will strive to maintain confidentiality regarding protective measures provided to the victim. Protective measures could be requested throughout the investigation process as interim measures, through the hearing and appeal process, or as part of the final resolution and sanctions. The availability of protective measures does not depend on the victim's reporting the crime to campus or local police.

To request these protective measures or to discuss additional options, victims should contact the Title IX Coordinator, as listed in Section X.B.2 iii in this document.

GRCC does not publish the name of crime victims nor house identifiable information regarding victims in the Campus Police Department's Daily Crime Log, in Timely Warning Notices, or online.

### 3. Withdrawal of Complaint

The complainant may withdraw the complaint at any point during the investigation; however, the Title IX coordinator may determine at his or her discretion that the issues raised warrant further investigation, despite the complainant's desire to withdraw the complaint. In making this determination, the Title IX coordinator will review relevant factors, including danger to the community or any individual, the egregiousness of the complaint, whether this was a repeat offense, whether any weapon was involved, whether and how the alleged incident affects the college as a whole, etc.

### 4. Confidentiality

Privacy of Proceedings and Records: Although college officials will maintain an individual's privacy to the best of their ability, individuals should know that college officials (outside the context of licensed counselors and health professionals hired in their private capacity) may not be able to maintain legal confidentiality of the complainant, but will maintain his or her privacy as noted herein. The college's ability to investigate may be limited if a complainant insists that his or her name not be disclosed to the alleged perpetrator. The college must weigh such requests for privacy against its duty to provide a safe and nondiscriminatory environment. Investigators and those involved with the

investigation are individually charged to preserve privacy with respect to any matter investigated or heard. A breach of the duty to preserve privacy is considered a serious offense and may subject the offender to appropriate disciplinary action. Parties and witnesses are also admonished to maintain privacy with regard to these proceedings, and, if they are college employees, failure to maintain said privacy may result in appropriate disciplinary action. Furthermore, federal law prohibits retaliation against those who file complaints, and the college will take responsive action if such retaliation occurs, up to and including termination and/or expulsion.

## 5. Provision of Resources

- i. Procedures Victims should follow if a crime of Domestic Violence, Dating Violence, Sexual Assault, and Stalking occurs:
  - a. After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible.
    - i. In the event of sexual assault, medical forensic investigations are performed at the YWCA (616-454-9922) for both females and males in Kent County, and at the Center for Women in Transition (CWIT: 616-392-1970) for all individuals in Ottawa County. Both programs can be contacted 24/7. To arrange for an examination contact the appropriate Sexual Assault Nurse Examiner (SANE) program within 120 hours of an incident. If the victim does not have access to the Nurse Examiner Program, proceed to a local hospital emergency room. Victims should avoid showering or bathing prior to receiving an examination as valuable evidence could be lost.
    - ii. In the event of domestic violence or dating violence resulting in injury, the victim should seek medical attention at a local healthcare provider, urgent care, or emergency room.
    - iii. Keep in mind that obtaining an exam does not require a victim to file a police report.
  - b. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining personal protection orders related to the incident more difficult. If a victim chooses to not make a complaint regarding an incident, they should consider speaking with Campus Police or local law enforcement to preserve evidence in the event that the victim changes his or her mind at a later date. The law also allows the complainant to file a report while withholding the complainant's name from the report. It is also important to preserve evidence by saving

text messages, instant messages, social networking pages, other communications and keeping pictures, logs or copies of other documents that would be pertinent in an investigation.

ii. Procedures Victims should follow for any form of Sexual Misconduct:

GRCC will provide referrals to persons who have been victims of any form of sexual misconduct regarding resources on campus that are available at no cost to students, as well as referrals to resources off campus. If a victim is accessing community and non-GRCC services, payment for these services will be subject to state and local laws, insurance requirements, etc.

GRCC representatives will be sensitive to those who report all forms of sexual misconduct. Employees taking a complaint must inform victims about their right to file criminal charges as well as provide details as to the availability of resources. Victims need to be provided information regarding counseling, health care, mental health services, victim advocacy, legal assistance and additional remedies to prevent contact between a complainant and accused party. Such remedies could include making changes to academic, transportation, and working conditions, if reasonably available. GRCC will provide students or employees a written explanation of their rights and options, regardless of whether the offense occurred off campus or on campus.

iii. As part of the resources provided to reporting students, the Title IX coordinator or designee will explain the process and the procedures for sexual misconduct investigations. The coordinator or designee will emphasize that GRCC will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

iv. On- and off-campus resources available: As part of the provision of resources offered to victims and reporting students, GRCC will provide information about various on- and off-campus resources listed below. The majority of these resources are available at no cost.

