



Administrative Policy

Policy Type:	Sex Based Discrimination/Harassment
Policy Number:	1717
Date Adopted:	11/18/2004
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Date Last Reviewed:	7/21/2024
Office Responsible:	Human Resources
Related Policies:	Equal Opportunity and Non-Discrimination
Related Laws:	Michigan Public Act 453 of 1976 Title VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972

Policy Statement:

Jackson College is committed to maintaining a working and learning environment for all students, faculty, and staff that is free of sex based discrimination and harassment which are contrary to the mission and beliefs of the College and are not tolerated. As such all employees are required to complete sexual harassment training annually and proof of training is kept on file in HR.

Sex Based Harassment, a form of gender (sex) discrimination, may involve harassment of women by men, harassment of men by women, and harassment between persons of the same sex. Title IX prohibits preventing a person from participating consistent with their gender identity. Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1963, and Michigan's Elliot-Larsen Civil Rights Act make sex based harassment and discrimination unlawful.

Any Jackson College employee who witnesses any conduct that may be sex based harassment or discrimination or who receives any complaint or report that sex based harassment or discrimination may have occurred or may be occurring, must promptly report the incident to the College's Title IX Coordinator.

Prohibition

Members of the College community (employees, students and third parties) shall not engage in sex based harassment.

No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege under Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner.

Definitions

Complainant: A student or employee who is alleged to have been subject to conduct that could constitute sex discrimination or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination and was participating or attempting to participate at the time of the alleged conduct.



Respondent. A person who is alleged to have violated the school's prohibition on sex discrimination/harassment.

Formal Complaint: a document filed by a complainant or signed by the Title IX Coordinator alleging sex based harassment/discrimination against a respondent.

Supportive Measures: individualized services, provided to the complainant and/or respondent, reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. Examples of supportive measures include but are not limited to: modifications to class schedules, changes in housing, provision of escorts, increased security, changes to work assignments and change of office location.

Sex based harassment: conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the College, agent or other person authorized by the College to provide an aid, benefit, or service under the College's educational program or activity explicitly or impliedly conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.
2. Unwelcome sex based conduct that based on the totality of the circumstances is determined to be objectively and subjectively offensive and severe or pervasive, and denies or limits a person equal access to the College's education program or activity; or
3. Sexual assault, dating violence, domestic violence or stalking as defined in section 106.2 of the Act.

Remedies: Actions designed to restore or preserve the complainant's equal access to the College's education program or activity when the respondent is found responsible for sex discrimination or sexual harassment. Examples include but are not limited to required professional development, suspension or expulsion from school, removal from student housing, suspension or termination of employment.

Reporting Sexual Discrimination/Harassment

Any person may report sex based discrimination or harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment, in person, by mail, by telephone, or by electronic mail, using the contact information for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

Processing Complaints of Sex Discrimination or Sexual Harassment

All complaints of alleged sexual discrimination/harassment are investigated under the oversight of the College's Title IX Coordinator. The Title IX Coordinator or delegate or designee will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a complaint; and explain to the complainant the process for filing a complaint.



Jackson College's Title IX Grievance Process treats complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual based harassment or discrimination has been made against the respondent, and by following a grievance process that complies with Title IX regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures against the respondent. Remedies are designed to restore or preserve equal access to the College's educational program or activity.

An objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, is required. Credibility determinations may not be based on a person's status as a complainant, respondent or witness.

The College's Title IX Coordinator, investigators, and decision makers have been trained on the definition of sexual harassment, the scope of the College's educational program or activity, how to conduct an investigation and grievance process, appeals, informal and formal resolution processes, as applicable and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Title IX Coordinator, Investigator or Decision Maker must recuse him or herself if a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

A respondent shall be presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

For all complaints against students and employees, including faculty, the preponderance of the evidence standard shall be used for all formal Title IX complaints of sexual harassment. Decision makers shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under legally recognized privilege, unless the person holding such privilege has waived the privilege.

