Section 226d Reporting – Macomb Community College

Macomb Community College regularly reviews the policies and procedures that impact the college community to ensure compliance with federal and state laws and regulations. In accordance with this practice, several policies have recently been updated. Policies are reviewed and updated by college leadership and general council with final approval from the Macomb Community College Board of Trustees. The college engaged leaders from across the college to make sure that language included in these policies was clear and concise for the students, faculty, staff and external community. The Board of Trustees had two readings of these updated policies and the policies below were approved:

- Title IX Grievance Process
- Student Code of Conduct
- Expressive Activity
- Equal Opportunity/Non-Discrimination, Anti-Harassment, Title IX, Disability Accommodation, Anti-Fraud and Non-Relations/Whistleblower Policy
    - Non-Discrimination
    - Anti-Harassment
    - Sexual Violence
    - Disability Accommodation
    - Whistleblower
    - Anti-Fraud
- Complaint Procedure

The most recent version of these policies are included in the subsequent pages of this report. Macomb Community College takes its' commitment to protecting students, staff and faculty rights very seriously. The college is also committed to transparency and therefore policies are routinely updated on the college website with links directly to the policy language and the staff contacts needed to take action with these policies. These can be found at: https://www.macomb.edu/about-macomb/college-policies.

Macomb Community College
Administrative Policy
Title IX Policy

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I. Purpose and Scope

Macomb Community College (hereinafter, “the College”) is committed to fostering a fair and equitable environment for individuals to study, learn and work and a prompt and equitable process for investigation and resolution of complaints covered by Title IX. This Policy applies to students, faculty, staff who are (1) employed by, attending, or affiliated with the College; (2) participating in, or attempting to participate in, any

Macomb program or activity; and/or (3) visiting the College's campus(es) or any property owned or leased by the College. This Policy also covers acts of Prohibited Conduct committed by third parties, including visitors, guests, vendors, and contractors who are affiliated with the College, or accessing, or attempting to access, a College program or activity; complaints against such third-parties may be handled in accordance with existing contracts and agreements, and third parties may not be eligible for the procedural protections provided within this Policy.

The procedures in this policy are in accordance with the Department of Education's Title IX Regulations, published May 19, 2020. They apply only to complaints of sexual harassment, sexual assault, dating violence, domestic violence and stalking on the basis of sex as defined by this Policy (hereinafter referred to collectively as "Prohibited Conduct").

The College shall have the discretion to refer complaints of misconduct not covered by this Policy to any other appropriate office for handling under any other applicable College policy or code.

II. Prohibited Conduct

Prohibited Conduct as used throughout this policy is defined to include any of the following acts when they occur in the United States and, either on campus, in a building controlled by an officially recognized College organization, and/or in a College program or activity.

1. **Dating Violence:** Violence committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

2. **Domestic Violence:** Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Michigan, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Michigan. Allegations of child abuse under Michigan law shall also be referred to Children's Protective Services or local law enforcement.

3. **Sexual Harassment:** Conduct on the basis of sex committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved which is one of the following:
    A. When a College employee conditions the provision of an educational benefit or service on an individual's participation in unwelcome sexual conduct (quid pro quo); and/or

    B. Unwelcome conduct[1] determined by a reasonable person to be so severe, and pervasive, and objectively offensive, that it effectively denies a person equal access to an educational program or activity in the College.

    The College recognizes community members' right to the free expression of ideas including those that may be controversial or unpopular. Nothing in this definition is intended to conflict with an individual's First Amendment rights. As a result, any conduct covered by those protections does not meet this definition of sexual harassment.

4. **Sexual Assault, Includes any of the Following:**

    A. Sexual Offenses, Forcible: Any sexual act directed against another person without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent:
        i. Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
        ii. Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensual), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
        iii. The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
        iv. The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is

[1] Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

B. Sex Offenses, Non-forcible, Includes Any of the Following:

i. **Incest:** Non-forcible sexual intercourse between persons who are related to each other, within the degrees wherein marriage is prohibited by Michigan Law.

ii. **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent of 16 years of age.

5. **Sex-Based Stalking:** Engaging in a course of conduct on the basis of sex directed at a specific person, that would cause a reasonable person to fear for the person's safety, or the safety of others, or suffer substantial emotional distress.

For the purposes of this definition:

i. *Course of conduct* means two or more acts, including, but not limited to acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
ii. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the Complainant.
iii. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

III. Definitions

1. **Actual Knowledge:** Notice of Prohibited Conduct allegations to the College's Title IX Coordinator or any College official with authority to institute corrective measures on behalf of the College. All employees of the College are required to inform the Title IX Coordinator about the information received. The mere ability or obligation to report Prohibited Conduct or to inform a student about how to report Prohibited Conduct, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only College official with actual knowledge is the Respondent.

2. **Advisor:** All persons who are a Complainant or a Respondent are permitted to bring an Advisor of their own choosing to any meeting or interview to provide support. The Advisor may be any person, including a family member or an

attorney. The Advisor may accompany the student party to any and all portions of the grievance process. The Advisor may not participate directly in, represent, or interfere with the investigation. Although reasonable attempts will be made to schedule proceedings consistent with an Advisor's availability, the process will not be delayed to schedule the proceedings at the convenience of the Advisor. The Title IX Coordinator has the discretion to remove the Advisor from investigation and hearing proceedings if the Advisor interferes with the proceedings.

During a hearing, a Complainant and Respondent shall have a Hearing Advisor. The Hearing Advisor may be the same person who serves as the Advisor during the investigation process. This person may be of the Complainant or Respondents own choosing. If a Complainant or Respondent does not have a Hearing Advisor who can be present for the hearing, the College will provide a Hearing Advisor for the purpose of asking questions of the other party, and witnesses. Neither Complainant nor Respondent shall be permitted to ask questions of the other party, or witnesses.

3. **Complainant:** An individual who is the victim of, or alleged to be the victim of, conduct that may constitute Prohibited Conduct as defined in this Policy.

4. **Confidentiality and Privacy:** Confidentiality and Privacy have distinct meanings under this Policy.

   "**Confidentiality**" generally means that information shared with a licensed confidential resource cannot be revealed to any other person or office, unless written permission is granted by the individual to share their information,

   "**Privacy**" generally means that information related to a report of Prohibited Conduct will only be shared with a limited circle of individuals who "need to know" in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

   The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the College's FERPA Policy. The privacy of an individual's medical and related records may be protected by the Health Insurance Portability and Accountability Act ("HIPAA"), except health records protected by FERPA. Access to an employee's personnel records may be restricted by applicable state and federal law.

   While there are certain limitations on privacy, the College generally will not release the names of the Complainant or Respondent to the general public without express written consent or absent another exception consistent with the law. The release of names will be guided by applicable law, including the Family Educational Rights and Privacy Act (FERPA) and the Clery Act.

In addition, no information shall be released from a proceeding to enforce this Policy except as required or permitted by law and College Policy.