**ON-CAMPUS SERVICES**

<i>Type of Service</i>	<i>Service Provider</i>	<i>Description of Services</i>	<i>Contact Information</i>
Counseling/ Mental Health	Grand Rapids Community College	1-hour personal counseling sessions	616-234-3900 or visit 3 <sup>rd</sup> floor of GRCC's Student Center

Medical/Health	Any medical emergencies should be referred to campus police by calling 234-4911.	n/a	n/a
Victim Advocacy	GRCC Counselors can offer referrals to off-campus victim advocates.	n/a	n/a
Legal Assistance	No on-campus legal assistance available.	n/a	n/a
Disability-Related Assistance	GRCC Disability Support Services	Advising related to disabilities and accommodations in academic setting.	616-234-4140 or 3 <sup>rd</sup> floor of GRCC's Student Center.
Visa and Immigration Assistance	GRCC Admissions Office	Guidance related to student visa information	616-234-3300; 1 <sup>st</sup> floor of GRCC's main building, or online at: <a href="http://www.grcc.edu/admission/enrollment/internationalstudents/informationforcurrentinternationalstudents">http://www.grcc.edu/admission/enrollment/internationalstudents/informationforcurrentinternationalstudents</a>
Student Financial Aid	GRCC Financial Aid office	Guidance on financial aid eligibility and requirements	616-234-4030, visit the first floor of the Main Building, or visit the website at: <a href="http://www.grcc.edu/financialaidscholarships">http://www.grcc.edu/financialaidscholarships</a> .
Other	Title IX Coordinator	Can provide information on resources, prevention, etc.	616-234-2120 or contact <a href="mailto:kimberlydevries1@grcc.edu">kimberlydevries1@grcc.edu</a> .

**OFF-CAMPUS SERVICES**

<i>Type of Service</i>	<i>Service Provider</i>	<i>Description of Services</i>	<i>Contact Information</i>
Counseling/Mental Health	Network-180	Provides crisis and ongoing support for uninsured individuals in Kent County	Can be reached 24/7 by calling 1-800-273-8255.
Counseling/Mental Health	YWCA	The Grand Rapids YWCA provides counseling, support groups and other forms of support for survivors of sexual violence, including Sexual Assault Nurse Exams.	YWCA may be reached at 616-454-9922.
Counseling/Mental Health	Safe Haven Ministries	Safe Haven provides shelter, counseling, and safety planning services for individuals experiencing intimate partner violence.	Safe Haven can be reached at 616-452-6664.
Counseling/Mental Health	Center for Women in Transition	CWIT provides counseling services, case management, Sexual Assault Nurse Exams, and ongoing trauma-informed therapy for men and women in	CWIT can be reached at 616-392-1970.

		Ottawa County who have experienced abuse.	
Medical/Health	Students should go to the local emergency room, urgent care, or primary care physician.	n/a	n/a
Victim Advocacy	YWCA	The Grand Rapids YWCA provides counseling, support groups and other forms of victim advocacy and support.	YWCA may be reached at 616-454-9922.
Victim Advocacy	Safe Haven Ministries	Safe Haven provides shelter, counseling, and safety planning services, including victim advocacy (and referrals).	Safe Haven can be reached at 616-452-6664.
Victim Advocacy	Center for Women in Transition	CWIT provides counseling services, case management, including victim advocacy (and referrals).	CWIT can be reached at 616-392-1970.
Student Financial Aid	FAFSA Web site	Online information re: FAFSA filing	<a href="https://fafsa.ed.gov/">https://fafsa.ed.gov/</a>
Referral Services	Heart of West Michigan United	Provides referral	Call 211 for referral services.

