

# Procedures for Responding to Complaints of Discrimination, Harassment and Retaliation

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## 1.0 Introduction and Purpose.

Members of the Grand Rapids Community College (“GRCC” or “College”) community have the right to be free from all forms of discrimination, harassment and retaliation, including sexual harassment

Conduct that is discriminatory, harassing or retaliatory is contrary to GRCC’s [Mission, Vision and Values](#), violates College policies and applicable laws, and inhibits individuals’ ability to participate in GRCC education programs and activities.

In furtherance of GRCC’s commitment to creating an equitable and inclusive learning and working environment that provides equal opportunities and recognizes the value of each person, this document sets forth grievance, investigation and complaint resolution procedures relating to conduct prohibited by the College’s Non-Discrimination, Harassment and Equal Opportunity Policy (Policy 6.2).

As a public institution of higher education, GRCC is required to comply with numerous federal and state civil rights laws, including: Title IX of the Higher Education Amendments of 1972; Titles VI and VII of the Civil Rights Act of 1964; the Americans with Disabilities Act; the Michigan Elliot-Larsen Civil Rights Act; and the Michigan Persons with Disabilities Civil Rights Act. Utilizing the framework set forth within the above-referenced policy.

These procedures are designed to ensure the College’s compliance with these laws while providing for fair, equitable, and impartial resolution of reports and complaints.

This document includes two procedures for resolving reports of prohibited conduct:

- Procedure A applies to allegations of sex discrimination that meet the definition and

jurisdictional requirements of Title IX and is designed to comply with applicable federal regulations; and

- Procedure B applies to all other forms of discrimination, harassment, and retaliation prohibited by College policy or applicable law.

The applicable procedure will be determined by the Director of Equal Opportunity and Title IX Coordinator, or designee, based on the nature of the allegations and governing legal regulations.

Individuals are encouraged to carefully review this document to ensure their understanding of the procedures that may be applicable based upon these and other factors. In addition, any person with questions or concerns regarding the procedures contained within this document is encouraged to contact the College's Office of Institutional Equity.

## **2.0 Policy Application and Jurisdiction.**

These procedures apply only to those reports and circumstances in which GRCC has the authority and responsibility to respond under the College's Non-Discrimination, Harassment, and Equal Opportunity Policy and applicable civil rights laws. This section outlines who is covered by these procedures, what types of conduct fall within their scope, and the contexts and timeframes in which GRCC may implement these procedures. Understanding jurisdiction is essential to determining whether a report will be addressed under Procedure A (Title IX Grievance Process) or Procedure B (Non-Discrimination Resolution Process), or through another applicable College policy.

### **2.1. Who do these Procedures Apply to?**

These procedures apply to all individuals who participate in or are attempting to participate in GRCC programs, activities, or services, including:

- Students
- Employees
- Trustees
- Independent contractors and vendors
- College guests and visitors
- Community members accessing College services
- Volunteers
- Members of the public

These procedures apply where the College has authority to address the reported conduct and its effects, including circumstances in which the conduct may limit or deny a person's ability to participate in or benefit from the College's education programs or activities. Disciplinary action may be imposed only where the respondent is a member of the GRCC community, as defined by College policy.

### **2.2. What Conduct is Covered by these Procedures?**

This document contains two (2) grievance procedures: Procedure A and Procedure B.

- **Procedure A:** applies to allegations of sexual harassment that meet the definition and jurisdictional requirements of Title IX, as defined by applicable federal law and adopted by the College in its Non-Discrimination, Harassment, and Equal Opportunity Policy
- **Procedure B:** Procedure B applies to all other allegations of discrimination, harassment, and retaliation prohibited by the College's Non-Discrimination, Harassment, and Equal Opportunity Policy or applicable law, including allegations of sex discrimination that do not meet the definition or jurisdictional requirements of Title IX.

### 2.3. Where do these Procedures Apply?

These procedures apply to conduct that occurs within the College's education programs or activities, including:

- Locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the conduct occurs; and
- Any building owned or controlled by a student organization officially recognized by GRCC.

These procedures may also apply to the effects of conduct that occurs outside of the College's education programs or activities when such conduct may limit or deny a person's ability to participate in or benefit from the College's programs, activities, or services.

For a sanction to be issued under these procedures, the Respondent must be a GRCC student or employee at the time of the conduct alleged. If the respondent is unknown, the Director of Equal Opportunity Compliance and Title IX Coordinator (or designee) will offer to assist the complainant in identifying appropriate institutional support and local resources and support options, and/or will implement or facilitate the implementation of appropriate supportive measures and/or remedial actions (e.g., the issuance of a "no-trespass order").

In some circumstances where these procedures do not apply, or where additional concerns are present, including where discrimination or harassment undermines the security of the College community, the integrity of educational processes, or poses a serious threat to any individual(s), other GRCC policies and procedures may be applicable.

### 2.4. When do these Procedures Apply?

These procedures apply to conduct that occurs on or after the effective date of the College's Non-Discrimination, Harassment, and Equal Opportunity Policy. Conduct that occurred prior to the effective date of the applicable policy will be addressed under the policy and procedures in effect at the time the conduct occurred. Principles Applicable to All Procedures Set forth in this Document.