5. **Consent:** A free and willing agreement to engage in a sexual act, provided without force or coercion, between individuals who are of sufficient age and are not mentally incapable, mentally disabled, mentally incapacitated or physically helpless, or incapacitated by drugs or alcohol. Consent is a clear and unambiguous agreement, expressed outwardly through mutually understandable words or actions, to engage in a particular activity. Consent must be voluntarily given and cannot be obtained through coercion or force, and the person initiating a specific sexual activity is responsible for obtaining consent for that activity. Consent is not to be inferred from silence, or a lack of resistance. Consent is not to be inferred from an existing or previous dating or sexual relationship. Consent to engage in one sexual activity at one time is not consent to engage in a different sexual activity or to engage in the same sexual activity on a later occasion. Consent can be withdrawn by any party at any point. Once consent is withdrawn, the sexual activity must cease immediately. For purposes of this Policy, in evaluating whether consent was freely sought and given, the issue is whether the Respondent knew, or reasonably should have known, that the activity in question was not consensual or that the Complainant was unable to consent due to incapacitation.

6. **Days:** Any reference to days within this Policy shall be counted as College business days unless otherwise specified.

7. **Formal Complaint:** The term "Formal Complaint" has a very specific definition within this Policy, and whether one is filed does not depend on the label applied, but instead on whether certain specific elements are met. A Formal Complaint is the act that initiates an investigation. A Formal Complaint must be filed and signed by a Complainant or signed by the Title IX Coordinator, alleging conduct which would constitute a violation of this Policy and requesting that the College investigate the allegations(s). At the time of filing a Formal Complaint, a Complainant must be participating in, or attempting to participate in, an education program or activity at the College. A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail (email), by using the contact information listed on the Title IX website (www.macomb.edu/titleix), or as described in this Policy. Individuals who would like more information about filing a Formal Complaint are invited to contact the Title IX Coordinator for additional information.

   In the event that the Title IX Coordinator signs the Formal Complaint, this act does not make the Title IX Coordinator the "Complainant" for purposes of this Policy.

8. **Hearing Advisor**: During a hearing, a Complainant and Respondent shall have a Hearing Advisor. The Hearing Advisor may be the same person who served as the Advisor throughout the investigation. This

person may be of the Complainant's or Respondent's own choosing. If a Complainant or Respondent does not have a Hearing Advisor who can be present for the hearing, the College will provide a Hearing Advisor for the purpose of asking questions of the other party, and witnesses. Other than asking questions at the hearing of the other party or of witnesses, the Hearing Advisor may not participate directly in, represent, impede or interfere with the hearing proceedings.

9. **Incapacitation:** A state where an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand the who, what, when, where, why, or how of the sexual interaction) and/or is physically helpless. An individual asleep or unconscious is considered to be incapacitated and unable to consent to sexual activity. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to a mental or physical condition. Incapacitation may result from the use of alcohol, drugs, or other medication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation.

   The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's: (A) decision-making ability; (B) awareness of consequences; (C) ability to make informed judgments; or (D) capacity to appreciate the nature and the quality of the act.

   It shall not be a valid excuse that the Respondent believed that the Complainant consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the Complainant was asleep or unconscious; (b) the Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; (c) the Complainant was unable to communicate due to a mental or physical condition.

   Whether the Respondent reasonably should have known that the Reporting Party was incapacitated will be evaluated using an objective reasonable person standard. The fact that the Respondent was actually unaware of the Complainant's incapacity is irrelevant to this analysis, particularly where the Respondent's failure to appreciate the Complainant's incapacitation resulted from the Respondent's failure to take reasonable steps to determine the Complainant's incapacitation or where the Respondent's own incapacitation (from alcohol or drugs) caused the Respondent to misjudge the Complainant's incapacity.

It is the responsibility of the individual initiating the sexual activity to be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity.

10. **Party:** A Complainant or Respondent in a case.

11. **Preponderance of Evidence:** Means "more likely than not." It is the standard of evidence used during the investigation to determine whether the alleged conduct occurred and/or this Policy was violated.

12. **Protected Activity:** Exercising any right or privilege under this policy. Examples of protected activities include reporting (internally or externally) a complaint of Prohibited Conduct in good faith, assisting others in making such a report, participating in a grievance process, acting in good faith to oppose conduct that constitutes a violation of this Policy, honestly participating as an investigator, witness, decision maker, or otherwise assisting in, an investigation or proceeding related to an alleged violation of this Policy.

13. **Respondent:** An individual who is reported to have allegedly engaged in Prohibited Conduct.

14. **Standard of Evidence:** The decision regarding a Respondent's responsibility will be determined by a preponderance of the evidence, meaning "more likely than not."

15. **Supportive Measures:** Non-disciplinary, non-punitive, free of charge individualized services offered to a Complainant and/or the Respondent by the College as appropriate and reasonably available. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party. Supportive measures are also available whether or not a Formal Complaint has been filed. Supportive measures may include, but are not limited to:
    - Providing a campus escort
    - Minimizing interaction between Complainant and Respondent (e.g., shifting classes, work, etc.)
    - Relocating to a different classroom, work space, course group, etc.
    - Providing counseling (ongoing/comprehensive) referrals
    - Providing medical referrals
    - Providing academic support services, such as tutoring
    - Assigning advocates, if requested
    - Offering mutual no-contact orders

- Arranging for the Complainant and/or Respondent to re-take a course/withdraw from a class without penalty
- Holding school-wide training and education initiatives
- Administrative leave for non-student employee
- Change supervisor
- Other measures as determined on a case-by-case basis.

Note: Any Supportive Measures put in place will be kept confidential, except to extent that doing so impairs the ability of the institution to provide the Supportive Measures.

16. **Third-Party Reporter:** A person other than the Complainant who reports an incident or allegation of Prohibited Conduct.

17. **Title IX Coordinator/Deputy Title IX Coordinator:** The College officials charged with ensuring the College's overall compliance with Title IX and related College Policy and procedures.

IV. Making a Report

The College encourages individuals to report incidents involving Prohibited Conduct and other potential violations of this policy. The College does not limit the timeframe for reporting an incident regardless of when the incident occurred. However, the College encourages individuals to report as soon as practical, as memories may fade and evidence may be lost over time.

Individuals may also notify the Title IX Coordinator if they believe someone else may have experienced conduct that would be a violation of this Policy.

Reports of potential violations of this Policy may be made to the Title IX Coordinator, Jill Thomas-Little at titleix@macomb.edu, (586) 445-7242, or by using the online report form.

Upon being notified of a report, the Title IX Coordinator shall reach out to the Complainant to schedule an Intake Interview and will also provide Complainant information regarding resources, rights, Supportive Measures, and reporting options, and will explain that Supportive Measures are available with or without filing a Formal Complaint.

Privacy: Reports to the Title IX Coordinator of potential violations of this policy will be kept private to the extent possible for the College to respond to the report, but reports made to the Title IX Coordinator are not confidential.

Anonymous Reports: Any individual may make an anonymous report concerning an act of Prohibited Conduct. Depending on the extent of information available about the incident or the individuals involved, however, the College's ability to respond to an anonymous report may be limited. The Title IX Coordinator will receive the anonymous

report and will determine any appropriate steps, including individual or community remedies as appropriate, and in consultation with the Clery Coordinator, compliance with all Clery Act obligations.