	Way	services for community resources.	
Other	Rape, Abuse, and Incest National Network	RAINN provides information on prevention, sexual assault resources, and national data.	<a href="http://www.rainn.org">www.rainn.org</a> or 800-656-4673.
Other	Michigan Coalition to End Domestic & Sexual Violence	MCEDSV provides information on response to sexual assault and training opportunities for prevention.	<a href="http://www.mcedsv.org">www.mcedsv.org</a>

## 6. Investigations

- i. Overview of investigation. Investigations of alleged violations of this policy shall be conducted using a prompt, fair, and impartial process from the initial investigation to final result. Reports of sexual misconduct will be managed and investigated by the Title IX coordinator or a Title IX deputy coordinator. Generally, complaints involving students will be investigated by a Title IX deputy coordinator in the Student Life and Conduct office, and complaints involving employees will be investigated by the Title IX coordinator or designee. The investigation will be conducted by officials who, at a minimum, receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking, and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability; and who do not have an conflict of interest or bias for or against the accuser or accused. All investigations will be conducted professionally, expeditiously, and confidentially (to the extent possible, as described herein). The process is designed to be completed in less than 60 business days from start to finish, though many cases will be resolved in less time. Additional time may be sought as necessary to ensure a complete investigation. The process will be conducted in a manner consistent with the institution's policy and transparent to the accuser and accused.
- ii. Use of Advisors. GRCC will provide the complainant and accused with equitable opportunities throughout the investigation and resolution process, including the opportunity to be accompanied by

the advisor of their choice in any meeting or formal proceeding. Advisors may be chosen by the student, but may not be a person who witnessed the incident, as that may cause a conflict of interest. The witnesses and parties are to participate directly in the process, not the advisors. GRCC may establish further restrictions regarding the extent to which the advisor may participate in the proceedings, which will apply equally to both parties.

- iii. Contact with Complainant. Upon receipt of a complaint, the Title IX coordinator will confirm with the complainant the receipt of the complaint, and will specify which deputy coordinator will be assigned to conduct the investigation. Generally, the deputy coordinator or designee interviews the complainant and any relevant witnesses identified by the complainant. Once sufficient information is gathered, the deputy coordinator or designee will then notify the charged individual of the allegations. With permission from the complainant, the deputy coordinator or designee shall advise the charged individual of the name of the complainant. Where a complainant does not wish to be identified, the extent of the investigation may be limited; however, the investigation will continue to the extent possible while maintaining the confidentiality of the complainant.
- Meeting with Respondent. The deputy coordinator or designee will review with the respondent the allegation and any resulting charges, as well as the specific policy section alleged to have been violated and possible sanctions. The investigator will review GRCC's anti-retaliation policy, along with any other relevant policies. The investigator will interview the charged individual and any witnesses deemed relevant. Throughout the course of the investigation, the investigator will endeavor to keep both parties apprised of the status of the investigation. Each party will receive timely notice of meetings at which the accuser or the accused, or both, may be present, and each will have equal access to information that will be used during disciplinary meetings and hearings.

- **Additional Witnesses.** Additional evidence may be sought from any relevant party or witness, including but not limited to, email communications, social media postings, text messages, phone records, etc. Parties are expected to cooperate and provide this information. Failure to cooperate with an investigation may result in separate disciplinary proceedings. Parties should be aware that as members of the college community, their access to college resources has very limited privacy rights, and the college may obtain information through the college's resources and informational technology system with or without the individual's cooperation. The investigation and findings generally should be completed within 60 business days of receipt of the complaint, preferably sooner as practical.
  
- **Informal Resolutions.** If appropriate, informal resolutions such as mediation between the parties may be available to resolve reports of violations of this policy. Mediation and other informal remedies will be utilized only when agreed upon by both parties, and will not be appropriate in instances involving allegations of sexual assault. If the parties agree to informal resolutions, they may revoke their consent to participate at any time.

## 7. Finding

After the investigation, the Title IX coordinator, deputy coordinator or designee shall render a finding as to the responsibility of the respondent based on the relevant evidence utilizing a preponderance of the evidence standard, i.e. the facts complained of are more likely true than not.

Upon completion of the investigation, the Title IX deputy coordinator or designee is authorized to take the following actions:

- i. **Dismissal of the Claim** - The Title IX deputy coordinator or designee finds that no violation occurred and dismisses the complaint, giving written notice of said dismissal to each party involved.
  
- ii. **Determination of Responsibility** - The Title IX deputy coordinator or designee makes a finding of responsibility for any of the allegations and notifies the parties and appropriate administrative officers of the finding and may recommend actions to be taken.
  
- iii. **Both parties shall receive simultaneous written notification, which will include:**
  - a. The result of any investigation that arose from an allegation of violation, including whether or not the respondent was

held responsible, and any ensuing sanctions. The complainant will receive notice of all sanctions relevant to the complainant.

