

Title IX, Non-Discrimination, and Anti-Harassment Policy

I. Policy Section

6.0 Human Resources

II. Policy Subsection

6.2 Title IX, Non-Discrimination, and Anti-Harassment Policy

III. Policy Statement

Consistent with its mission and values, Grand Rapids Community College (GRCC or College) is committed to creating an inclusive learning and working environment that recognizes the value and dignity of each person.

To that end, it is GRCC's policy and practice to provide equal educational, employment and other opportunities to all individuals. This policy specifically prohibits unlawful discrimination and harassment, sex discrimination (such as sexual harassment) and retaliation based on protected characteristics as defined in this policy, in accordance with applicable federal, state and/or local laws, rules or regulations ("applicable laws"). This policy's prohibition against discrimination and harassment applies to all GRCC education programs or opportunities, activities, services and employment.

Further, GRCC expressly prohibits any form of retaliation against any person for engaging in any activity protected under this policy or any applicable law, rule or regulation (including reporting or making a complaint regarding a potential violation of this policy, or participating in an investigation related to this policy).

IV. Reason for This Policy

GRCC is committed to maintaining an equitable and inclusive environment for all students, employees, and members of its campus community. That commitment includes prohibiting unlawful discrimination, harassment, sex discrimination, and retaliation.

In addition to clearly stating and affirming these core values and commitments, this policy also serves to: define relevant terms; clarify what conduct may violate this policy; and provide direction and information regarding reporting potential policy violations, including how to access applicable resolution procedures and available resources.

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.

B. Related GRCC policies include the following:

1. Non-Discrimination on the Basis of Disability (Policy 3.2);
2. Misconduct and Policy Violation Reporting (Policy 3.3);
3. Free Speech and Expressive Activity (Policy 3.9);
4. Conflict of Interest (Policy 6.7);
5. Misconduct Policy (Policy 6.23); and
6. Student Code of Conduct (Policy 8.30).

C. Equal opportunity and non-discrimination statements on the College's website or contained within College documents.

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

VIII. Contacts

Policy Owner: Director of Equal Opportunity Compliance & Title IX
Coordinator

Other Policy Contacts: Vice President for People, Culture and Equity
Executive Director of Human Resources
General Counsel
Labor and Equal Opportunity Generalist

IX. Definitions

- A. **Applicable Law(s):** Any federal, state or local law, rule, regulation, ordinance, order or other legally binding authority which prohibits any form of discrimination or harassment based upon any protected characteristic; or which prohibits retaliation related to any report, complaint, investigation participation, or other protected activity regarding a potential violation of any applicable law; or that otherwise governs the College's obligations to reporting, responding to, or addressing conduct covered by this policy. Applicable laws include, but are not limited to, Title VI and other federal civil rights laws, Title IX, the Americans with Disabilities Act, Violence Against Women Act (VAWA), and Michigan civil rights laws.
- B. **Complainant:** Any person who is alleged to have been subjected to conduct that could violate this policy
- C. **Complaint:** An oral or written request to the College that can reasonably be understood as a request for the College to investigate and make a determination regarding potential violation(s) of this policy.
- D. **Confidential Employee:** An employee with confidentiality established by law or professional ethics who, when acting within the scope of their role, is not required to report information about potential violations of this policy to the Office of Institutional Equity without the individual's permission, except as required by law or where there is a risk of imminent harm to the individual or others. GRCC employees designated as "confidential employees" are specifically identified below within this policy.
- E. **Conduct Prohibited by this Policy:**
 - 1. **Discrimination** is conduct based upon an individual's actual or perceived protected characteristic(s) that limits or denies an individual the opportunity to participate in, or benefit from, a College education program or activity; or otherwise adversely affects a term or condition of an individual's employment or education.
 - a. Discrimination may include conduct which meets the above-stated definition involving:
 - 1. Intentional differential treatment based upon an individual's actual or perceived protected characteristic, including harassment based upon a protected characteristic.
 - 2. Unintentional differential treatment relating to policies or practices that appear neutral, but which result in a disproportionate impact on a protected group or individual; or