This section outlines the core principles that govern all procedures described in this document. These principles ensure that all parties are treated equitably, that investigations and resolutions are conducted fairly and without bias, and that all processes comply with applicable federal and state laws. The principles below apply whenever the College receives a report or complaint of discrimination, harassment, or retaliation.

## **2.5. Equitable Treatment.**

The College will treat complainants and respondents equitably. GRCC presumes that the respondent is not responsible for any reported discrimination, harassment (including sexual harassment), or retaliation until a determination is made at the conclusion of its grievance procedures.

All individuals involved in administering these procedures, including the Director of Equal Opportunity Compliance, investigators, and decision makers, must remain impartial and free from any conflict of interest or bias for or against complainants, respondents, or any protected class. Parties may raise concerns about potential bias at any stage of the process. Reservation of Rights.

The College reserves the right to take whatever measures it deems necessary in response to an allegation of discrimination, harassment, sex discrimination, or retaliation in order to protect the rights and personal safety of students, employees and other members of the campus community. Such measures include, without limitation, the implementation of supportive or interim measures, interim suspension from campus pending a hearing, placing an employee on paid administrative leave, and utilizing an external investigator to investigate any complaint (as the Director of Equal Opportunity Compliance and Title IX Coordinator's designee).

## **2.6. Amnesty, Honesty, and Process Integrity**

### **Amnesty for Participating Parties and Witnesses**

The College community encourages the reporting of misconduct and crimes. To encourage such reporting and full participation in the grievance process, parties and witnesses who were under the influence of alcohol or other drugs during the time of the incident will not be referred to the College's student conduct process for alcohol or drug violations related to their personal use. This amnesty applies provided that such violations did not place the health or safety of any other person at risk. The College reserves the right to refer parties or witnesses for educational or therapeutic remedies rather than disciplinary action.

### **Honesty and False Allegations**

It is a violation of this policy for any individual to knowingly make a false allegation of Discrimination, Harassment (including sexual harassment under Title IX), Retaliation, or other Prohibited Conduct in bad faith. Corrective actions and/or disciplinary sanctions may be imposed on individuals who act in bad faith. It is important to note that the absence of a finding of a policy violation is not equivalent to finding that an individual acted in bad faith.

### **Process Integrity and Abuse**

No member of the GRCC community may obstruct or interfere with any person's participation in these procedures or fail to comply with any directive or outcome issued under these procedures. Specifically, no member of the community may:

- Obstruct, prohibit, exert improper influence over, or interfere with any individual making a report, participating in a process, or carrying out a responsibility covered by this policy;
- Make, in bad faith, materially false statements in or related to a process covered by this policy;
- Disrupt or interfere with the orderly conduct of any proceeding conducted under this policy;  
or
- Fail to comply with any directive, sanction, or corrective action issued pursuant to this policy.

## **2.7. Privacy.**

Information received in connection with the reporting, investigation and resolution of any allegations under these procedures or the policies relating to these procedures will be treated as private and will only involve individuals the College determines are necessary: (i) to conduct an appropriate investigation; (ii) to provide assistance and resources to the parties; (iii) to perform other appropriate College functions; or (iv) when the College is required to provide information under the law. This includes, but is not limited to, when the College obtains prior written consent to the disclosure, and disclosure to authorized legal representatives on behalf of the person they represent.

In addition, the College will not restrict the ability of the parties to obtain and present evidence, including speaking to witnesses; consulting with their family members, confidential resources or advisors; or otherwise preparing for or participating in grievance procedures.

As described further in these procedures, the College will take reasonable steps to prevent and address the unauthorized disclosure of information and evidence obtained solely through these grievance procedures by parties and their advisors.

The College will make reasonable efforts to protect the privacy of all parties and witnesses, consistent with the need to conduct a thorough and equitable resolution process and to comply with applicable law.

## **2.8. Application of Collective Bargaining Agreements and Employee Handbooks.**

Nothing contained within this document shall be applied so as to contravene or violate any provision contained within any applicable collective bargaining agreement or employee handbook, except where required by law. In the absence of a superseding legal requirement, the provisions contained within a collective bargaining agreement or handbook shall be followed to the extent, if any, that they differ from these procedures.

## **2.9. Violations of Law**

An employee or student may be accountable for discrimination, harassment, or retaliation under applicable local, state, or federal law, as well as under GRCC policy. If, during an investigation, the College becomes aware of conduct that may constitute a criminal act, GRCC will report the information to the GRCC Police Department, which may refer the matter to the appropriate law enforcement authority.

College disciplinary processes may proceed while criminal processes are ongoing. College outcomes will not be changed or delayed solely because criminal charges involving the same incident have been dismissed, reduced, or are still pending.

Nothing in these procedures alters the rights afforded to employees under a collective bargaining agreement or applicable employment policy.