- b. (For students) Additional procedural rights as set forth in the GRCC Student Code of Conduct, including the appeal process.
- c. (For Employees) If evidence supports a finding of misconduct, the college will take appropriate corrective or disciplinary action. Action taken by the college for employees may include (but will not be limited to), counseling, warning, transfer, demotion, termination.
- d. Any change to the result, as well as when the results become final.
- e. If evidence supports a finding of responsibility, the written report of the action taken shall then be placed in the personnel record of the employee or student file. Sanctions of suspension, expulsion, or revocation or withholding of a degree will become a permanent part of a student's record. Cases that result in all other sanctions will be maintained for seven (7) years.
- f. Information about appeals process and the relevant deadlines. Appeal or hearing procedures are found in the Student Code of Conduct, union contracts or the Meet and Confer handbook.

## 8. Sanctions

- i. Student Sanctions: Potential student sanctions will be applied based upon the facts and circumstances of the case. Student sanctions include:
  - a. Verbal warning
  - b. Written warning
  - c. Probation
  - d. Permanent removal from a course
  - e. Restitution
  - f. Suspension
  - g. Permanent expulsion
  - h. Revocation of admission and/or degree – Admission to GRCC, or a degree awarded from GRCC may be revoked for fraud, misrepresentation, or other violation of GRCC standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
  - i. Withholding degree – GRCC may withhold awarding a degree otherwise earned until the completion of the process set forth in this policy including the completion of all sanctions imposed, if any.

- j. Other sanctions – Other sanctions may be imposed instead of, or in addition to, specific sanctions listed in this section. These may include, but are not limited to: recommendations for counseling, establishment of mandatory behavior conditions/contract-signing stating agreed-upon behavior expectations for continued enrollment or re-enrollment; loss of access to college computers and/or network; a specific project designed to assist the student in better understanding the overall impact of his or her behavioral infraction; a contract of terms for restitution of damages/stolen property before enrollment is continued and/or records are released; suspension without pay from his or her on-campus job; prohibition on participation in extracurricular activities or interscholastic or leadership positions; or community service.
- ii. Employee Sanctions:
    - a. Verbal warning;
    - b. Remedial training;
    - c. Written reprimand;
    - d. Suspension;
    - e. Termination.
- iii. Sanction process: Sanctions for both students and employees will be determined according to the following:
    - a. Steps in process:
      - i. Finding is communicated via report to Director of Student Life and Conduct/Human Resources.
      - ii. After consultation with Title IX Coordinator and/or Investigator, and upon consideration of below factors, Student Conduct/HR makes sanction determination.
      - iii. As part of simultaneous notification, finding/sanction information is delivered to complainant and respondent.
      - iv. Complainant/respondent is notified of right to appeal, including right to appeal sanction.
    - b. Anticipated timelines: As set forth in this policy, a Title IX investigation is intended to take no more than 60 days, but may require additional time for a thorough review of the information. This timeline includes the sanctioning determination.
    - c. Considerations in making sanction determination:
      - i. Victim's expressed desire
      - ii. Severity or pervasiveness of violation
      - iii. Risk of danger/harm to community

- iv. Prior conduct/policy violations of individual
- v. Degree of acceptance of responsibility by the respondent

9. Appeals

- a. For employee appeals, refer to the appropriate union contract or Meet and Confer handbook.
- b. For appeal hearing procedures for students, refer to the Student Code of Conduct.

B. Violations of Law

An employee or student may be accountable for sexual misconduct under applicable local, state, and federal law, as well as under GRCC policy. A criminal investigation may be conducted concurrently with the Title IX investigation. Disciplinary action by GRCC may proceed while criminal proceedings are pending and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

Michigan criminal law statutes governing sexual misconduct are attached to this policy as an Appendix.

XI. Forms:

N/A

XII. Effective Date:

October 4, 2010  
Revised March 16, 2012  
Revised September 9, 2014  
Revised September, 2016  
Revised September, 2017

XIII. Policy History:

Sexual misconduct is a form of harassment that has previously been addressed within GRCC's harassment policy. This separate sexual misconduct policy was developed to provide greater clarity to the campus community regarding what constitutes sexual misconduct, reporting responsibilities and specifically prohibits

consensual sexual or dating relationships where there is an institutional power difference between the parties involved.

The policy was amended in March 2012 to include further explanation of sexual misconduct and to refer to appropriate procedures for resolution of complaints consistent with Title IX.