3. Failure to provide reasonable accommodation(s) or modifications as required by law or policy, such as for disability or religion.
2. **Harassment** is unwelcome conduct based upon an individual's actual or perceived protected characteristic(s) that is sufficiently severe or pervasive that it substantially interferes with an individual's employment, education or access to College programs, activities or opportunities and would detrimentally affect a reasonable person under the same circumstances. Whether alleged conduct constitutes prohibited harassment may depend on the nature, frequency, and duration of the conduct.
 - a. Harassment may include, but is not limited to: verbal or nonverbal communications (including electronic communications); physical attacks; graphic or written statements; the use of slurs, insults, epithets or other derogatory language; and other conduct that is threatening, intimidating, hostile, abusive or isolating;
 - b. Harassment, for purposes of this policy, is not conduct that is simply incivility or rudeness, but conduct that violates the protections afforded to a protected class under applicable laws.
 - c. Because freedom of expression and academic freedom are fundamental to GRCC's academic mission and must be protected even when the views expressed are unpopular or controversial, GRCC will take both into account when considering whether harassment has occurred and what type of remedy, if any, is appropriate. Whether alleged conduct constitutes prohibited harassment depends on the totality of the particular circumstances, including: the nature, frequency and duration of the conduct in question; the location and context in which it occurs; and the status of the individuals involved.

More information about freedom of expression is available in GRCC's Free Speech and Expressive Activity Policy (Policy 3.9).

3. **Sex Discrimination** is discrimination on the basis of sex and is prohibited under this policy. Sex Discrimination includes sexual harassment, sexual assault, dating violence, domestic violence, and stalking. In addition, sex discrimination includes discrimination based on pregnancy and related conditions.
4. **Sexual Harassment** is 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 of

GRCC on an individual's participation in unwelcome sexual conduct.

- b. **Hostile Environment:** 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.
5. **Sexual Assault:** Any sexual act, including Rape, Fondling, Incest, and Statutory Rape directed against another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent; also, unlawful sexual intercourse.
- a. **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, which include the complainant's age and/or temporary or permanent mental or physical incapacity
 - b. **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, including instances where the victim is incapable of giving consent.
 - c. **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.
 - d. **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent of the State of Michigan.
6. **Dating Violence:** Violence 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:
- i. Length of the relationship;
 - ii. Type of relationship; and
 - iii. Frequency of the interaction between the individuals involved in the relationship.

7. **Domestic Violence:** Violence committed by a person who:
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.
8. **Stalking:** Engaging in a course of conduct that is directed at a specific person, that would cause a reasonable person to:
1. Fear for their safety or the safety of others; or
 2. Suffer substantial emotional distress

For purposes of this definition:

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, communicates to or about a person, or interferes with a person's property.

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

Allegations that meet the definition and jurisdictional requirements of Title IX will be addressed through the Title IX Grievance Process (Procedure A). Title IX applies to conduct on the basis of sex that occurs within the College's education program or activity. Allegations that do not meet Title IX requirements may still constitute sex discrimination or sex-based harassment and will be addressed through the Non-Discrimination Resolution Process (Procedure B).

For purposes of Clery Act reporting and statistical classification, including the identification of Clery crimes and VAWA offenses, the College applies the definitions set forth in the Clery Act Compliance Policy (Policy 14.20), which may differ from definitions used for purposes of determining violations of this Policy. The definitions provided in this Policy are intended to guide the College's response to prohibited conduct and may be broader than those used for Clery Act reporting purposes.

9. **Retaliation** is 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. It is not retaliation for the College to require an employee or other agent of the College to participate as a witness in, or otherwise assist with, an investigation or other proceeding related to 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, a determination of responsibility, by itself, is not sufficient to conclude that an individual has made a materially false statement in bad faith.

- F. **Consent:** Consent is a clear, freely given, and informed agreement to engage in a particular activity, including sexual activity. Consent may be communicated through words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in the activity and its conditions.

The absence of “no” is not consent. Silence, in and of itself, cannot be interpreted as consent.