### **2.10. Recordkeeping.**

The College will maintain all records relating to reports, notices of, and complaints regarding Discrimination, Harassment (including sexual harassment under Title IX), Retaliation, and Other Prohibited Conduct, as well as all training materials used under the Title IX, Non-Discrimination, Anti-Harassment and Equal Opportunity Policy and/or these procedures for a period of at least seven (7) years

### **2.11. Additional Definitions Applicable to these Procedures.**

In addition to the definitions set forth in the College's -Discrimination, Harassment and Equal Opportunity Policy, the following definitions apply to these procedures:

- A. Advisor:** A person chosen by a party, or where applicable, appointed by the College, to accompany a party to meetings related to the resolution process, to advise the party on that process and to conduct cross-examination on behalf of the party at a hearing, if any.
- B. Appeal Decision-Maker:** The individual assigned, where applicable, to determine the merits of an appeal of the dismissal of a complaint or any decision-maker's determination regarding responsibility.
- C. Decision-Maker:** The individual(s) assigned under these procedures to make a determination regarding responsibility for an alleged policy violation under Procedure A or Procedure B (including, where applicable, following a hearing or at the conclusion of an investigation). Under Procedure B, the investigator may also serve as the decision-maker.
- D. Investigator:** The individual assigned to conduct an investigation into any alleged violation of the College's Non-Discrimination, Harassment and Equal Opportunity Policy.
- E. Relevant:** "Relevant" means related to the allegations of discrimination, harassment, sex discrimination, or retaliation under investigation pursuant to these grievance procedures. In the context of any hearing, questions are relevant when they seek evidence that may aid in showing whether the reported discrimination, harassment or retaliation occurred, and evidence is relevant when it may aid a decision-maker in determining whether the reported discrimination, harassment or retaliation occurred.

The College will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent or witness.

The following types of evidence, and questions seeking evidence, are impermissible (i.e., will not be accessed or considered, except by the investigator or decision-maker to determine whether one of the exceptions below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; or
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the reported conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the reported sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the reported sex-based harassment or preclude determination that sex-based harassment occurred.

The College does not permit parties to present expert witness evidence, including, without limitation, evidence presented from polygraphists and toxicologists. Permissibility of character witnesses and related evidence must be relevant, and relevance of such evidence will depend upon the facts and circumstances of a particular complaint.

- F. Standard of Evidence:** All investigations and determinations regarding responsibility under these procedures will be conducted pursuant to a preponderance of the evidence standard.
- G. Title IX Coordinator:** The Title IX Coordinator is the official designated by GRCC to ensure compliance with its Title IX obligations and the College's Non-Discrimination, Harassment, and Equal Opportunity Policy on behalf of the College.

The College's Director of Equal Opportunity Compliance serves as GRCC's Title IX Coordinator, and may be contacted as follows:

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

The Director of Equal Opportunity Compliance & Title IX Coordinator may conduct investigations under the processes identified in these procedures. However, the Title IX Coordinator may also delegate certain responsibilities to a designee in accordance with applicable law. Unless otherwise stated, any reference to the Director of Equal Opportunity Compliance & Title IX Coordinator in this document includes any designated designee.

### **3.0 Procedure A: Procedures Relating to Complaints of Sexual Harassment under Title IX.**

As referenced above, GRCC has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees and other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or constitute sexual harassment under Title IX, as defined by applicable federal law and adopted by the College in its Non-Discrimination, Harassment, and Equal Opportunity Policy.

#### **3.1. Title IX Coordinator's Review of Reports and Initial Assessment.**

The Title IX Coordinator reviews all reports of sex discrimination, including sexual harassment or other alleged conduct that may be prohibited under Title IX or GRCC's Non-Discrimination, Harassment, and Equal Opportunity Policy. The available resolution options will be guided by the availability of information or evidence suggesting that a policy violation may have occurred; the College's obligation to investigate and provide appropriate remedies to eliminate, prevent and address the effects of prohibited conduct; and the desire of the complainant to participate in an investigation or other resolution. Upon completion of an initial assessment, the Title IX Coordinator will determine the available options for resolution and will communicate the options to the parties.

Upon receiving a report of conduct that may be prohibited under the Title IX or constitute sexual harassment under Title IX,, the Title IX Coordinator will provide information to the complainant on the availability of supportive measures, the right to file a complaint, and how to file a complaint. If the report came from an individual other than the complainant, the Title IX Coordinator will attempt to contact the complainant to provide this information. If a complaint is filed, the Title IX Coordinator will appoint an Investigator (who may be the Title IX Coordinator, except in cases where the Title IX Coordinator has filed a complaint) to conduct an investigation.

#### **3.2. Filing a Complaint.**

The following people have a right to make a formal complaint of sexual harassment under Title IX (which may be investigated pursuant to Process A), requesting that the College investigate and make a determination about reported sexual harassment under Title IX:

- A complainant;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- The Title IX Coordinator.