The policy was amended in 2014 to implement changes to the Clery Act made by the Violence Against Women Reauthorization Act of 2013 (VAWA).

In 2016, this policy was revised to reconcile inconsistencies in the process, streamline the description of processes, include updated Clery requirements, and to clarify practice regarding actions taken by the college in the event of reported sexual misconduct.

In 2017, this policy was updated to include more detailed information about resources, investigation process and programming.

XIV. Next Review/Revision Date:

September 2019

## APPENDIX: MICHIGAN CRIMINAL LAW STATUTES

Michigan Criminal Law statutes governing sexual misconduct are listed as follows:

Michigan Criminal Law section 750.81: Assault or assault and battery.

- (1) Except as otherwise provided in this section, a person who assaults or assaults and batters an individual, if no other punishment is prescribed by law, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.
- (2) Except as provided in subsection (3) or (4), an individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.
- (3) An individual who commits an assault or an assault and battery in violation of subsection (2), and who has previously been convicted of assaulting or assaulting and battering his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, under any of the following, may be punished by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both:
  - (a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section.
  - (b) Section 81a, 82, 83, 84, or 86.
  - (c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81a, 82, 83, 84, or 86.
- (4) An individual who commits an assault or an assault and battery in violation of subsection (2), and who has 2 or more previous convictions for assaulting or assaulting and battering his or her spouse or former spouse, an

individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, under any of the following, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both:

- (a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section.
  - (b) Section 81a, 82, 83, 84, or 86.
  - (c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81a, 82, 83, 84, or 86.
- (5) This section does not apply to an individual using necessary reasonable physical force in compliance with section 1312 of the revised school code, 1976 PA 451, MCL 380.1312.
- (6) As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

Michigan Criminal Law section 750.520b: Criminal sexual conduct in the first degree; circumstances; felony;

- (1) A person is guilty of criminal sexual conduct in the first degree if he or she engages in sexual penetration with another person and if any of the following circumstances exists:
- (a) That other person is under 13 years of age.
  - (b) That other person is at least 13 but less than 16 years of age and any of the following:
    - (i) The actor is a member of the same household as the victim.
    - (ii) The actor is related to the victim by blood or affinity to the fourth degree.

- (iii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.
  - (iv) The actor is a teacher, substitute teacher, or administrator of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled.
  - (v) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
  - (vi) The actor is an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group home in which that other person is a resident, and the sexual penetration occurs during the period of that other person's residency. As used in this subparagraph, "child care organization", "foster family home", and "foster family group home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111.
- (c) Sexual penetration occurs under circumstances involving the commission of any other felony.
- (d) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists:
- (i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

- (ii) The actor uses force or coercion to accomplish the sexual penetration. Force or coercion includes, but is not limited to, any of the circumstances listed in subdivision (f).
- (e) The actor is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon.
- (f) The actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration. Force or coercion includes, but is not limited to, any of the following circumstances:
  - (i) When the actor overcomes the victim through the actual application of physical force or physical violence.
  - (ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute these threats.
  - (iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute this threat. As used in this subdivision, "to retaliate" includes threats of physical punishment, kidnapping, or extortion.
  - (iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes that are medically recognized as unethical or unacceptable.
  - (v) When the actor, through concealment or by the element of surprise, is able to overcome the victim.
- (g) The actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

- (h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following:
  - (i) The actor is related to the victim by blood or affinity to the fourth degree.
  - (ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.
- (2) Criminal sexual conduct in the first degree is a felony punishable as follows:
  - (a) Except as provided in subdivisions (b) and (c), by imprisonment for life or for any term of years.
  - (b) For a violation that is committed by an individual 17 years of age or older against an individual less than 13 years of age by imprisonment for life or any term of years, but not less than 25 years.
  - (c) For a violation that is committed by an individual 18 years of age or older against an individual less than 13 years of age, by imprisonment for life without the possibility of parole if the person was previously convicted of a violation of this section or section 520c, 520d, 520e, or 520g committed against an individual less than 13 years of age or a violation of law of the United States, another state or political subdivision substantially corresponding to a violation of this section or section 520c, 520d, 520e, or 520g committed against an individual less than 13 years of age.
  - (d) In addition to any other penalty imposed under subdivision (a) or (b), the court shall sentence the defendant to lifetime electronic monitoring under section 520n.
- (3) The court may order a term of imprisonment imposed under this section to be served consecutively to any term of imprisonment imposed for any other criminal offense arising from the same transaction.