Consent must be voluntary and cannot be obtained through force, intimidation, coercion, or a threat of force. Consent that is coerced, whether by verbal or physical conduct, is not valid.

Individuals must have the capacity to give consent. A person cannot give consent if they are under the age of 16, legally mentally incapable, or mentally or physically incapacitated due to the influence of drugs, alcohol, sleep, unconsciousness, or any condition that impairs their ability to make a knowing and voluntary decision.

Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Prior consent or a prior relationship does not imply consent to future sexual activity.

Consent may be withdrawn at any time, including during the course of sexual activity. When consent is withdrawn, the activity must cease within a reasonably immediate time.

Consent to engage in sexual activity with specific conditions (such as the use of protection) must be respected. Disregarding those conditions or removing protection without permission invalidates consent.

- G. **Education Program or Activity:** Locations, events or circumstances where GRCC exercises substantial control over both the Respondent and 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.
- H. **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.
- I. **Party:** A complainant or respondent (collectively, the “parties”).
- J. **Respondent:** A person who is alleged to have engaged in conduct that could constitute a violation of this policy.
- K. **Report:** Information provided to the College regarding conduct that may constitute a violation of this policy, regardless of whether a Complaint or Formal Complaint is filed.
- L. **Protected characteristic(s):** Age, race, color, ancestry, national origin, religion, marital status, familial status, sex, gender, pregnancy, pregnancy-related conditions, sexual orientation, gender identity, gender expression, height, weight, disability, political affiliation, veteran status, genetic information or any other characteristic protected by applicable laws.
- M. **Supportive Measures:** Non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available to restore or preserve equal access to the College’s education programs or activities, protect the safety of all parties, or deter conduct that may violate this policy. Supportive measures may be provided to a Complainant or Respondent before or after the filing of a Complaint or Formal Complaint, or where no Complaint has been filed.
- N. **Violence:** For purposes of this Policy, “violence” includes conduct in which a Respondent intentionally or recklessly causes, or threatens to cause, serious physical, emotional, or psychological harm to another individual.

Intent is demonstrated when a reasonable person would conclude that the Respondent acted with the purpose of causing harm. Recklessness is present when the Respondent disregards a substantial risk to the safety or well-being of another individual.

Violence does not include conduct undertaken in legitimate self-defense. Whether conduct constitutes self-defense will be assessed based on the totality of the circumstances.

Violence also does not include mutually consensual physical interactions, provided that such conduct remains within the scope of consent. Conduct that exceeds the boundaries of consent may constitute a violation of this Policy.

Threats to cause serious harm may constitute violence where they result in substantial emotional or psychological harm. Conduct involving threats of self-harm or other concerning behavior may be addressed through other applicable College processes.

X. Procedures

A. **Roles and Responsibilities:** The Director of Equal Opportunity Compliance & Title IX Coordinator is designated by the College to oversee compliance with this policy and applicable federal, state, and local laws prohibiting discrimination, harassment, and retaliation.

This role includes responsibility for coordinating the College's response to Reports and Complaints of conduct that may violate this policy, including conduct constituting sex discrimination under Title IX and other forms of unlawful discrimination.

The Director of Equal Opportunity Compliance & Title IX Coordinator is responsible for:

1. overseeing the intake, assessment, investigation, and resolution of Reports and Complaints;
2. ensuring the provision and implementation of supportive measures;
3. coordinating the College's efforts to stop, prevent, and remedy conduct prohibited by this policy; and
4. ensuring appropriate education, training, and compliance efforts across the College.

The Director of Equal Opportunity Compliance & Title IX Coordinator may designate trained individuals to assist in carrying out these responsibilities.

B. **Jurisdiction:** This policy applies to conduct occurring under the College's education programs and activities, within any building owned or controlled by a student organization recognized by GRCC or under any circumstances where the College exercises substantial control over the Respondent and the context in which the conduct occurs.

This policy may also apply to the effects of off-campus misconduct that limit or deny a person's access to the College's education program or activities.