Please note that a Formal Complaint cannot be filed anonymously, and is only considered to have been filed when the complaint contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

Responsibility to Report: The College encourages all members of the college community to make the college a safe and supportive environment for everyone including calling College Police by dialing 911 from a college phone or using the blue light phones on campus in an emergency situation, or to report a crime or other incident that poses a risk of harm to the college community. However, College employees have a particular duty to report safety or security concerns and crimes or Policy violations, including potential violations of this Policy. ***Any*** College employee who witnesses, is advised of or learns about an alleged violation of this Policy ***must promptly notify*** the Title IX Coordinator of the incident by email or telephone. The employee must report to the College's Title IX Coordinator all relevant details about the alleged misconduct known to the employee or shared with them.

Amnesty: A Complainant or Third Party who reports a violation of this policy, or any participant in an investigation or hearing under this policy will not be subject to the College's policy concerning alcohol or drug use for actions that may have occurred at or near the time of Prohibited Conduct, unless the action threatened or threatens the health or safety of another.

V. Outreach and Initial Assessment

Intake Interview

Upon receipt of information alleging a potential violation of this Policy, the Title IX Coordinator shall reach out to the Complainant to schedule an intake or informational interview and provide a copy of this policy and the following information:

- Availability of Supportive Measures with or without filing a Formal Complaint;
- How to file a Formal Complaint;
- Right to notify law enforcement and the right not to notify law enforcement;
- Importance of preserving evidence;
- Resources for counseling, health care, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other available services; and,
- Right to an Advisor of choice.

The Title IX Coordinator will discuss the Complainant's rights and options, and will also assess for, and provide, appropriate Supportive Measures, which are available with, or without, the filing of a Formal Complaint. If a Formal Complaint has not already been

filed, the Title IX Coordinator will explain to the Complainant the process for filing a Formal Complaint.

A Complainant may choose to receive Supportive Measures only and not proceed with the filing of a Formal Complaint, or any other resolution process. A Complainant may also request an informal resolution or an investigation and hearing. If a Complainant chooses to pursue an informal resolution or investigation and hearing, a Formal Complaint is required.

For those Complainants who wish to proceed with a resolution process, the Title IX Coordinator will also assess the facts as presented to determine whether the information provided suggests a potential violation of this Policy.

In the event the allegation involves a sexual assault, dating or domestic violence, or stalking, within Clery geography, the Title IX Coordinator will also notify the Clery Coordinator of the allegations. Complainants will also be provided with information about their right to file with law enforcement, their right to decline to do so, and, when applicable, information about seeking a personal protection order from the local courts.

If the complaint does not meet the required definitions of this Policy, then the Title IX Coordinator will not initiate either Resolution Process. The Title IX Coordinator shall refer the Complainant to the appropriate office for further inquiry and/or offer supportive measures as appropriate.

Emergency Removal Provisions

If at any time the College determines that the conduct, as alleged, poses a risk of physical harm to one or more members of the College community or to the College's educational environment, the College may instruct that a student Respondent be suspended, on an interim basis, from specific programs or activities. Any such assessment will be made on a case-by-case basis, based on an individualized safety and risk analysis. If the College determines that an immediate physical threat to the health or safety of students or others justifies removal from campus, then a Respondent may be suspended on an interim basis. The decision to do so will be provided to the Respondent in writing.

Further, the College shall have the authority to place any employee Respondent on an administrative leave of absence pending the outcome of an investigation and hearing.

The decision to place any Respondent on an interim suspension or administrative leave shall not be considered as evidence that any determination has been made regarding potential responsibility for violating this Policy.

Opportunity to Challenge Decision to Suspend or Remove: A student Respondent shall have an opportunity to challenge the decision of suspension or removal. To challenge suspension or removal, the Respondent should contact the Dean of Student Success within 5 days of the interim suspension, who will explain the College's process for challenging the emergency removal.

Challenges to decisions of suspension or removal may be made to the Dean of Student of Student Success, Sue Boyd at deanofstudents@macomb.edu or 14500 E. 12 Mile Rd., Warren, MI 48088.

VI. Filing a Formal Complaint

In order to proceed to a Resolution Process, a Formal Complaint must be filed and signed by either Complainant or the Title IX Coordinator.

An individual may choose to file a Formal Complaint. A Formal Complaint has a very specific definition under this policy, and differs from solely making a report to the Title IX Coordinator. Unless it is dismissed as set forth below, filing a Formal Complaint will result in written notification to the Respondent and the commencement of the Resolution Process.

How To File
A Formal Complaint may be made by:

a) completing the complaint form found on the college's website at www.macomb.edu/titleix;
b) by visiting the Title IX Office in SD-310;
c) by calling (586) 445-7242;
d) by emailing the Title IX Coordinator at titleix@macomb.edu; or
e) by mailing a signed complaint to the Title IX Coordinator at 14500 E 12 Mile Road, Warren, MI 48088.

At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in a College program or activity. A Formal Complaint may not be filed anonymously. Anyone who wishes to discuss their options with the Title IX Coordinator prior to filing a Formal Complaint is encouraged to do so.

Privacy: Reports to the Title IX Coordinator of potential violations of this policy will be kept private to the extent possible for the College to respond to the report, but reports made to the Title IX Coordinator are not confidential.

Contents of a Formal Complaint
A Formal Complaint must include:

A. The Complainant's digital or physical signature, or an indication that the Complainant is the person filing the Formal Complaint

B. An allegation of Prohibited Conduct as defined under this Policy. This may include:
   i. Where the incident(s) occurred
   ii. What incident(s) occurred
   iii. When the incident(s) occurred

C. Identity of Respondent, if known

D. A request for an investigation

If a complaint is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to confirm a Complainant's intent to file a Formal Complaint. Further, if the Formal Complaint does not have sufficient information to determine whether or not the conduct as alleged will fall under this Policy, the Title IX Coordinator will contact the Complainant to schedule an Intake Interview.

Filed by Title IX Coordinator: The Title IX Coordinator shall have the discretion to sign a Formal Complaint and initiate an investigation when a Complainant's allegations involve violence, use of weapons, serial predation, or similar factors. When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator does not become the "Complainant" for purposes of this Policy.

After a Formal Complaint is Filed: Upon receipt of a Formal Complaint, the Title IX Coordinator will reach out to the Complainant to conduct an Intake Interview and to discuss and implement Supportive Measurers. In the event that the Complainant declines to participate in an Intake Interview, and if the Formal Title IX Complaint contains an allegation meeting all of the jurisdictional elements of this Policy, and the Formal Complaint is signed or includes an electronic submission from the Complainant, and requests an investigation, the Title IX Coordinator will, within 2 days, put the Respondent and Complainant on notice of the allegation and commence the investigation process.

VII. MANDATORY AND DISCRETIONARY DISMISSAL

The College has the discretion to dismiss a complaint and in some cases an obligation to dismiss a complaint as follows:

Mandatory Dismissal

At any time prior to the commencement of a hearing, any case proceeding under this Policy will be dismissed if it is determined that the conduct at issue does not meet the definitional or jurisdictional requirements of this Policy. If the alleged conduct would, if true, support a finding that another College Policy or Code has been violated, the College may, in its sole authority, transfer the case for further handling under the appropriate Policy or Code. The College may use evidence already gathered during the Title IX process for the further handling of the complaint. Upon dismissal, both parties shall be notified in writing of the decision and the rationale for the decision. The decision to dismiss is subject to appeal. Both parties will be notified in writing of any determination made following the appeal.