Both the complainant and respondent may be accompanied to any meeting or proceeding by an advisor of their choice however the representative may not participate in the meeting or

Title IX Grievance Procedure

1. Upon receipt of a complaint the Title IX Coordinator shall assign the complaint to an investigator.
2. The investigator shall meet with the Complainant and determine if the College has jurisdiction.
3. Upon confirmation of jurisdiction the investigator shall issue a Notice of Investigation to both the complainant and respondent simultaneously. As appropriate supportive measures may be provided to either party.
4. Investigator shall interview the complainant, respondent and witnesses identified by either party and review evidence provided by either party.
5. The investigator shall create an investigative report that fairly summarizes relevant evidence and provides the opportunity for both parties to review and respond to the evidence.



6. To determine credibility, the investigator shall share the record of meetings with the opposing parties and each party is permitted to pose questions that the investigator will then ask in follow-up meetings.
7. The investigator shall issue a written final report indicating a determination of responsibility or not responsibility and identify sanctions if respondent is found responsible. The report will be issued to both parties simultaneously.

Timeline

Every effort will be made to conclude the investigation of a Title IX investigation within 45 days of a complaint being filed. Temporary delays for limited extension of the timeline shall be permitted for good cause with written notice to the complainant and the respondent of the delay or extension and reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Appeal

The final determination of responsibility may be appealed by either the complainant or respondent by submitting a written appeal to the Title IX Coordinator within 14 business days of receipt of the final report. The basis for an appeal is limited to the following:

- (A) Procedural irregularity that affected the outcome of the manner.
- (B) New Evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Within 30 business days of receipt of an appeal the College will issue a written notice of the outcome of the appeal to both the complainant and the respondent.

Barriers to Reporting

The Title IX Coordinator will monitor the college's educational program and activities for any barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX and take steps reasonably calculated to address such barriers.

Provision of Supportive Measures to Pregnant Students

Any college employee must promptly notify the Title IX Coordinator if a student informs the employee of the student's pregnancy or related condition. The Title IX Coordinator or designed will contact the student and explain that the college will provide reasonable modifications and/or supportive measures, if needed, to support the pregnant/postpartum student's continued access to the college's program/activity to their unique situation.

Investigations under State Law and/or College Policy:

Jackson College reserves the right to investigate complaints of sex discrimination or sexual harassment that fall outside of the Jurisdiction of Title IX or when the complainant elects not to pursue a Title IX complaint when it believes that a violation of State law or College policy may have occurred. Such



investigations may be referred to the Student Judicial process or conducted using an alternative investigation process

Jackson College has jurisdiction over all Jackson College educational programs or activities this includes locations, events, or circumstances where the college exercises substantial control over both: the Respondent, the context in which the alleged sexual harassment or discrimination occurs and includes any building owned or controlled by the college or by a student organization that is officially recognized by the school.

Jackson College Title IX Coordinator:

The responsibilities of the Compliance Office include those of the Title IX Coordinator, Civil Rights Coordinator, and Compliance Officer for the Americans with Disabilities Act. Contact information:

Cynthia Allen
Chief Operating Officer Potter Center, Room 210
Jackson College
2111 Emmons Road
Jackson MI 49201

Telephone: 517-796-8403
Email: AllenCynthiaS@jccmi.edu

Change Log:

<u>Date Of Change</u>	<u>Version</u>	<u>Description of Change</u>	<u>Responsible Party</u>
3/19/2012	2.0	Update	W. Hendry
8/29/2012	3.0	Annual Review and LC approval	W. Hendry
11/9/2016	4.0	Edits Reviewed and approved	C. Allen
9/12/2018	5.0	Edits Reviewed and LC approval	C. Allen
08/12/2020	6.0	Edits Reviewed and LC approval	C. Allen
11/11/2021	7.0	Edits Reviewed and LC approval	C. Allen
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7/31/2024	9.0	Edit and Changes / LC approval	C. Allen