For disciplinary action to be issued under this policy, the respondent must be a GRCC student or employee at the time of the alleged incident. If the respondent is unknown or is not a member of the campus community, the

Director of Equal Opportunity Compliance & Title IX Coordinator (or designee), will offer to assist the complainant in identifying appropriate institutional support, local resources and support options, and will implement or facilitate the implementation of appropriate supportive measures, resources, and interim actions.

C. **Reporting:** Any individual may make a Report of conduct that may violate this policy, with or without the filing of a Complaint. However, depending on the role of the individual, reporting may be required, or in limited circumstances, there may be exemptions to reporting. To ensure clarity regarding expectations, the following terms and guidelines apply:

1. **Mandated Reporter:** 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 discrimination, harassment, sexual harassment and/or retaliation to the Office of Institutional Equity or appropriate College officials.

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 discrimination, harassment, 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.

2. **Confidential Employee:** Reports to individuals designated 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 applicable 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 Center for Counseling and Well-Being.

All employees, regardless of reporting obligations, must maintain privacy and share information only as necessary to comply with this policy. Corrective action may be taken for failure to fulfill reporting obligations.

Additional information regarding reporting options, preservation of evidence, victim rights, supportive measures, and available resources is available in the College's Annual Security Report and the Rights and Options resource maintained by the College.

D. Internal Resources:

The College provides a range of internal resources to support individuals affected by conduct that may violate this policy, including resources related to reporting, academic support, counseling, disability services, and employee assistance.

These resources may include, but are not limited to:

- Office of Institutional Equity (<https://www.grcc.edu/faculty-staff/people-culture-equity/office-institutional-equity>)
- Human Resources (<https://www.grcc.edu/faculty-staff/human-resources>)
- Center for Student Life and Leadership (<https://www.grcc.edu/students-resources/student-life-leadership>)
- Disability Support Services (<https://www.grcc.edu/students-resources/disability-support-services>)
- Center for Counseling & Well-Being (<https://www.grcc.edu/students-resources/counseling-wellbeing>)
- Employee Assistance Program (<https://www.grcc.edu/faculty-staff/human-resources/employee-groups-resources/employee-assistance-program>)
- Woodrick Center for Inclusion and Multicultural Affairs (<https://www.grcc.edu/about-grcc/bob-aleicia-woodrick-center-inclusion-multicultural-affairs>)

Current contact information and additional details regarding available resources are maintained on the College's website.

E. External Complaint Resolution:

The College encourages individuals to utilize its internal processes to address concerns of discrimination, harassment, and retaliation. However, individuals also have the right to file complaints with external agencies.

External complaints may be filed concurrently with, or independently of, a complaint with the College.

External agencies that may receive complaints include:

1. Michigan Department of Civil Rights (<https://www.michigan.gov/mdcr>)
2. U.S. Department of Education Office for Civil Rights (<https://www.ed.gov/about/ed-offices/ocr>)
3. Equal Employment Opportunity Commission (<https://www.eeoc.gov>)

Information regarding how to file a complaint with these agencies is available on their respective websites.

- F. **Grievance, Investigation and Complaint Resolution Procedures:** GRCC's grievance, investigation and complaint resolution procedures regarding alleged violations of this policy are set forth in a separate procedure document, entitled "Procedures for Responding to Reports of Discrimination, Harassment and Retaliation."

This document includes:

1. Procedure A: Title IX Grievance Process
2. Procedure B: Nondiscrimination Resolution Process

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: September, 2004

XIII. Policy History

September 23, 2004

November, 2011

September, 2014

October, 2016

October, 2017: Changes made to update definitions and clarify process, as well as provide more detail re: compliance with bargaining agreements and possible outcomes.

May, 2018: Changes made to add contacts and reference to Ethics Hotline, clarify appeal process, explain role of the Office of General Counsel and investigation process, provide information about investigation reports.

February, 2020: Clarified when external investigator would be used, consistent with Harassment policy

October, 2020: Updated grammatical and formatting errors

October, 2022: Revised links and definitions and updated related documents

August, 2024: Interim revisions

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

February, 2025: Revised to reflect updated Title IX requirements.

August, 2025: Combined 6.2 and 6.5

May, 2026

XIV. Next Revision Date

May, 2027