Discretionary Dismissal
At any time during an investigation or hearing, any case when: a) Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations within the Formal Complaint; b) the Respondent is no longer enrolled or employed at the College; or c) circumstances prevent the College from gathering evidence sufficient to reach a determination. If the alleged conduct would, if true, support a finding that another College Policy or Code has been violated, the College may, in its sole authority, transfer the case for further handling under the appropriate Policy or Code. The College may use evidence already gathered during the Title IX process for the further handling of the complaint. Upon dismissal, both parties shall be notified in writing of the decision and the rationale for the decision. The decision to dismiss is subject to appeal. Both parties will be notified in writing of any determination made following the appeal.

Consolidation of Cases: In the event that the allegations under this Policy also involve allegations of a violation of a separate policy, the Title IX Coordinator shall have sole discretion to consolidate those other allegations within one investigation and/or hearing. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this Policy.

VIII. Resolution Methods

A Formal Complaint is required in order to initiate either of the two methods to resolve a potential violation of this policy: A) Informal Resolution; or B) Formal Resolution, which involves an investigation and hearing.

A. Informal Resolution

The Complainant may request, in writing, to proceed with an Informal Resolution. Participation in the Informal Resolution process is voluntary for both Complainant and Respondent and both parties and the Title IX Coordinator must agree to the use of Informal Resolution to resolve the Formal Complaint. If an Informal Resolution option is preferred, the Title IX Coordinator will assess whether the Formal Complaint is suitable for Informal Resolution and will then take steps to determine if the Respondent is also willing to engage in Informal Resolution. Both parties must agree, in writing, to an Informal Resolution.

Allegations that an employee has engaged in Prohibited Conduct toward a student shall not be handled through the Informal Resolution process, and instead be resolved only through the Investigation and Hearing process.

When the Complainant requests an Informal Resolution, the Title IX Coordinator will provide the Complainant and Respondent written notice that includes:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The requirements of the Informal Resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations;
- Any consequences resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared;
- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred, and that the Respondent is presumed not responsible, unless and until, at the conclusion of the formal investigation and adjudication processes, there is a determination of responsibility;
- An explanation that each party may be accompanied by an Advisor and a support person of their choice, who may be a parent, friend, or attorney;
- The date and time of the initial meeting with the Title IX Coordinator, with a minimum of 2 days' notice;
- Information regarding Supportive Measures, which are available equally to the Respondent and to the Complainant.

If either party does not voluntarily agree in writing to pursue an Informal Resolution, or if the Complainant, Respondent, or Title IX Coordinator, at any time, determines that Informal Resolution is no longer appropriate, the Title IX Coordinator will promptly inform the Complainant and Respondent in writing that the Formal Complaint will proceed through the Formal Resolution.

Once the final terms of an Informal Resolution have been agreed upon by both parties, in writing, the matter shall be considered closed, and no further action shall be taken.

The Informal Resolution process is generally expected to be completed within thirty (30) days and may be extended for good cause by the Title IX Coordinator. Both parties will be notified, in writing, of any extension and the reason for the extension.

Records of any Informal Resolution will be maintained and can be shared with other offices as appropriate.

B. Formal Resolution

Formal Complaints that are not dismissed or resolved through Informal Resolution will be resolved in the Formal Resolution process described below:

Investigation Process

The College expects that all individuals who participate in the investigation process to do so truthfully and that all who have a responsibility for carrying out one or more aspects of the investigation and hearing process do so fairly and without prejudice or bias.

Prohibition on False Evidence Provided During Title IX Process
Each party and every witness is expected to provide truthful information to the investigator, Hearing Officer, and the Appeals Officer. Violation of this prohibition will be adjudicated through the appropriate college policy.

Notice of Investigation and Investigation Process

Within a reasonable period of time from the filing of a Formal Complaint and prior to the start of an investigation, the Respondent and Complainant shall be provided, in writing, with a Notice of Investigation. Such notice shall include:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The identity of the Complainant;
- The date and location (if known) of the conduct that is alleged to have occurred;
- A copy of this Policy, which contains the process that will be followed, including an explanation that each party shall have the right to inspect and review all evidence prior to the completion of the investigation;
- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred, and that the Respondent is presumed not responsible, unless and until, at the conclusion of the process below, there is a determination of responsibility;
- An explanation that each party may be accompanied by an Advisor of their choice, who may be a parent, friend, attorney, or union representative;
- The date and time of the initial interview with the investigator, with a minimum of five (5) days notice;
- Information regarding amnesty granted during this process;
- The name and contact information for the assigned investigator;
- Information regarding Supportive Measures.

Should additional allegations be brought forward, a revised Notice of Allegation shall be provided to both parties, in writing.

Conflict of Interest or Bias
After a Formal Notice of Investigation is issued to Complainant and Respondent, each party may object to the Title IX Coordinator or designated investigator on the grounds of a demonstrated bias or actual conflict of interest. Both parties will have three (3) business days from the date of the Notice of Investigation to object to the selection of the investigator or the Title IX Coordinator. Objections to the Title IX Coordinator shall be made in writing to the Vice President of Human Resources, Denise Williams at williamsdl@macomb.edu or at 14500 E. 12 Mile Rd, Warren, MI 48088.

Objections to the appointment of the investigator shall be made, in writing, to the Title IX Coordinator. If the objection is substantiated as to either the Title IX Coordinator or the Investigator, that individual shall be replaced.

Timeline

The College strives to complete the investigation process, up to evidence review, within 40 days, which may be extended for good cause by the Title IX Coordinator. Both parties shall be notified, in writing, of any extension granted, the reason for the extension and the new anticipated date of conclusion of the investigation.

Interviews

The investigator will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. The investigator will record the interview and the transcript of the interview will be made available to the person interviewed and also included with evidence review (see below).

The investigator shall prepare an Interview Summary of each interview. The investigator will share the Interview Summary with the interviewee. The interviewee will have three (3) days to correct or comment on any statements made in the Interview Summary. The deadline may be extended for good cause, upon request to the investigator. If the interviewee has corrections or comments to the Interview Summary, the interviewee may submit a written response within three (3) days reflecting any additions or changes which the interviewee believes are necessary to ensure the accuracy of the interviewee's statement. If no response is received from the interviewee by the deadline, their Interview Summary will be presumed to be accurate. In all instances where the investigator includes the Interview Summary as an exhibit to a report, the investigator will either adjust the Interview Summary as may be appropriate, or include any response provided with the Investigation Report.

Each party shall be provided with an opportunity to offer relevant witnesses and evidence. The investigator will consider all relevant evidence.

Information or evidence that is not provided to the investigator will not be allowed during the hearing, unless it can be clearly demonstrated that such information was not reasonably known to or available to the parties at the time of the investigation.

Evidence Review

At the conclusion of all interviews and fact gathering, and when the evidence has been gathered, the investigator will provide each party, and their Advisor, the opportunity to review all of the evidence gathered that is directly related to the allegation(s). This shall include both inculpatory and exculpatory evidence, meaning evidence that supports or disproves the allegations brought against the respondent. Given the sensitive nature of the information provided, the information will be provided in a secure manner (e.g., by providing digital copies of the materials through a protected, "read-only" web portal). Neither the Complainant nor the Respondent (nor their Advisors) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this

Policy may be subject to discipline. Any Advisor who fails to abide by this Policy may be subject to discipline and/or may be excluded from further participation in the process.