The Title IX Coordinator may file a complaint if a person entitled to file a complaint does not wish to do so. In deciding whether to file a complaint, the Title IX Coordinator will consider factors

including, but not limited to:

- The complainant's request not to proceed with initiation of a complaint;
- The complainant's reasonable safety concerns regarding initiation of a complaint;
- The risk that additional acts of sexual harassment under Title IX would occur if a complaint is not initiated;
- The severity of the reported sexual harassment under Title IX, including whether the harassment, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the respondent is an employee of the College;
- The scope of the reported sexual harassment under Title IX, including information suggesting a pattern, ongoing sexual harassment under Title IX, or sexual harassment under Title IX reported to have impacted multiple individuals;
- The availability of evidence to assist a decision-maker in determining whether sexual harassment under Title IX occurred; and
- Whether the College could end the reported sexual harassment under Title IX and prevent its recurrence without initiating an investigation.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as reported presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as reported prevents the College from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint.

If the Title IX Coordinator initiates a Complaint, the Title IX Coordinator will notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

The College may consolidate complaints of sexual harassment under Title IX against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sexual harassment under Title IX arise out of the same facts or circumstances.<sup>1</sup>

The College will complete its initial assessment within ten business (10) days of receipt of a complaint or, on a case-by-case basis, will provide the parties with written notice of reasonable extension of the timeframe, including the reason for delay.

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<sup>1</sup> When more than one complainant or more than one respondent is involved, references below to a party, complainant or respondent include the plural, as applicable.

### **3.3. Supportive Measures.**

Supportive measures will be made available to both the complainant and respondent, whether or not a complaint is filed, to ensure equal access to the College's education and employment programs and activities. The Title IX Coordinator will conduct an individualized assessment and will review requests from the complainant and respondent to determine supportive measures that are appropriate and reasonably available at no cost to the complainant or respondent. Supportive measures may not unreasonably burden either party and are designed to protect the safety of the parties or the educational environment or to provide support during the resolution process. Supportive measures may include, but are not limited to:

- No contact directives;
- Referral to campus and community resources for victim/survivor advocacy, counseling, health services, legal assistance, immigration assistance, and disability services;
- Academic supports, including extensions of time and other course-related adjustments;
- Modification of work or class schedules;
- Changes in work locations;
- Changes in reporting relationship;
- Consideration of leave requests; and
- Campus escort services.

The Title IX Coordinator will coordinate the provision of interim supportive measures. Parties will not be required to arrange such measures by themselves, but may need to participate in communication with supervisors, faculty, and other College employees with a need to know. GRCC will maintain as confidential any supportive measures provided to the complainant or respondent to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. Supportive measures are not imposed for punitive or disciplinary reasons.

Either party may challenge a decision to provide, deny, modify or terminate supportive measures that are applicable to that party. Challenges to supportive measures will be heard by an impartial employee who did not originally implement the supportive measures.

If a student or employee is an individual with a disability under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act (ADA), the Title IX Coordinator may consult with Disability Support Services and/or the ADA Coordinator, as appropriate, in determining appropriate supportive measures.

### **3.4. Emergency Removal and Administrative Leaves.**

Upon an individualized analysis and determination that an imminent and serious threat to the health or safety of a complainant or any students, employees or other persons arising from allegations of sexual harassment under Title IX justifies removal, the Title IX Coordinator may determine to remove a student respondent from the College's education program or activity on an

emergency basis.<sup>2</sup> In such cases, the respondent will promptly be provided with notice and an opportunity to challenge the removal.

GRCC has the authority and discretion to place an employee on administrative leave during the pendency of an investigation, even where the requirements for an emergency removal are not met.

### **3.5. Complaint Dismissal.**

The Title IX Coordinator may dismiss a complaint under any of the following circumstances:

- The complainant notifies the Title IX Coordinator that they wish to withdraw their complaint, the Title IX Coordinator declines to initiate a Complaint and the College determines that, without the complainant's withdrawn allegations, the conduct alleged in the complaint, if any, would not constitute sexual harassment under Title IX, even if proven;
- The respondent is no longer enrolled in or employed by the College;
- The College is unable to identify the respondent after taking reasonable steps to do so; or
- The reported conduct would not constitute sexual harassment under Title IX, if proven. Before dismissing the complaint, the College will make reasonable efforts to clarify the allegations with the Complainant.

Complaints that are dismissed may still be resolved through an informal resolution process. If the College dismisses the complaint for any reason, either party may appeal the decision as outlined in this document's appeals process. If the dismissal is appealed, the College will:

- Promptly notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decision-maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decision-maker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the College will, at a minimum:

- Offer supportive measures to the complainant as appropriate;

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<sup>2</sup> The Title IX Coordinator's analysis may be performed in conjunction with GRCC's Behavioral Intervention Team.

- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator, to ensure that sexual harassment under Title IX does not continue, occur or recur within the College's education program or activity.

### **3.6. Informal Resolution.**

Informal resolution may be utilized in some circumstances if the College deems appropriate and both parties agree. Filing a complaint is not necessary to initiate an informal resolution process. Informal resolution will not be utilized when such a process would conflict with any applicable law. Informal resolution is not available when the respondent is a GRCC employee. The facilitator of any informal resolution may not be the investigator or decision- maker.

