



#### Administrative Policy

<b>Policy Type:</b>	Sexual Harassment
<b>Policy Number:</b>	LC-1717
<b>Date Adopted:</b>	11/18/2004
<b>Version:</b>	10
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<b>Date Last Reviewed:</b>	February 11, 2025
<b>Office Responsible:</b>	Chief Operating Officer
<b>Related Policies:</b>	Equal Opportunity and Non-Discrimination
<b>Related Laws:</b>	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 sexual harassment which is 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.

Sexual harassment 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 harassment or who receives any complaint or report that sexual harassment 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 sexual 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:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**Respondent.** A person who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Formal Complaint:** a signed written document filed by a complainant alleging sex-based harassment against a respondent and requesting that the school investigate the allegation. The complainant must be



participating in or attempting to participate in the school's education program at the time of filing. If the complainant does not wish to file, the Title IX Coordinator can sign the complaint if they determine an investigation is necessary.

**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.

**Sexual Harassment:** is defined by the U.S. Department of Education under Title IX as:

1. **Quid Pro Quo Harassment:** This occurs when a school employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
2. **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 the school's education program or activity.
3. **Sexual Assault, Dating Violence, Domestic Violence, or Stalking:** As defined under the Clery Act and the Violence Against Women 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 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.

**Consent:** Consent is a clear, voluntary, and affirmative agreement to engage in sexual activity. It must be freely given by all parties and can be revoked at any time. Consent cannot be obtained through force, threats, intimidation, coercion, or when a person is incapacitated due to alcohol, drugs, unconsciousness, or any other condition that prevents them from making a knowing and voluntary decision. Silence or lack of resistance does not constitute consent.

### **Reporting Sexual Harassment**

Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute 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 Sexual Harassment**



All complaints of alleged sexual 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 formal complaint; and explain to the complainant the process for filing a formal 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 harassment 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 including hearings, 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. Decision-makers are also trained in the use of any technology used during live hearings and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. 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 proceeding except for the cross-examination of witnesses during the live hearing. If a party does not have an advisor present at the live hearing, the College will provide an advisor.

If a party or witness does not submit to cross-examination at the live hearing, the decision maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the



determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. **Title IX Grievance Procedure**

1. Upon receipt of a formal 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. Appropriate supportive measures may be provided to either party. Except for employee-student cases, the parties may voluntarily agree to participate in an information resolution process. Both parties must agree to participate and have the right to withdraw from this process at any time before agreeing to a final resolution.
4. The 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. At least ten (10) days prior to the hearing the investigator's report will be provided to both parties to review and respond to the evidence.
6. The Hearing Officer shall conduct a live hearing that includes the opportunity for the advisors of both parties to cross-examine witnesses.
7. The Decision Maker shall issue a written final report indicating a determination of responsibility or not responsibility and identify sanctions if the 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.

**Investigations under State Law and/or College Policy:**

Jackson College reserves the right to investigate complaints of 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 investigation process that does not require a live hearing or cross examination of witnesses.

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 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  
Senior Vice President/Chief Operating Officer Potter Center, Room 211  
Jackson College  
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**Change Log:**

<b><u>Date Of Change</u></b>	<b><u>Version</u></b>	<b><u>Description of Change</u></b>	<b><u>Responsible Party</u></b>
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
2/13/2024	8.0	Annual Review and approved	C. Allen
7/31/2024	9.0	Edit and Changes / LC approval	C. Allen
2/12/2025	10.0	Edit and Changes/LC approval	C. Allen