Each party may respond to the evidence gathered. Each party shall have ten (10) days in which to respond to the evidence. Each may provide a response in writing to the investigator. The investigator will incorporate any response provided by the parties into the Summary of Evidence Report. Along with their response to the evidence, each party may also submit a written request for additional investigation, such as a request for a follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the investigator to pose to witnesses or to the other party. This response may include written, relevant questions that a party would like the investigator to ask of any party or witness. If any of the questions posed will be excluded as not relevant, or not likely to lead to relevant information, the investigator shall explain to the party who proposed the questions any decision to exclude a question as not relevant.

Upon receipt of each party's response to the evidence reviewed, the investigator will determine if any additional investigation is needed.

In addition, either party may offer new witnesses or other new evidence. The investigator will take into account the responses provided, shall pose questions to parties or witnesses as appropriate, and interview new relevant witnesses, and accept new relevant evidence.

If new relevant evidence is provided by either party, or gathered by the investigator, the newly-gathered evidence (including answers to clarifying questions) will be made available for review by each party. Each party shall have ten (10) days in which to respond to the new evidence. Each may provide a response in writing to the investigator. The investigator will incorporate any written response provided by the parties into the Summary of Evidence Report.

Duty to Identify Evidence

Any evidence to be considered by the Hearing Officer must be provided to the investigator. Information that was not provided to the investigator will not be allowed during the hearing itself, unless it can be clearly demonstrated that such information was not reasonably known to, or available to, the parties at the time of the investigation. Should new evidence be presented at the hearing, the Hearing Officer shall have the authority to either exclude the evidence, or to send the matter back for further, limited investigation.

Exclusion of Questions Regarding Complainant's Past Sexual Behavior, or Predisposition

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant and will not be permitted, unless such questions and evidence about the Complainant's prior sexual behavior are offered for one of two

reasons: (a) to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or (b) if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Investigation Report

The investigator shall then prepare a written report summarizing all of the relevant evidence gathered and all investigative steps taken to date. For those cases in which there are allegations of other College policies, the investigator shall also make preliminary factual findings if requested to do so by the Title IX Coordinator. Each party, as well as their Advisor, shall be provided with a copy of the written report and shall have 10 days to provide a response. Upon receipt of any response(s), the investigator shall then complete the Investigation Report, which shall include as an attachment of all relevant evidence gathered during the investigation, as well as all interview notes and interview summaries, showing the original (as sent to each interviewee for review) and the revised version, after corrections or additions by each interviewee.

Conclusion of Investigation, Notice of Hearing

The Title IX Coordinator will review the final Investigation Report, with attachments. The Title IX Coordinator may require that the investigator conduct additional investigation. Once the Investigation Report is final, it shall be provided through a protected, read-only, server, together with all attachments, to each party and to their Advisor.

At the same time, each party shall be provided with a Notice of Hearing, which shall include information regarding the date of the hearing, the identity of the Hearing Officer, and any deadlines for submission of evidence, names of witnesses, or questions to be reviewed by the Hearing Officer to ensure relevance. The hearing shall be scheduled no less than 10 business days from the date of the Notice of Hearing.

Within three (3) days of receipt of the Notice of Hearing, either party may object to the Hearing Officer on the basis of a demonstrated bias or actual conflict of interest. Any objection is to be in writing and sent to Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator shall remove the Hearing Officer and appoint another.

Hearing Procedures

Hearing Advisor

Each party is entitled to one Advisor at the hearing which shall be referred to as the Hearing Advisor. The role of the Hearing Advisor is to ask questions of the other party and of witnesses, but not to advocate for, or otherwise speak on behalf of, the advisee

during the hearing. No party shall be permitted to ask questions of the other party, or of a witness. A Hearing Advisor of the College's choosing shall be provided for any party who does not have a Hearing Advisor.

There will be a pre-hearing meeting with each party at which time, should the Complainant or Respondent not have a Hearing Advisor, one shall be assigned.

Hearing

Hearings may be conducted in person or via video-conferencing. If by video-conference, prior to the hearing, the Hearing Officer shall have received instruction regarding the operation of any audio-visual equipment for the hearing. The Hearing Officer shall also provide the participants instructions on how to participate in the video-conference hearing. No Complainant or Respondent or witness will be compelled to participate in the hearing. However, the Title IX Coordinator may choose to continue with the hearing in the absence of the Complainant, Respondent or any witness. The Hearing Officer may not take into consideration in either the hearing or in their final determination the statements made during the investigation of any individual who does not participate in the hearing and submit to questioning.

Each hearing shall be recorded by the Hearing Officer and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of the College but shall be available for listening by contacting the Title IX Coordinator.

The Complainant, Respondent, and the Hearing Officer all have the right to call witnesses. Witnesses must have information relevant to the incident. No party will be permitted to call as a witness anyone who was not interviewed by the investigator as part of the College's investigation. Each party shall submit to the Hearing Officer the names of witnesses they would like to call no less than five (5) days in advance.

Three (3) days prior to the hearing, each party shall submit to the Hearing Officer a preliminary list of questions they wish to pose to the other party, or to a witness. If the Hearing Officer determines that any are not relevant, the Hearing Officer shall explain the reason for the exclusion of the question at the hearing. Each party, through their Advisor, shall also be permitted to ask additional questions at the hearing. In the event that a party does not appear for the Hearing, the Advisor for that party shall appear and question the other party, and witnesses.

The Hearing Officer shall have the authority to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. Any such limitation shall be communicated to the parties no later than three (3) days before the hearing.

The Hearing Officer shall have the authority to maintain order and decorum at the hearing. The Hearing Officer also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions. Any party or witness who is disruptive may, in the discretion of the Hearing

Officer, be removed and directed to continue their participation via video-conferencing. Any Advisor who is disruptive may be removed, and the Hearing Officer will appoint another Advisor for the remainder of the hearing.

Following the hearing, the Hearing Officer will then prepare a report. To the extent credibility determination needs to be made, it shall not be based on a person's status as Complainant, Respondent, or witness.

The Hearing Officer's report will include:

- The allegations;
- Description of all procedural steps;
- Findings of fact;
- Conclusion of application of facts to the Policy; and
- Rationale for each allegation.

The Hearing Officer's report shall be provided to the Title IX Coordinator. If there is no finding of responsibility, the Title IX Coordinator shall communicate the findings, along with a copy of the Hearing Officer's report, to the parties, together with procedures for appeal.

If there is a finding of responsibility, the Title IX Coordinator shall contact the appropriate sanctioning officer who will determine the sanction and notify the Title IX Coordinator of the sanctioning determination. The Title IX Coordinator will then provide each party with the Hearing Officer's report, the determination of the appropriate sanction, will inform the Complainant of any appropriate remedies, and will inform both parties of the procedure for appeals.