Before the initiation of an informal resolution process, the Title IX Coordinator will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the College will maintain and whether and how GRCC could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

### **3.7. Investigation.**

Reports of sexual harassment under Title IX will be resolved through an investigation and formal resolution when the reported sexual harassment, if true, would constitute sexual harassment under Title IX. In instances when the College determines informal resolution is inappropriate; when the complainant requests; or when the College requires formal investigation, the College will consider the concerns and rights of all parties and provide a prompt, fair, impartial, and equitable process.

If an eligible person under this policy elects to file a complaint, the Title IX Coordinator will provide written notice to the respondent within ten (10) calendar days including:

- Sufficient information available at the time to allow the parties to respond to the allegations, including, to the extent available, the identities of the parties involved in the incident(s), the conduct reported to constitute sexual harassment under Title IX, and the date(s) and location(s) of the reported incident(s);
- That there is a presumption they are not responsible for a policy violation;

- That all parties are entitled to an advisor of their choice;
- That all parties can inspect and review evidence;
- That false statements made in bad faith are prohibited by these procedures and could result in disciplinary action;
- Information regarding these procedures and informal resolution processes;
- That retaliation is prohibited; and
- That the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.

If, in the course of an investigation, if the College decides to investigate additional allegations of sexual harassment under Title IX by the respondent toward the complainant that are not included in the initial notice or that are included in a complaint that is consolidated, the College will notify the parties of the additional allegations.

Following the filing of a complaint, the Title IX Coordinator will appoint an investigator (who may be the Title IX Coordinator) to investigate the allegations. The burden is on the College, not on the parties, to conduct an investigation that gathers sufficient evidence to determine whether sexual harassment occurred. During the investigation, the investigator may interview the complainant, respondent, and any relevant witnesses. The Investigator may also gather or request other relevant information or evidence when available and appropriate. Both the complainant and respondent will be asked to identify witnesses and provide other relevant information in a timely manner to facilitate prompt resolution of the case.

Although both the complainant and respondent are advised to participate in the investigation process to enable a fair and equitable resolution to any case, neither the complainant nor the respondent are required to participate in the investigation process.

During the investigation, complainants and respondents shall have an equitable right to:

- Receive notice of the allegations with sufficient time to prepare for meaningful participation before participating in an interview;
- A process with reasonably prompt timeframes, with extensions for good cause, as described below;
- Present relevant information to the investigator, including evidence and witnesses;
- Receive timely and equal access to any relevant information, documentation, and evidence gathered during the investigation;
- Have an advisor of their choosing who may be an attorney, advocate, or other support person who is not a potential witness in the investigation or could otherwise compromise the investigation, who provides support throughout the process, including being present for any meetings or hearings;<sup>3</sup>

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<sup>3</sup> A union representative may serve as party's advisor where a party is a member of a bargaining

- Investigators who are adequately trained to resolve cases of reported sexual harassment under Title IX, are familiar with applicable policies and procedures, and who do not have a conflict of interest or bias for or against either party; and
- Have written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings to all parties whose participation is invited or expected, with sufficient time for the party to prepare to participate.

Following the completion of the investigation, the investigator will draft an investigative report regarding the allegations contained in the complaint.

Before the report is finalized, the investigator will send to each party and their advisors an electronic or hard copy of the report. The report must include all evidence directly related to the allegations, even if it may not be relied upon in making a determination of responsibility. The parties will then have ten (10) calendar days to provide a written response, which the investigator will consider before finalizing the investigative report. The final investigative report will be delivered to the Title IX Coordinator (if the investigation was conducted by a designee), the complainant, and the respondent within three business days of its completion. The College will complete the investigation within sixty (60) to ninety (90) calendar days of issuance of the notice of investigation or, on a case-by-case basis, will provide the parties with written notice of a reasonable extension of the timeframe, including the reason for delay.

The College will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Investigative materials and all information related to the complaint will be shared with parties and advisors with reasonable limitations to prevent unauthorized disclosure of information. Any party or advisor who has been found to have violated confidentiality related to sharing of information and evidence will be subject to disciplinary sanctions.

Live Hearings and Determination Regarding Responsibility After the conclusion of the investigation, the Title IX Coordinator will appoint a decision-maker, or decision-makers, to conduct a hearing process to resolve the complaint and issue a written determination regarding the respondent's responsibility under the policy. When the respondent is an employee, the Title IX Coordinator will appoint an external decision-maker. When the respondent is a student, the Title IX Coordinator will appoint a three (3) member panel, comprised of College employees, unless the Title IX Coordinator, within their discretion, determines that it may be necessary to appoint an external decision-maker based upon the availability of panelists or other appropriate considerations. The investigator will not serve as the decision-maker.

If a party has not previously requested an advisor, the College will provide an advisor for the

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unit. In such cases, a party may also utilize another advisor in addition to their union representative, so long as all other parties to the investigation are also provided with the opportunity to utilize a second advisor.

limited purpose of conducting cross-examination.

The purpose of the hearing is to give parties the opportunity to present their side of the issue, participate in questioning, and for the decision-maker(s) to determine whether the respondent is responsible or not responsible for violating the Title IX Policy. The process will enable the decision-maker(s) to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating the allegations.

