



Administrative Policy

Policy Type:	Sexual Discrimination/Harassment
Policy Number:	1717
Date Adopted:	11/18/2004
Version:	5.0
Review Cycle:	Bi-Annually
Date Last Reviewed:	9/12/2018
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 discrimination and harassment. Discrimination and harassment are contrary to the mission and beliefs of the College and are not tolerated.

Sexual 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 of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1963, and Michigan's Elliot-Larsen Civil Rights Act make sexual harassment unlawful.

Any Jackson College employee who witnesses any conduct that may be sexual discrimination or who receives any complaint or report that sex discrimination may have occurred or may be occurring, must promptly report the incident to their immediate supervisor or the College's Title IX Coordinator. If not reported directly to the Title IX Coordinator, the supervisor will ensure that the Title IX Coordinator receives prompt notice of the complaint.

Prohibition

Members of the College community (employees, students and third parties) shall not engage in sexual discrimination or harassment. Persons who do so are subject to disciplinary action, up to and including discharge for employees, dismissal from the College for students, and discontinuation of contacts and/or removal of the offender from the college community for third parties.

The College and the law also prohibit retaliation against any person who complains about alleged sexual discrimination or harassment or who cooperates in an investigation of a complaint.

Definitions

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

1. submission to such behavior is made, explicitly or implicitly, a term or condition of an individual's employment or status in a course, program or activity; or
2. submission to or rejection of such behavior is used as a basis for a decision affecting an individual's employment or participation in a course, program, or activity; or

3. such behavior is so severe, persistent, or pervasive that a reasonable person would find that it:
 - a. alters the terms or conditions of a person's employment or educational experience, or
 - b. unreasonably interferes with an individual's work or performance in a course, program, or activity, thus creating a hostile or abusive working or educational environment.

A person's subjective belief alone that behavior is offensive does not necessarily make that behavior sexual harassment. The behavior must also be objectively unreasonable.

The determination as to whether behavior is sexual harassment must take account of the totality of the circumstances, including the nature of the behavior and the context in which it occurred. Sexually harassing conduct often involves a pattern of offensive behavior. However, a single incident may constitute sexual harassment depending on the severity of the conduct and on factors such as: the degree to which the conduct affected the student's education or the employee's work environment; the type and duration of the conduct; and the identity of and relationship between the alleged harasser and the student or employee.

Examples of Sexual Harassment

Many kinds of behavior may fit within the preceding definition of sexual harassment. Speech and expressive conduct can also be sexual harassment. The following list of examples of sexual harassment is not exhaustive:

- sexual violence, including sexual assault, rape, sexual battery, and sexual coercion
- threats or insinuations which lead the victim reasonably to believe that granting or denying sexual favors will affect her or his reputation, education, employment, advancement, or standing within the College
- sexual advances, sexual propositions, or sexual demands which are not agreeable to the recipient
- sexually explicit emails or text messages
- sexual misconduct such as stalking, cyber stalking, recording or transmitting sexual images, and voyeurism
- unwelcome and persistent sexually explicit statements or stories which are not legitimately related to employment duties, course content, or other College programs or activities
- repeatedly using sexually degrading words or sounds to describe a person
- unwanted and unnecessary touching, patting, hugging, or other physical contact
- recurring comments or questions about an individual's sexual prowess, sexual deficiencies, or sexual behavior

Behavior of a sexual nature that is not sexual harassment may nonetheless be unprofessional in the workplace, disruptive in the classroom, or violate other College policies and, like other behavior that is unprofessional, disruptive, or violates policy, could warrant disciplinary action.

Reporting Sexual Discrimination/Harassment

Complaints of alleged sexual discrimination or harassment by a college employee should be made, orally or in writing, to the alleged harasser's administrative supervisor (dean, provost, director); or to the College's Title IX Coordinator.

If the alleged harasser is a student, the complaint should be made to the Student Ombudsman or to the College's Title IX Coordinator. Complaints filed directly with the Student Ombudsman will be referred to the Title IX Coordinator for investigation prior to any student disciplinary proceeding is initiated.

If the alleged harasser is a third party, an individual brought into contact with members of the College community through a College program or activity, the complaint should be filed with the Title IX Coordinator or the administrator (dean, provost or director) responsible for that program or activity.