Sanctions and Remedies

Upon conclusion of the adjudicating process, when there is a finding of responsibility, the Complainant will be offered such remedies designed to restore or preserve equal access to the institution's education program or activity. The Title IX Coordinator will work collaboratively with the Complainant and the appropriate faculty (student) or supervisor (employee) on remedies appropriate to the situation. The Title IX Coordinator is responsible for implementation of remedies.

Persons who violate one or more of the College's policies will be disciplined. The particular form of sanction will depend on the nature of the offense, as well as any prior disciplinary history. Such sanction will be imposed pursuant to and in accordance with any and all applicable College rules, policies, and procedures. A person against whom such sanction is imposed will have a right to contest the imposition of a sanction.

Any one or more of the sanctions listed here may be imposed on a Respondent who is found responsible for a violation of the College's policies. Sanctions not listed here may be imposed in consultation with the Title IX Coordinator. Sanctions are assessed in response to the specific violation(s) and any prior discipline of the Respondent.

Possible sanctions include, but are not limited to:

Warning: Notice in writing, with documentation in the student or personnel file, that continuation or repetition of Prohibited Conduct may be cause for additional disciplinary action.

Censure: A written reprimand for violating College Policy. This conduct status specifies a period of time during which the Respondent's good standing with the College may be in jeopardy. The Respondent is officially warned that continuation or repetition of Prohibited Conduct may be cause for additional conduct action including probation, suspension, expulsion or termination from the College.

Behavioral Contract: Formal, written notice that the student Respondent will be expected to adhere to College expectations regarding their conduct as may set forth in a behavior contract. Any violation of that contract may result in further disciplinary action.

Restrictions on Access or Duties: Conditions which specifically dictate and limit the Respondent's presence on campus, restrict employment duties, and/or participation in College sponsored or related activities. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on campus.

Restitution: Repayment to the College or to an affected party for damages (amount to be determined by the College) resulting from a violation of this Policy. To enforce this sanction, the College reserves the right to withhold its transcripts and degrees or to deny a student participation in graduation ceremonies and privileged events.

Probation: Formal, written notice that the employee is in violation of the College's policies and an expectation that the employee exhibit good behavior for a defined period of time. Any violation during the probationary period may result in further disciplinary action.

Termination of Employment: Permanent separation of the employee from the College.

Expulsion: Permanent separation of the student from the College effective immediately. Any refund of tuition or fees as result of the expulsion shall be in accordance with applicable policies. No academic credit may be earned for that semester.

Withholding Degree: The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Policy, including the completion of all sanctions imposed, if any.

Other: Other sanctions may be imposed instead of, or in addition to, those specified here. Service, education, or research projects may also be assigned.

Multiple Disciplinary Actions: More than one of the actions listed above may be imposed for any single violation.

IX. Appeals

Appeals may be filed by either party. Appeals shall be sent to the Title IX Coordinator, who will then send the appeal to the Appeals Officer. When an appeal is filed, the other party shall be notified, in writing, within one (1) business day, and shall then have five (5) days to respond to the appeal. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal. Each party shall be allowed to meet with the Appeals Officer.

The Appeals Officer shall not have any actual conflict of interest or bias. Within three (3) days of the assigned Appeals Officer, either party may object to the Appeals Officer on the basis of an actual bias or conflict of interest. Any objection is to be in writing and sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator shall remove the Appeals Officer and appoint another.

Union Grievance Process

If a sanction is imposed upon a union member, and following an appeal under this Policy, the Respondent has a right to challenge that sanction pursuant to the grievance and arbitration provisions of a collective bargaining agreement; the arbitrator shall not have the right to change the underlying findings of the Hearing Officer or the Appeals Officer.

Appeals May be Filed Only on the Following Three Grounds:

1. ***Procedural Error:*** A procedural error occurred that significantly impacted the outcome of the investigation or hearing. A description of the error and its impact on the outcome of the case must be included in the written appeal; or,
2. ***New Evidence:*** New evidence or information has arisen that was not available or known to the party during the investigation or hearing, and that could significantly impact the findings. Information that was known to the Appellant during the investigation or hearing but which they chose not to present is not new information. A summary of this new evidence and its potential impact on the investigation findings must be included in the written appeal; or,
3. ***Actual Conflict of Interest or Demonstrated Bias***: The Title IX Coordinator, investigator, or decision-maker had an actual conflict of interest or demonstrated bias for or against Complainants or

Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter.

The written appeals decision shall be sent simultaneously to both parties which describes the result of the appeal and the rationale for the result.

X. Rights, Expectations & Responsibilities

Individuals making a complaint to the Title IX Coordinator ("Complainant") and individuals responding to a complaint ("Respondent") each have rights throughout the complaint resolution and adjudication process, and may expect a fair, neutral process that will follow this policy.

Complainant and Respondent Rights

- Be treated with respect by all College officials throughout this process;
- Be informed of the available supportive measures;
- Be free of any form of retaliation and free to report such retaliation for disciplinary action;
- Obtain a mutual no contact directive with the other party upon request;
- Be accompanied by one Advisor throughout the process, including at any interviews or hearing;
- An adequate, reliable, impartial and prompt investigation of the allegations conducted within a reasonable period of time after a Formal Complaint is filed;
- Receive written notice of the date, time and location of any interview scheduled with the investigator;
- Be informed of the status of the investigation, to the extent possible;
- Review all evidence which is directly related to the allegations prior to the conclusion of the investigation;
- Meet with the investigator and present information on their own behalf, identify witnesses or other third parties who might have relevant information, and identify or provide relevant documents or other information that may be helpful to the investigation;
- Have past unrelated behavior excluded from the investigation process;
- Question the selection of the investigator or Hearing Officer on the basis of an actual conflict of interest or demonstrated bias;
- Have a Hearing Advisor of the College's choosing provided, at no charge, for purposes of asking questions of the other party or witnesses during the hearing proceeding;
- Be notified of the hearing outcome and any sanctions applied, if applicable;
- Initiate and participate in an appeal process;
- Waive any of the rights contained herein.

Respecting Privacy

The College is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Policy. With respect to any report under this Policy, the College will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. All College employees who are involved in the College's Title IX response receive specific instruction about respecting and safeguarding private information.

Retaliation

Retaliation is prohibited under this policy. Retaliation is defined as any materially adverse action against a person who reports, complains about, or who otherwise participates in good faith in any manner related to this policy. Materially adverse action includes conduct that threatens, coerces, harasses or in any other way seeks to discourage participation in or activity under this policy. Retaliation does not include good-faith actions lawfully pursued in response to a report of Prohibited Conduct. Any person who believes they have experienced retaliation under this policy should contact the Title IX Coordinator who will forward any complaint of retaliation to the appropriate office for handling.

No Conflict of Interest or Bias

Any individual carrying out this Policy shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of this matter. Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator is to immediately notify the Vice President for Human Resources who will take the role of Acting Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue. Should any investigator have a conflict of interest, the investigator is to notify the Title IX Coordinator upon discovery of the conflict.

Presumption of Non-Responsibility

The decision to proceed with an investigation is not in and of itself a determination that the Respondent has engaged in the conduct as alleged. Any Respondent is presumed not responsible for the conduct that is the subject of the investigation, unless and until a decision of responsibility has been made upon the completion of the adjudication process.