Hearings are not legal proceedings and do not follow courtroom procedure or formal rules of evidence. Hearings are not open to the public. The College will create an audio recording of all meetings that occur within the hearing process.

The College's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the decision-maker(s) to ask such questions during individual meetings with a party or witness;
- Allow each party to question or cross-examine witnesses through their advisor<sup>4</sup>;
- Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

The decision-maker(s) will determine whether a proposed question by any party is relevant and not otherwise impermissible before the question is posed to any party or witness and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of any party or witness being questioned will not be permitted. The decision-maker(s) will give a party an opportunity to clarify or revise a question that the decision-maker(s) determine is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

The decision-maker(s) may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decision-maker(s) will not draw an inference about whether sexual harassment under Title IX occurred based solely on a party's or witness's refusal to respond to such questions.

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the College will:

- Use the preponderance of the evidence standard of proof to determine whether sexual harassment under Title IX occurred. The standard of proof requires the decision-maker(s) to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If

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<sup>4</sup> Cross-examination will be conducted directly, orally, and in real time by the party's advisor.

- the decision-maker(s) are not persuaded under the applicable standard by the evidence that sexual harassment under Title IX occurred, whatever the quantity of the evidence is, the decision-maker(s) will not determine that sexual harassment under Title IX occurred.
- Notify the parties simultaneously in writing of the determination whether sexual harassment under Title IX occurred under Title IX including:
    - A description of the alleged sexual harassment under Title IX that occurred;
    - Information about the policies and procedures that the College used to evaluate the allegations;
    - The decision-maker(s)' evaluation of the relevant and not otherwise impermissible evidence and determination whether sexual harassment under Title IX occurred;
    - When the decision-maker(s) find that sexual harassment under Title IX occurred, any disciplinary sanctions the College will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the College to the complainant, and, to the extent appropriate, other individuals identified by the College to be experiencing the effects of the sexual harassment under Title IX; and
    - The College's procedures and permissible bases for the complainant and respondent to appeal.
  - The College will not impose discipline on a respondent for sexual harassment under Title IX prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sexual harassment under Title IX.
  - If there is a determination that sexual harassment under Title IX occurred, as appropriate, the Title IX Coordinator will:
    - Coordinate the provision and implementation of remedies to a Complainant and other people the College identifies as having had equal access to the College's education program or activity limited or denied by sexual harassment under Title IX;
    - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
    - Take other appropriate prompt and effective steps to ensure that sexual harassment under Title IX does not continue or recur within the College's education program or activity.
  - Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
  - Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sexual harassment under Title IX occurred.

The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

The decision-maker(s) will simultaneously notify parties of their decision in writing within ten (10) business days after the conclusion of the hearing. The College will complete the determination

process within thirty (30) calendar days or, on a case-by-case basis, will provide the parties with written notice of reasonable extension of the timeframe, including the reason for delay.

### **3.8. Appeals.**

If either party disagrees with the College's dismissal of a complaint or the decision-maker(s)' findings or remedies, they may file a written appeal with the Title IX Coordinator within ten (10) calendar days of receiving the Decision Maker's written decision. Appeals may be filed due to:

- A procedural irregularity that would change the outcome;
- New evidence discovered that would change the outcome and that was not reasonably available at the time of the determination or dismissal;
- The Title IX Coordinator, investigator, or any decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome; or
- The decision was not supported by the evidence.

Upon timely receipt of any appeal, the Title IX Coordinator will notify the parties of the appeal (including notice of allegations, if notice was not previously given to respondent) and will provide the parties with seven (7) calendar days to make a statement in support of, or challenging, the outcome.

The Title IX Coordinator will appoint an appeal decision-maker to examine the appeal and all evidence to determine if the appeal has merit. The appeal decision-maker must not have taken part in the investigation of the allegations or dismissal of the complaint. The appeal decision-maker will make an unbiased, objective conclusion as to the appeal's merit and issue a written decision describing the result of the appeal and the rationale for the result.

The appeal decision-maker will provide the written decision simultaneously to both parties. The College will complete the appeals process within twenty (20) business days of the notice of appeal or, on a case-by-case basis, will provide the parties with written notice of reasonable extension of the timeframe, including the reason for delay.

### **3.9. Discipline and Other Remedies.**

Following a determination that sexual harassment under Title IX, has occurred, GRCC may impose disciplinary sanctions, which may include, but are not limited to, the following for students and/or employees:

#### **Students**

- A verbal or written warning;
- Probation;
- Establishment of mandatory behavior conditions;
- Recommendations for counseling;
- Permanent removal or suspension from a course, extracurricular activity or other education program or activity (including regarding a leadership position within any such

- program or activity);
- Loss of access to College computers and/or network;
- A specific project designed to assist the student in better understanding the overall impact of the behavior;
- Restitution of damages/stolen property;
- Suspension without pay or termination from a student-employee position;
- Community service;
- Withholding degree;
- Suspension; and/or
- Expulsion.

## **Employees**

- A verbal or written warning;
- A performance improvement plan;
- Recommendations for counseling;
- Additional training and/or educational requirements;
- Demotion;
- Removal of responsibilities or roles;
- Suspension; and/or
- Termination.

