

TITLE IX SEXUAL HARASSMENT POLICY

INTERIM POLICY

I. Policy Section

6.0 Human Resources

II. Policy Subsection

6.5 Title IX Policy

III. Policy Statement

Grand Rapids Community College (“GRCC” or “College”) does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX of the Education Amendments Act of 1972. The College is committed to providing an educational and employment environment that is free from unlawful discrimination, harassment and retaliation. In furtherance of that commitment, this policies prohibits several forms of sex discrimination, including sexual harassment.

This policy also serves to support members of the campus community by providing a framework for the adoption and utilization of equitable procedures that offer a prompt, fair and impartial response and process for all individuals involved in allegations or complaints relating to sexual harassment. GRCC values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties involved in grievance and resolution procedures, during what is often a difficult time for all those involved.

IV. Purpose for Policy

This policy was created to clearly assure campus community members of GRCC’s commitment to prohibiting sex discrimination, including sexual harassment, as well as retaliation for engaging in protected activity. In conjunction with the College’s Non-Discrimination, Anti-Harassment and Equal Opportunity Policy (Policy 6.2), this policy ensures that members of the campus community are clearly apprised that all forms of unlawful discrimination, harassment and retaliation – including sexual harassment – are prohibited by GRCC.

This policy also serves to ensure the College’s compliance with applicable laws, rules and regulations, including Title IX of the Education Amendments Act of 1972 (“Title IX”). A core purpose of this policy is the prohibition of sexual harassment in accordance with Title IX. While this policy sets forth definitions for various forms of prohibited sexual harassment, the College recognizes that individual cases may vary, and that alleged sexual harassment may arise in many contexts, including relating to admissions,

athletics, employment and other education programs and activities. Additionally, allegations of sexual harassment may arise in different forms, including relating to disparate treatment, quid pro quo, hostile environment harassment, sexual assault, stalking, dating violence or domestic violence. Regardless of the context or form in which a complaint arises or is received, this policy and its corresponding grievance procedure ensures that when such an allegation is reported, it will be addressed in a fair, equitable, impartial and unbiased manner.

V. Entities Affected by This Policy

All employees
Board of Trustees
Independent contractors
Applicants
Students
Vendors
College guests
Community and constituencies accessing services
Volunteers
Members of the public

VI. Who Should Read This Policy

All employees
Board of Trustees
Independent contractors
Applicants
Students
Vendors
College guests
Community and constituencies accessing services
Volunteers
Members of the public

VII. Related Documents

A. Related GRCC Board of Trustees policies include the following:

1. Treatment of People; and
2. Delegation to the President.

B. Related GRCC policies and policy documents include the following:

1. Reasonable Accommodation on the Basis of Disability (Policy 3.2);
2. Free Speech and Expressive Activity (Policy 3.9);
3. Non-Discrimination, Anti-Harassment and Equal Opportunity (Policy 6.2);
4. Conflict of Interest (Policy 6.7);
5. Misconduct Policy (Policy 6.23); and

6. Student Code of Conduct (Policy 8.30);

C. Related GRCC webpages include the following:

1. [Ethics Monitoring System](#);
2. [Rights, Options and Resources](#);
3. [Title IX](#);
4. [Get Help Resources](#);
5. [Board of Trustees Policies](#); and
6. [College Operational Policies](#).

D. Equal opportunity and non-discrimination statements contained within College documents (e.g., contracts, marketing and informational materials, etc.).

E. Posted notices regarding federal and state laws prohibiting discrimination.

VIII. Contacts

Policy Owner: Director of Equal Opportunity Compliance & Title IX Coordinator
Vice President for People Culture and Equity
Deputy Title IX Coordinators
General Counsel
Director of Student Life & Conduct
Executive Director of Human Resources

IX. Definitions

A. **Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

B. **Conduct Prohibited by this Policy:**

1. **Sexual Harassment:** Conduct on the basis of sex that satisfies one or more of the following:
 - a. **Quid Pro Quo Harassment:** An employee of GRCC conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
 - b. **Hostile Environment Harassment:** Unwelcome conduct, determined by a reasonable person to be so severe, pervasive, and objectively offensive, that it effectively denies a person equal access to GRCC's education program or activity.
 - c. **Sexual Assault:** Any sexual act, including Rape, Sodomy, Sexual Assault with an Object; or Fondling directed against another person, without the consent of the complainant, including instances where the

complainant is incapable of giving consent; also, unlawful sexual intercourse.