Requests for Delays, and Extensions of Time

The Title IX Coordinator may extend any deadlines within this Policy, for good cause. The Complainant and Respondent will be notified in writing of any extension, the reasons for it, and projected new timelines.

XI. RESOURCES

An individual who seeks confidential assistance may do so by speaking with a licensed professional counselor through Turning Point, located in Counseling & Academic Advising in SG370 or at (586) 463-4430.

Information shared with a counselor from Turning Point, even if done on campus in Counseling & Academic Advising, is not considered a report to the College.

Community resources for victims of sexual misconduct include:

Macomb County Turning Point, Inc.
586.463.4430
586.463.1771 (fax)

Macomb County Crisis Center
586.307.9100

Oakland County HAVEN
248.334.1274
877.922.1274 (toll free)
248.334.1290 TTY

Common Ground Sanctuary
24 hour crisis hotline
248.456.0909
800.231.1127

YWCA Interim House
313.861.5300

National Domestic Violence Helpline
800.799.SAFE (toll free)
800.787.3224 TTY (toll free)

National Sexual Assault Hotline
800.656.HOPE (4673)

Child Abuse/Neglect
Macomb: 877.412.6109 (toll free)
Oakland: 866.975.5010 (toll free)
Wayne: 800.716.2234

Vulnerable Adult Abuse/Neglect
Macomb: 877.412.6109 (toll free)
Oakland: 866.975.5010 (toll free)
Wayne: 800.716.2234

End Violent Encounters (EVE) 24-hour Hotline: (517) 372-5572
EVE is a confidential community-based program providing supportive services to survivors of domestic abuse and sexual violence

XII. Training for Investigators, Hearing Officers, Hearing Panel, Appeals Officers, Title IX Coordinator

All individuals involved in the Title IX response, investigation, hearing and appeals process receive training in accordance with 34 C.F.R. §106.45(b)(10)(i)(D). This training may be viewed at the College's Title IX website (www.macomb.edu/titleix).

XIII. Record Retention

The Office of the Vice President for Student Services will maintain all records relating to complaints and resolutions under this Policy for a period of seven (7) years.

Approved by President's Council
August 13, 2020

STUDENT CODE OF CONDUCT



Macomb
Community College

Education • Enrichment • Economic Development

Discover. Connect. *Advance.*℠

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CODE OF STUDENT CONDUCT

Macomb Community College ("The College") aspires to create an academic environment grounded in intellectual discovery guided by rational discourse and civility. This Code of Student Conduct ("Code") is designed to ensure that current and prospective students and student organizations conduct themselves in a manner consistent with these pursuits.

This Code creates expectations of student conduct, sets forth a fair process for determining responsibility when student behavior may have deviated from those expectations, and provides appropriate sanctions when a student or registered student organization violates this Code. Effort will be made to balance the needs and rights of individuals with the welfare of the College community as a whole.

APPLICABILITY OF STUDENT CODE

This Code is designed to address conduct that occurs on campus (including during virtual or online classes, meetings, presentations or seminars), at College-sponsored activities, during College classes (including virtual classes and laboratories), or on College-sponsored trips. It also applies to conduct that occurs off College premises when the conduct adversely affects the College community, its mission and/or the pursuit of its objectives. This Code may apply to a student's conduct even if the student withdraws from school while a conduct matter is pending. Registered student organizations are also subject to the Code of Conduct. The Dean of Student Success, or designee, has discretion to decide whether and how the Code will apply.

Any person impacted by the misconduct of a student or student organization on College premises, at College-sponsored activities, or on College-sponsored trips may bring a complaint under this Code.

PROHIBITED CONDUCT

The following is a non-exclusive list of prohibited conduct. Engaging in the conduct falling within the categories listed below could invoke the Resolution Process and/or sanctions outlined below.[1]

1 Violation of some of these rules may also violate other College policies, such as the College's Title IX policy.

1. **Abuse of Resolution Process.** Actions that interfere with the Complaint or Resolution process outlined in this Code or any College policy, including the College's Title IX policy. Examples include, but are not limited to, falsifying information, giving false testimony, destroying or concealing information, trying to discourage someone from participating in the grievance or resolution process.

2. **Alcohol.** Furnishing, using and/or possessing alcoholic beverages on College property, except as expressly authorized by Section 1.C of the College's Rules and Regulations, or being under the influence of alcohol on College property, College trips or at College events. Possession shall consist of having an open or unopened container of alcoholic beverage on the person, or an open container of alcoholic beverage in the vehicle of occupancy.

3. **Bullying and Cyberbullying.** Repeated and/or severe behaviors that intimidate or intentionally harm another person physically or emotionally and are not protected by the First Amendment.

4. **Damage and Destruction.** Intentional, reckless and/or unauthorized damage to or destruction of college property or the personal property of another.

5. **Disrespectful Behavior.** Abusive or inappropriate behavior, which may include but is not limited to shouting, using profanity or crude language, or engaging in discourse that does not meet acceptable standards of civility whether verbal or written.

6. **Disruptive Behavior.** Obstruction or disruption of College operations and/or the educational environment, including obstruction or disruption of teaching, research, administration, other College activities, and/or other authorized non-College activities which occur on College-owned or –controlled property, or off-campus conduct that adversely affects the College community and/or the pursuit of its objectives including in the virtual/remote environment.

7. **Drugs.** Use, possession, manufacture, distribution, or sale of illegal drugs and/or controlled substances, except as expressly permitted by federal law. Marijuana cultivation, distribution, possession or use is not permitted on campus.

8. **Failure to Comply.** Failure to comply with the reasonable directives of College officials or law enforcement officers during the performance of their duties, or failure to identify oneself to College officials or law enforcement officers when requested to do so.

9. **Financial Aid Fraud.** Attempted or actual financial aid fraud, or corresponding behaviors designed to secure a monetary benefit for which one is not entitled.

10. **Fire Safety.** Violation of local, state, federal or campus fire policies including, but not limited to:

    - Intentionally or recklessly causing an unauthorized fire;
    - Failure to evacuate a College-controlled building during a fire alarm;
    - Improper use of College fire safety equipment; or
    - Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on College property.

11. **Gambling.** Gambling as prohibited by the laws of the State of Michigan (excludes approved charitable fund raising activities).

12. **Harassment.**

    Hostile Environment Harassment. Verbal, non-verbal, and/or physical conduct that is (a) based on race, color, sex, age, religion, national origin, ancestry, height, weight, sexual orientation, pregnancy, disability, genetic information, familial status, marital status, military status, veteran's status, gender identification or expression, or any other status or characteristic protected by applicable law, is severe or pervasive, and (b) either (i) objectively creates an intimidating, hostile, or offensive work or academic environment, or (ii) unreasonably interferes with an individual's work, education or participation in any College course, program or activity.[2]

    Sexual Harassment. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

    - Submission to sexual conduct is an explicit or implicit term or condition of an individual's employment, grade or status in a College course, program or activity;
    - Submission to or rejection of sexual activity is used as the basis for any employment, academic or athletic decision; or
    - Sexual advances, requests for sexual favors, and/or verbal or physical conduct of a sexual nature either (a) objectively creates an intimidating, hostile, or offensive work or academic environment, or (b) unreasonably interferes with an individual's work, academic or athletic performance or opportunities.