Michigan Criminal Law section 750.520c: Criminal sexual conduct in the second degree; felony.

- (1) A person is guilty of criminal sexual conduct in the second degree if the person engages in sexual contact with another person and if any of the following circumstances exists:
  - (a) That other person is under 13 years of age.
  - (b) That other person is at least 13 but less than 16 years of age and any of the following:
    - (i) The actor is a member of the same household as the victim.
    - (ii) The actor is related by blood or affinity to the fourth degree to the victim.
    - (iii) The actor is in a position of authority over the victim and the actor used this authority to coerce the victim to submit.
    - (iv) The actor is a teacher, substitute teacher, or administrator of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled.
    - (v) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
    - (vi) The actor is an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a

foster family home or a foster family group home in which that other person is a resident and the sexual contact occurs during the period of that other person's residency. As used in this subdivision, "child care organization", "foster family home", and "foster family group home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111.

- (c) Sexual contact occurs under circumstances involving the commission of any other felony.
- (d) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists:
  - (i) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
  - (ii) The actor uses force or coercion to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in section 520b(1)(f).
- (e) The actor is armed with a weapon, or any article used or fashioned in a manner to lead a person to reasonably believe it to be a weapon.
- (f) The actor causes personal injury to the victim and force or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in section 520b(1)(f).
- (g) The actor causes personal injury to the victim and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
- (h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following:
  - (i) The actor is related to the victim by blood or affinity to the fourth degree.

- (ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.
  - (i) That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, the department of corrections who knows that the other person is under the jurisdiction of the department of corrections.
  - (j) That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, a private vendor that operates a youth correctional facility under section 20g of the corrections code of 1953, 1953 PA 232, MCL 791.220g, who knows that the other person is under the jurisdiction of the department of corrections.
  - (k) That other person is a prisoner or probationer under the jurisdiction of a county for purposes of imprisonment or a work program or other probationary program and the actor is an employee or a contractual employee of or a volunteer with the county or the department of corrections who knows that the other person is under the county's jurisdiction.
  - (l) The actor knows or has reason to know that a court has detained the victim in a facility while the victim is awaiting a trial or meeting, or committed the victim to a facility as a result of the victim having been found responsible for committing an act that would be a crime if committed by an adult, and the actor is an employee or contractual employee of, or a volunteer with, the facility in which the victim is detained or to which the victim was committed.
- (2) Criminal sexual conduct in the second degree is a felony punishable as follows:
- (a) By imprisonment for not more than 15 years.
  - (b) In addition to the penalty specified in subdivision (a), the court shall sentence the defendant to lifetime

electronic monitoring under section 520n if the violation involved sexual contact committed by an individual 17 years of age or older against an individual less than 13 years of age

Michigan Criminal Law section 750.520d: Criminal sexual conduct in the third degree; felony.

- (1) A person is guilty of criminal sexual conduct in the third degree if the person engages in sexual penetration with another person and if any of the following circumstances exist:
  - (a) That other person is at least 13 years of age and under 16 years of age.
  - (b) Force or coercion is used to accomplish the sexual penetration. Force or coercion includes but is not limited to any of the circumstances listed in section 520b(1)(f)(i) to (v).
  - (c) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
  - (d) That other person is related to the actor by blood or affinity to the third degree and the sexual penetration occurs under circumstances not otherwise prohibited by this chapter. It is an affirmative defense to a prosecution under this subdivision that the other person was in a position of authority over the defendant and used this authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation.
  - (e) That other person is at least 16 years of age but less than 18 years of age and a student at a public school or nonpublic school, and either of the following applies:
    - (i) The actor is a teacher, substitute teacher, or administrator of that public school, nonpublic school, school district, or intermediate school

district. This subparagraph does not apply if the other person is emancipated or if both persons are lawfully married to each other at the time of the alleged violation.

- (ii) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
- (f) That other person is at least 16 years old but less than 26 years of age and is receiving special education services, and either of the following applies:
- (i) The actor is a teacher, substitute teacher, administrator, employee, or contractual service provider of the public school, nonpublic school, school district, or intermediate school district from which that other person receives the special education services. This subparagraph does not apply if both persons are lawfully married to each other at the time of the alleged violation.
  - (ii) The actor is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
- (g) The actor is an employee, contractual service provider, or volunteer of a child care organization, or a

person licensed to operate a foster family home or a foster family group home, in which that other person is a resident, that other person is at least 16 years of age, and the sexual penetration occurs during that other person's residency. As used in this subdivision, "child care organization", "foster family home", and "foster family group home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111.