- d. **Rape:** 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 complainant, including in circumstances when the complainant is incapable of giving consent.¹
- e. **Sodomy:** Oral or anal penetration of the complainant by the respondent without the consent of the complainant.
- f. **Sexual Assault with an Object:** Respondent's use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of the complainant, without the consent of the complainant.
- g. **Fondling:** The touching of the private body parts (breasts, buttocks, groin) of the complainant by the respondent or causing the complainant to touch the respondent's private body parts intentionally for a sexual purpose without the consent of the complainant.
- h. **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by the laws of the State of Michigan.
- i. **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent of the State of Michigan.
- j. **Dating Violence:** Violence² committed by an individual who is in or has been in a social relationship of a romantic or intimate nature with the complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - 1. Length of the relationship;
 - 2. Type of relationship; and
 - 3. Frequency of the interaction between the individuals involved in the relationship.
- k. **Domestic Violence:** Felony or misdemeanor crimes committed by a person who:

¹ Reasons a complainant may be incapable of giving consent include the complainant's age and/or temporary or permanent mental or physical incapacity.

² For purposes of this definition, the term, "violence" includes, but is not limited to, sexual or physical abuse or the threat of such abuse. For purposes of this definition, the term "violence" does not include acts covered under this policy's definition of "domestic violence."

1. Is a current or former spouse or intimate partner of the complainant under the family or domestic laws of the State of Michigan or a person similarly situated to a spouse of the victim;
 2. Is cohabitating with, or has cohabitated with, the complainant, as a spouse or intimate partner;
 3. Shares a child in common with the complainant; or
 4. Commits acts against a youth or adult complainant who is protected from those acts under the family or domestic laws of the State of Michigan.
- I. **Stalking:** Engaging in a course of conduct³, on the basis of sex, that is directed at a specific person, that would cause a reasonable person (under similar circumstances and with a similar identity to the complainant) to:
1. Fear for their safety or the safety of others; or
 2. Suffer substantial emotional distress.⁴
2. **Retaliation:** Any adverse action taken against an individual because of their participation in a protected activity. Retaliation includes intimidation, threats, coercion or discrimination by the College, a student, or an employee or other agent of the College, against any individual for the purpose of interference with any right or privilege secured by law or this policy, or because that person has made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing under this policy.

The exercise of rights protected under the First Amendment does not constitute retaliation. It is also not retaliation for the College to investigate or pursue policy violations against those who make materially false statements in bad faith in the course of grievance, investigation and/or complaint resolution procedures under this policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any individual has made a materially false statement in bad faith.

- C. **Confidential Employee:** An employee with confidentiality bestowed by law or professional ethics who is exempt from mandatory reporting requirements when functioning within the scope of their duties to which privilege or confidentiality applies. GRCC employees designated as “confidential employees” are specifically identified below within this policy.

³ “Course of conduct” means two or more acts, including, but not limited to, acts in which the respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

⁴ “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

- D. **Consent:** Consent is a clear, freely given, “yes” to engage in a particular activity, including 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) an activity covered by this policy, including 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.

Any sexual activity without consent is prohibited by this policy when a participant knew or reasonably should have known that consent was not present or had been withdrawn. However, consent, whether verbal or nonverbal, that has been coerced does not constitute valid consent. To coerce consent means to gain consent through force, intimidation, or a verbal or physical 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; or mentally or physically incapacitated.

Consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity.

Previous relationships or prior consent does not imply consent to future sexual acts.

Consent may be withdrawn at any time, even during the course of sexual activity. If consent is withdrawn during the course of sexual activity, that activity should cease within a reasonably immediate time.

- E. **Education Program or Activity:** Locations, events or circumstances where GRCC exercises substantial control over the context in which the alleged prohibited discrimination, harassment and/or retaliation occurred, including any building owned or controlled by a student organization officially recognized by GRCC.
- F. **Formal Complaint:** A document submitted or signed by the complainant or the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment.
- G. **Party:** A complainant or respondent (collectively, the “parties”).
- H. **Pregnancy or Related Conditions:** Pregnancy or related conditions mean:
1. Pregnancy, childbirth, termination of pregnancy or lactation;
 2. Medical conditions related to pregnancy, childbirth, termination of pregnancy or lactation; or
 3. Recovery from pregnancy, childbirth, termination of pregnancy or lactation.