If a College employee (including student employees) believes that he or she has been sexually harassed within the scope of his or her employment by an individual who is not a College employee or student, the employee should report the alleged sexual harassment to his or her supervisor or to the Title IX Coordinator.

Jackson College's Vice President of Administration and Human Resources serves as its Compliance Officer. 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
Vice President of Administration and Human Resources
Potter Center, Room 210
Jackson College
2111 Emmons Road
Jackson MI 49201

Telephone: 517-796-8403
FAX: 517-796-8459
Email: AllenCynthiaS@jccmi.edu

Individuals may choose, at any time, to file a complaint to the U.S. Department of Education's Office for Civil Rights¹ (OCR) located at:

Cleveland Office
Office for Civil Rights
U.S. Department of Education
1350 Euclid Avenue, Suite 325
Cleveland OH 44115-1812

Telephone: 216-522-4970
FAX: 216-522-2473; TDD: 800-877-8339
Email: OCR.Cleveland@ed.gov

¹ The U.S. Department of Education's Office for Civil Rights does not serve as an appeal body for the College's decisions.

Processing Complaints of Sexual Discrimination/Harassment

All complaints of alleged sexual discrimination/harassment are investigated under the oversight of the College's Title IX Coordinator, who may personally conduct the investigation or appoint an investigator. The Title IX Coordinator may also determine that an investigation is warranted without a formal complaint if the College has sufficient notice that sexual discrimination/harassment may have occurred. To assure adequate, reliable and impartial investigations of reported incidents any individual serving as an investigator shall be knowledgeable of the applicable laws and policies and trained in investigatory procedures.

Each complaint of sexual discrimination/harassment must be evaluated with reference to the pertinent circumstances. On occasion, a complaint will be resolved informally. Informal resolution efforts are voluntary, and either party may request that a formal investigation of the complaint be commenced at any time. Informal resolution is facilitated by the Title IX Coordinator, or designee, and does not involve any requirement that the parties meet unless both parties request such a meeting and the Title IX Coordinator, or designee, determines such a meeting would be appropriate. Informal resolution, such as mediation, will not be used to resolve sexual violence complaints.

A formal investigation will include interviews with the complainant, the alleged harasser, and any witnesses identified by either party. In addition either party may identify witnesses and present evidence, such as electronic and written materials, if any exist. To the extent possible the investigation of sexual discrimination/harassment complaints will be conducted confidentially, however information may need to be disclosed so that the College may effectively investigate the matter or take corrective action.

During the investigation the College may take interim measures such as changes to class or housing assignments for students or work assignments for employees.

During the course of the investigation the Title IX Coordinator or designee will complete an investigatory report. The College will use a preponderance of the evidence standard to determine whether a violation of its policy prohibiting sex discrimination has occurred.

Both the complainant and the alleged harasser will be notified, in writing, of the outcome of an investigation and their right to appeal the decision, if any. If an investigation results in a determination that sexual harassment has occurred, the College will take remedial action, including, where appropriate, disciplinary action, to eliminate the harassment and prevent its recurrence. The Title IX Coordinator, in cooperation with the relevant College officials, will confirm that appropriate non-disciplinary remedies have been provided to the complainant, that steps to remedy any discriminatory effects on the complainant and others are implemented and will monitor the matter to assure that harassment does not recur.

Investigation Timeframe

1. Complaint Evaluation - Initial meetings with complainant and accused will be held within fourteen (14) calendar days of receipt of the complaint
2. Informal Resolution or Mediation – if the parties elect to resolve the complaint informally this process will be completed within twenty-one (21) calendar days of receipt of the complaint.

3. Evidence Gathering - investigation including interviews with witnesses (if applicable), gathering and reviewing documents, follow-up interviews, etc. will be completed within forty five (45) calendar days of receipt of the complaint.
4. Issuance of Disposition - a written report including recommendations for resolution, where appropriate, will be issued within sixty (60) days of receipt of the complaint.

Investigation stages may occur simultaneously. If the investigation cannot be completed within this timeframe, the complainant and the respondent will be informed of the reasons for the delay and an estimated date of completion.

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