- (2) Criminal sexual conduct in the third degree is a felony punishable by imprisonment for not more than 15 years.

Michigan Criminal Law section 750.520e: Criminal sexual conduct in the fourth degree; misdemeanor.

- (1) A person is guilty of criminal sexual conduct in the fourth degree if he or she engages in sexual contact with another person and if any of the following circumstances exist:

- (a) That other person is at least 13 years of age but less than 16 years of age, and the actor is 5 or more years older than that other person.
- (b) Force or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the following circumstances:
  - (i) When the actor overcomes the victim through the actual application of physical force or physical violence.
  - (ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute that threat.
  - (iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute that threat. As used in this subparagraph, "to retaliate" includes threats of physical punishment, kidnapping, or extortion.

- (iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable.
  - (v) When the actor achieves the sexual contact through concealment or by the element of surprise.
- (c) The actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
- (d) That other person is related to the actor by blood or affinity to the third degree and the sexual contact occurs under circumstances not otherwise prohibited by this chapter. It is an affirmative defense to a prosecution under this subdivision that the other person was in a position of authority over the defendant and used this authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation.
- (e) The actor is a mental health professional and the sexual contact occurs during or within 2 years after the period in which the victim is his or her client or patient and not his or her spouse. The consent of the victim is not a defense to a prosecution under this subdivision. A prosecution under this subsection shall not be used as evidence that the victim is mentally incompetent.
- (f) That other person is at least 16 years of age but less than 18 years of age and a student at a public school or nonpublic school, and either of the following applies:
- (i) The actor is a teacher, substitute teacher, or administrator of that public school, nonpublic school, school district, or intermediate school district. This subparagraph does not apply if the other person is emancipated or if both persons are lawfully married to each other at the time of the alleged violation.

- (ii) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
- (g) That other person is at least 16 years old but less than 26 years of age and is receiving special education services, and either of the following applies:
- (i) The actor is a teacher, substitute teacher, administrator, employee, or contractual service provider of the public school, nonpublic school, school district, or intermediate school district from which that other person receives the special education services. This subparagraph does not apply if both persons are lawfully married to each other at the time of the alleged violation.
  - (ii) The actor is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.
- (h) The actor is an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group home, in which that other person is a resident, that other person is at least 16 years of age, and the sexual contact occurs during that other

person's residency. As used in this subdivision, "child care organization", "foster family home", and "foster family group home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111.

- (2) Criminal sexual conduct in the fourth degree is a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$500.00, or both.

Michigan Criminal Law section 750.411h: Stalking.

- (1) As used in this section:

- (a) "Course of conduct" means a pattern of conduct composed of a series of 2 or more separate non-continuous acts evidencing a continuity of purpose.
- (b) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
- (c) "Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.
- (d) "Stalking" means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.
- (e) "Unconsented contact" means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:

- (i) Following or appearing within the sight of that individual.
  - (ii) Approaching or confronting that individual in a public place or on private property.
  - (iii) Appearing at that individual's workplace or residence.
  - (iv) Entering onto or remaining on property owned, leased, or occupied by that individual.
  - (v) Contacting that individual by telephone.
  - (vi) Sending mail or electronic communications to that individual.
  - (vii) Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.
- (f) "Victim" means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.
- (2) An individual who engages in stalking is guilty of a crime as follows:
- (a) Except as provided in subdivision (b), a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.
  - (b) If the victim was less than 18 years of age at any time during the individual's course of conduct and the individual is 5 or more years older than the victim, a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.
- (3) The court may place an individual convicted of violating this section on probation for a term of not more than 5 years. If a term of probation is ordered, the court may, in addition to any other lawful condition of probation, order the defendant to do any of the following:

- (a) Refrain from stalking any individual during the term of probation.
  - (b) Refrain from having any contact with the victim of the offense.
  - (c) Be evaluated to determine the need for psychiatric, psychological, or social counseling and if, determined appropriate by the court, to receive psychiatric, psychological, or social counseling at his or her own expense.
- (4) In a prosecution for a violation of this section, evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue the same or a different form of unconsented contact, and to refrain from any further unconsented contact with the victim, gives rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.
- (5) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.