- I. **Respondent:** A person who is alleged to have engaged in conduct that could constitute sexual harassment, retaliation or other conduct prohibited by this policy.

X. Procedures

- A. **Title IX Coordinator Roles and Responsibilities:** The College's Title IX Coordinator is the official designated by GRCC to ensure compliance with this policy on behalf of the College. This includes ensuring compliance with Title IX and GRCC's Title IX program, as well as all other applicable laws, rules and regulations. The Title IX Coordinator maintains the primary responsibility for ensuring appropriate education and training, and for coordinating the College's efforts related to the intake, investigation, resolution and implementation of supportive measures to stop, remediate and prevent sexual harassment, retaliation, and other conduct prohibited under this policy.

The College's Director of Equal Opportunity Compliance serves as GRCC's Title IX Coordinator and oversees implementation of the Title IX Policy (as well as other policies prohibiting unlawful discrimination, harassment and retaliation, including the College's Non-Discrimination, Anti-Harassment and Equal Opportunity Policy). Complaints, inquiries or concerns regarding this policy may be directed to the Title IX Coordinator:

Director of Equal Opportunity Compliance & Title IX Coordinator
Bostwick Office Suites
140 Bostwick Ave NE
Grand Rapids, MI 49503
titleix@grcc.edu
(616) 234-4999

- B. **Jurisdiction:** This policy applies to prohibited conduct when all of the following elements are met:
 1. The alleged conduct occurs in the College's education program or activities. For purposes of this policy, "education program or activities" means the locations, events, or circumstances where the College exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Conduct subject to this policy may include conduct that occurs in an off-campus building owned or controlled by a student organization that is officially recognized by the College.
 2. The alleged conduct occurs against a complainant within the United States.
 3. A formal complaint has been filed.
 4. The College has control over the respondent at the time of filing of a formal complaint.

5. The complainant is participating or attempting to participate in the College's education program or activities at the time of the filing of a formal complaint.

C. Mandatory Reporting Requirements: All GRCC employees (including student-employees), other than those deemed "confidential employees," are mandated reporters and are expected to promptly report all known details of actual or suspected sexual harassment and/or retaliation to the Title IX Coordinator or a Deputy Title IX Coordinator.

Mandatory reporting requirements apply whenever any employee receives a disclosure of conduct that violates this policy or becomes aware of information that would lead a reasonable person to believe that prohibited sexual harassment and/or retaliation has occurred.

A mandated reporter who is themselves subject to any conduct prohibited by this policy is not required to report their own experience, though they are encouraged to do so.

Employees who have an obligation to report under this policy should still treat this information as private and only share with individuals as necessary under this policy.

Corrective action may be taken against any employee who has a duty to report and who fails to respond in a manner consistent with this policy.

1. **Confidential Employees:** Reports to individuals designated below as confidential employees shall only be considered confidential when they are in a confidential relationship with the person reporting, such that they are within the scope of their licensure, professional ethics, or confidential role at the time of receiving a report. In such circumstances (which may not encompass all reports), such individuals will maintain confidentiality except where disclosure is required by law or court order.

In designating limited employees as confidential under this policy, the College seeks to enable complainants to access support and resources without filing a complaint. While individuals designated as confidential employees are not required to report actual or suspected sex discrimination, sex-based harassment or retaliation in a way that identifies the parties, they are required to provide complainants with the Title IX Coordinator's contact information and offer options and resources without any obligation to inform an outside agency or the College unless a complainant has requested that the information be shared.

Designated Confidential Employees include the following: Licensed Professional Counselors employed in GRCC's Counseling and Career Development Department.

D. **Internal Reporting Options:** Reports regarding alleged violations of this policy (including all circumstances where mandatory reporting requirements exist) should be provided to the Director of Equal Opportunity Compliance & Title IX Coordinator or any Deputy Title IX Coordinator. Reports regarding alleged violations of this policy may be provided to the Title IX Coordinator utilizing the contact information provided within this policy. Contact information relating to the College's Deputy Title IX Coordinators is available on the College's website. Additionally, a webform for reporting alleged violations of this Policy is also available on the College's website.

1. **Anonymous Reporting:** Anonymous reports may be provided to GRCC's Ethics Hotline by calling: (616) 234-3169.
2. **Criminal Reporting:** Safety of the campus community is of the utmost importance to Grand Rapids Community College; and the GRCC Police Department has been established to serve and protect members of the GRCC campus community.