Additionally, regardless of whether a policy violation is determined (including where a determination does not occur due to lack of information in a report or a request by the complainant that an investigation not move forward), GRCC will take steps, whether individual or systemic, to stop the reported sexual harassment under Title IX, prevent its recurrence, and remedy the discriminatory effects on the complainant and others, as appropriate. Remedial measures (i.e., remedies) may include, but are not limited to:

- Providing training on sexual harassment under Title IX;
- Increasing security in a designated space;
- Changing a GRCC policy or procedure; and/or
- Conducting climate surveys or other climate checks.

## **4.0 Procedure B: Procedures Relating to Other Complaints of Discrimination, Harassment and/or Retaliation.**

GRCC has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, and other individuals who are participating or attempting to participate in its education program or activity, alleging conduct that would be prohibited by the Non-Discrimination, Anti-Harassment and Equal Opportunity Policy or any other applicable civil rights law. These procedures apply to conduct that does not fall within the jurisdiction of the Title IX Sexual Harassment Policy.

### **4.1. Director of Equal Opportunity Compliance Review of Reports and Initial Assessment**

GRCC may only respond when concerns are brought to its attention. Reports may be submitted by any individual. The Director of Equal Opportunity Compliance reviews all reports of discrimination, harassment, or retaliation under Policy 6.2. The Director will conduct an initial assessment which may include outreach to the complainant, review of the information reported, and evaluation of available options for resolution.

During the initial assessment, the Director will:

- Explain the process and available supportive measures
- Offer resources and assistance
- Provide information about filing a complaint
- Determine whether the allegations, if true, would violate Policy 6.2
- Determine whether a formal investigation is appropriate
- Determine whether referral to another College process is appropriate.

#### **4.2. Timelines**

The Director of Equal Opportunity Compliance will initiate an investigation within ten (10) business days after receiving a complaint or becoming aware of information that may constitute a violation of Policy 6.2. The Director may initiate an investigation in the absence of a complaint when necessary to meet the College's obligations under applicable law.

The College will make a good faith effort to complete the investigation and issue a written determination within sixty (60) business days after the investigation is initiated. This timeframe may vary based on the nature and complexity of the allegations, the number and availability of parties and witnesses, the volume of evidence, law enforcement involvement, academic calendar considerations, or other circumstances affecting the investigation.

Extensions may be granted for good cause when necessary to ensure a thorough, fair, and equitable process. When an extension is required, the Director will provide the parties with written notice of the reason for the delay and an updated estimated completion date. The parties will also receive reasonable updates regarding the status of the investigation.

#### **4.3. Filing a Complaint**

Reports of discrimination, harassment, or retaliation under Policy 6.2 may be made by any individual. A complaint, which is a request that the College investigate and make a determination regarding the reported conduct, may be filed by:

- The complainant
- The Director of Equal Opportunity Compliance when initiation of a complaint is necessary to protect health, safety, or equal access

A complaint may be written or oral and must provide enough information for the College to understand the nature of the concern, the individuals involved if known, and the conduct alleged.

The Director of Equal Opportunity Compliance may initiate a complaint when:

- The complainant requests that the College not proceed and the College determines that it must act to protect the community
- The reported conduct appears to present a pattern, threat, or significant risk to others
- The alleged conduct may affect multiple individuals
- The College cannot ensure equal access without further action

Before initiating a complaint, the Director will make reasonable efforts to notify the complainant

#### **4.4. Supportive Measures**

Supportive measures are available to any party involved in a report or complaint, regardless of whether a complaint is filed. Supportive measures are designed to restore or preserve equal access to the College's programs and activities without unreasonably burdening either party.

Supportive measures may include:

- No contact directives
- Referral to campus or community resources
- Academic supports or course adjustments
- Workplace adjustments
- Schedule changes
- Changes in reporting structure or location
- Safety planning
- Consideration of leave
- Coordination with the ADA Coordinator or Disability Support Services for access accommodations

Supportive measures are non-disciplinary and non-punitive.

Either party may request a review or modification of supportive measures.

#### **4.5. Interim Actions, Emergency Removal and Administrative Leave**

The College may take interim actions when necessary to address safety concerns or protect the integrity of the process. Interim actions may include:

- No contact directives
- Temporary schedule or location changes
- Temporary restrictions on access to certain spaces
- Emergency removal of a student respondent when an individualized assessment indicates an imminent and serious threat to the health or safety of others
- Placement of an employee respondent on administrative leave during an investigation

Respondents will be notified of any interim action and may request a review.

#### **4.6. Decision Not to Proceed or Administrative Closure**

The Director of Equal Opportunity Compliance may determine that a report will not proceed to a formal investigation when:

- The complainant requests that the College not proceed and the College is able to honor that request
- The respondent is unknown and further investigation would not be possible
- The respondent is no longer a student or employee and no meaningful resolution can be achieved
- The alleged conduct, even if true, would not violate Policy 6.2

Before closing a matter, the Director will make reasonable efforts to clarify the allegations with the complainant when possible.

Supportive measures may still be offered to the complainant and the respondent.

Either party may request review of a decision not to proceed.

#### **4.7. Informal Resolution**

Informal resolution may be used when appropriate and when both parties agree. Filing a complaint is not required to initiate an informal resolution process.

Informal resolution is not used when the nature of the allegations or applicable law makes informal resolution inappropriate.

Examples of informal resolution include:

- Facilitated dialogue
- Mediation
- Restorative practices
- Educational interventions
- Voluntary agreements

Before beginning informal resolution, the Director will explain in writing:

- The allegations
- The voluntary nature of the process
- The right of either party to end informal resolution at any time before an agreement is reached
- That a final agreement is binding on the parties
- The potential terms of informal resolution
- How information shared during the process will or will not be used

The facilitator will not serve as the investigator or as the decision maker for the same matter.

#### **4.8. Right of Representation**

The complainant and the respondent may have a representative of their choice present during any

meeting related to an investigation under this procedure. Representatives may include a union representative, attorney, advocate, or other support person, provided the representative is not a potential witness.

Representatives serve in an advisory capacity. They may confer privately with the party they represent but may not answer questions on behalf of the party or otherwise disrupt the process.

#### **4.9. Investigation**

When a complaint is filed, the Director of Equal Opportunity Compliance will notify the parties in writing and initiate an investigation. Notice will include:

- Sufficient information to allow each party to understand and respond to the allegations
- A statement that the respondent is presumed not responsible
- A prohibition on retaliation
- Information about supportive measures
- An overview of the investigation process

The investigator will generally:

- Interview the complainant
- Interview the respondent
- Interview witnesses
- Review documents or other evidence provided by the parties or obtained through the investigation

Parties have the right to:

- Present relevant information and identify witnesses
- Receive reasonably prompt timeframes, with extensions when justified
- Have an advisor present at any meeting
- Receive written notice of meetings with enough time to prepare
- Review relevant evidence before the report is finalized

After gathering evidence, the investigator will prepare an investigative report summarizing the relevant information. The parties will have an opportunity to review the report or a summary and provide written responses before it is finalized.

The College will take reasonable steps to prevent unauthorized disclosure of information obtained solely through these procedures.

#### **4.10. Determination Regarding Responsibility**

Following the investigation, the decision maker will issue a written determination that includes:

- A description of the alleged conduct
- Findings of fact

- An analysis applying the facts to Policy 6.2
- A determination regarding responsibility, using the preponderance of the evidence standard
- Any disciplinary sanctions or corrective actions
- Any remedies designed to restore or preserve equal access
- Information about the appeal process

The written determination will be provided simultaneously to both parties.

#### **4.11. Appeals**

Either party may appeal a determination or a decision to close a matter for the following reasons:

- A procedural irregularity that affected the outcome;
- New information that was not reasonably available earlier and that could affect the outcome;
- The determination was not supported by the evidence; or
- A conflict of interest or bias on the part of the Director, investigator, or decision-maker that affected the outcome.

For matters involving an employee respondent, a written appeal must be submitted to the Director of Equal Opportunity Compliance within ten (10) calendar days after the determination or closure decision is provided to the parties. The Director will provide the appeal to the other party, who will have seven (7) calendar days to submit a written response.

Appeals involving an employee respondent will be reviewed by the Executive Director of Human Resources or designee. The appeal decision-maker will not have participated in the investigation or original determination and will issue a written decision describing the outcome of the appeal and the rationale for the decision. The written appeal decision will be provided to the parties simultaneously.

The College will make a good faith effort to complete the appeal process within twenty (20) business days after notice of the appeal is provided to the parties. This timeframe may be extended for good cause. When an extension is required, the parties will receive written notice of the reason for the delay and an updated estimated completion date.

For matters involving a student respondent, appeals will be administered in accordance with the appeal procedures and timelines set forth in the Student Code of Conduct.

A determination becomes final when the time to submit an appeal has expired without an appeal being filed or, when an appeal is filed, on the date the written appeal decision is provided to the parties.

#### **4.12. Discipline and Other Remedies**

Following a determination that discrimination and/or harassment has occurred, GRCC may impose disciplinary sanctions, which may include, but are not limited to, the following for students

and/or employees:

### **Students**

- A verbal or written warning;
- Probation;
- Establishment of mandatory behavior conditions;
- Recommendations for counseling;
- Permanent removal or suspension from a course, extracurricular activity or other education program or activity (including regarding a leadership position within any such program or activity);
- Loss of access to College computers and/or network;
- A specific project designed to assist the student in better understanding the overall impact of the behavior;
- Restitution of damages/stolen property;
- Suspension without pay or termination from a student-employee position;
- Community service;
- Withholding degree;
- Suspension; and/or
- Expulsion.

### **Employees**

- A verbal or written warning;
- A performance improvement plan;
- Recommendations for counseling;
- Additional training and/or educational requirements;
- Demotion;
- Removal of responsibilities or roles;
- Suspension; and/or
- Termination.

Remedies designed to address the effects of the conduct may include:

- Targeted or campus wide training
- Increased monitoring of specific areas
- Policy review or modification
- Access adjustments

The Director will coordinate implementation of remedies.