In addition to violating College policy, conduct that constitutes sex discrimination, harassment or retaliation may also violate applicable criminal laws. Criminal behavior should be reported to the GRCC Police Department or other local law enforcement authorities. GRCC administrators are available to assist complainants with notification of complaints to law enforcement on- or off-campus.

The GRCC Police Department is located at 25 Lyon St NE, Grand Rapids, MI 49503, and may be contacted as follows:

In Emergencies:

- Dial 911 (off-campus); or
- (616) 234-4911 (off-campus); or
- Ext. 4911 (on-campus).

In Non-Emergency Circumstances:

- (616) 234-4910 (off-campus); or
- Ext. 4910 (on-campus); or
- Via email at police@grcc.edu.

3. **Other Resources:**

Center for Student Life and Leadership:

- (616) 234-4160;
- studentlife@grcc.edu.

Disability Support Services:

- (616) 234-4140;
- disability@grcc.edu.

ADA/Section 504/Section 508 Coordinator:

- (616) 234-3134;
- ada@grcc.edu.

Free Student Counseling Services:

- (616) 234-4130;
- counseling@grcc.edu.

Employee Assistance Program:

- (800) 442-0809;

Woodrick Center of Inclusion and Multicultural Affairs:

- (616) 234-3850;
- odei@grcc.edu.

- E. **External Complaint Resolution:** GRCC takes seriously its responsibility to provide an educational environment free from unlawful discrimination, harassment and retaliation. To that end, the College has established this policy and other policies prohibiting such conduct. The College has also established grievance procedures, referenced further below, for investigating alleged violations of this and other policies; and the campus community is encouraged to use those procedures to address complaints of discrimination, harassment or retaliation occurring within the campus community. External resources are also available at the state and federal level to investigate and assist in the resolution of complaints. The following resources may be utilized concurrently with, or separate from, a complaint pursuant to GRCC's grievance procedures:

Michigan Department of Civil Rights

MDCR Service Center

Cadillac Place

3054 West Grand Blvd, Ste 3-600

Detroit, MI 48202

Phone: (313) 456-3700

Fax: (313) 456-3701

www.michigan.gov/mdcr

U.S. Department of Education, Office for Civil Rights
Cleveland Office
1350 Euclid Ave, Ste 325
Cleveland, OH 44115-1812
Phone: (216) 522-4970
Fax: (216) 522-2573
Email: OCR.Cleveland@ed.gov
<https://ocras.ed.gov/index.cfm>

U.S. Equal Employment Opportunity Commission
Detroit Field Office
Patrick V. McNamara Bldg.
477 Michigan Ave, Rm 865
Detroit, MI 48226
Phone: (800) 669-4000
Fax: (313) 226-4610
www.eeoc.gov/field/detroit

- F. **Grievance, Investigation and Complaint Resolution Procedures:** GRCC’s grievance, investigation and complaint resolution procedures regarding alleged violations of this policy and violations of its Non-Discrimination, Anti-Harassment and Equal Opportunity Policy are set forth in a separate policy document, entitled: **“Procedures for Responding to Complaints of Discrimination, Harassment and Retaliation.”** All reported violations of this policy will be promptly investigated in accordance with the procedures set forth in that policy document.

In addition, GRCC provides grievance, investigation and complaint resolution procedures relating to alleged violations of other College policies in accordance with the procedures set forth in those policies, or in accompanying policy documents. These policies include GRCC’s Student Code of Conduct.

Investigations relating to other alleged policy violations may be conducted by an appropriate administrator (or, where appropriate, an external investigator), including a representative of the College’s Human Resources Department.

XI. Forms

N/A

XII. Effective Date

Original date: On August 14, 2020.

XIII. Policy History

August, 2020: Title IX Sexual Harassment Policy was created as a stand-alone policy separate from GRCC’s Sexual Misconduct Policy in order to comply with revised requirements of 20 U.S.C. 1681 and 34 CFR Part 106.

August, 2021: Revised

August, 2024: This policy was revised on an interim basis to ensure the College's compliance with the revised requirements of 20 U.S.C. 1681 and 34 CFR Part 106.

October, 2024: Revised to finalize and update prior interim revisions.

February, 2025: Interim revisions regarding updated Title IX requirements following the Court's decision in *Tennessee v. Cardona*, 737 F.Supp.3d 510 (E.D. Ky. 2025) and guidance issued by the U.S. Department of Education.

XIV. Next Review/Revision Date

May, 2026