    The following are examples of unwelcome conduct that may, depending on the circumstances, constitute or contribute to a finding of sexual harassment:

    - Physical assault, including but not limited to unwelcome touching, patting, hugging, or brushing against a person's body;
    - Sexual misconduct, exploitation or assault;

2 Pursuant to Department of Education Regulations, the definition for sexual harassment under Title IX is different. The definition of harassment under Title IX is set forth in the Title IX grievance procedure.

- Explicit or implicit threats that submission to sexual advances will be a condition of employment, work status, promotion, grade, recommendation or other benefit;
- Repeated propositions of a sexual nature that are unwelcome, intimidating or bothersome to the recipient;
- Pressure for sexual activity, an element of which may be conduct such as unwanted staring that would discomfort or humiliate a reasonable person; or
- An unwelcome pattern of conduct (not germane to the subject matter of a course if one is involved) that (a) has the purpose or effect of discomforting and/or humiliating a reasonable person, and (b) involves one or more of the following: (i) comments of a sexual nature; (ii) sexually explicit statements, questions, jokes, or anecdotes; (iii) remarks of a sexual nature about a person's clothing or body; (iv) remarks about a person's past or present sexual activity; or (v) staring or leering at a person's body parts.

13. **Harm to Persons.** Intentionally or recklessly causing physical harm to others, endangering the health or safety of others, or restraining another person against his or her will.

14. **Hazing.** Any mental or physical action, requirement or request placed upon any person, including but not limited to a pledge, associate member, affiliate, prospective member, guest, initiate or team member which is harmful to the health, welfare or academic progress of the person, or which is personally degrading to the individual involved. Apathy or acquiescence in the presence of hazing are considered violations of this policy. A person's consent to hazing is not an excuse under this policy.

15. **Health and Safety.**
    - **A.** Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.).
    - **B.** Failure or refusal to comply with College rules or policies related to health and safety, such as classroom/laboratory safety procedures, or State or College mandates concerning the prevention or limitation of communicable diseases (e.g. mask-wearing or social distancing rules without a valid excuse).

16. **Illegal Discrimination.** Any act that (a) is based upon an individual or group's actual or perceived protected status, including race, color, sex, age, religion, national origin, ancestry, height, weight, sexual orientation, gender identification or expression, pregnancy, disability, genetic information, familial status, marital status, military status, veteran's status, or any other status protected by applicable law, and (b) limits, denies or adversely affects a person's ability to participate in or benefit from a College educational program or activity.

17. **Improper Computer or Device Usage.** Violation of the College's Acceptable Use of Information Technology Policy.

18. **Indecent or Obscene Behavior.** Deliberately and publicly exposing one's intimate body part(s), public urination, defecation, and/or public sex acts.

19. **Invasion of Privacy.** The use of any device to capture audio, video, or digital recordings or photographs of any person while on College-controlled property or at a College-sponsored event or trip where there is a reasonable expectation of privacy (e.g. restrooms, locker rooms).

20. **Marijuana.** Use, possession, manufacture, or distribution of marijuana on campus.

21. **Prescription Medications.** Abuse, misuse, sale, or distribution of prescription or over-the-counter medications.

22. **Providing False Information**. Furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments; or knowingly making a false report of alleged misconduct under this or any other College code or policy.

23. **Retaliation.** Taking adverse action against or mistreating someone because they made, or are considering making, a good faith complaint under this Code or another College policy, or because they participated, or are considering participating, in a College investigation, grievance process, hearing or trial. For example: threatening, mistreating or harassing someone because they filed a report, are thinking about filing a report, or is a witness in an investigation or hearing.

24. **Sexual Exploitation.** Taking sexual advantage of another person without consent, including but not limited to causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage; causing the prostitution of another person; recording, photographing, or transmitting images of private sexual activity and/or the intimate parts of another person without consent; allowing third parties to observe private sexual acts; and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection or disease.

25. **Sexual Misconduct.**

    A. Dating Violence: Violence committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

    B. Domestic Violence: Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabiting with, or has cohabited with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Michigan, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Michigan. Allegations of child abuse under

Michigan law shall also be referred to Children's Protective Services or local law enforcement.

a. Sex-Based Stalking: Engaging in a course of conduct on the basis of sex directed at a specific person, that would cause a reasonable person to fear for the person's safety, or the safety of others, or suffer substantial emotional distress.

For the purposes of this definition:

i. *Course of conduc*t means two or more acts, including, but not limited to acts in which Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

ii. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the Complainant.

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

b. Sexual Assault includes any of the following;

i. Sexual Offenses, Forcible: Any sexual act directed against another person without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent:

1. Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
2. Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensual), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
4. The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

ii. Sex Offenses, Non-forcible, Includes Any of the Following:

1. **Incest:** Non-forcible sexual intercourse between persons who are related to each other, within the degrees wherein marriage is prohibited by Michigan Law.
2. **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent of 16 years of age.

26. **Stalking.** A willful course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, harassed, or molested.

27. **Taking Property.** Intentional and unauthorized taking of College property or the personal property of another, including goods, services and other valuables.

28. **Intimidating or Threatening Behaviors.** Written or verbal conduct that causes a reasonable fear of harm to self or others and/or damage to property.

29. **Unauthorized Access, Entry or Use.**

    A. Unauthorized access to any College building or vehicle, or any unauthorized possession, duplication or use of means of access to any College building or vehicle (i.e. keys, cards, etc.).

    B. Misuse of access privileges to College premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a College building.

    C. Unauthorized use of College facilities supplies or equipment.

30. **Use of Tobacco, E-Cigarette or Vaporizer.** Using tobacco, e-cigarettes or vaporizers on campus.

31. **Violation of Academic Integrity Policy.** Students are expected to adhere to the academic integrity policy and guidelines set forth by the chief academic officer of the College (e.g., provost). Multiple violations may result in review by the Dean of Student Success in consultation with the provost or their designee for sanctioning.

32. **Violations of Law.** Violation of any federal, state, local, or other applicable law.

33. **Weapons Possession or Use.** Possession of firearms, tasers, stun guns, explosives, weapons, or dangerous chemicals on College premises (even as permitted by law), and/or use of any such item in a manner that harms, threatens or causes fear to others.

POTENTIAL SANCTIONS FOR VIOLATING OR NOT FOLLOWING RULES

The following are examples of sanctions that may be imposed against individual respondents or student organizations found responsible for committing Prohibited Conduct or otherwise violating this Code:

1. **Counseling.** A documented discussion with the Dean of Student Success, or designee (hereinafter "Dean"), designed to help Respondent understand why their conduct is concerning and how to improve their conduct in the future.
2. **Warning.** Written notice that continuation or repetition of prohibited conduct may be cause for additional or increased sanctions.
3. **Probation.** A written reprimand specifying the violation for which the student is held responsible, along with a statement indicating that the student is on probation for a specified period of time. The College may impose terms of probation, such as specific things the student or student organization must do or accomplish while on probation, or for probation to expire. Students on probation are not considered to be in good standing with the College. A student who commits a further offense while on probation, or who does not fulfill the terms of his or her probation, may have their probation extended, or have additional or increased sanctions imposed.
4. **Restrictions and Loss of Privilege.** Denial or restriction of certain privileges for a designated period of time.
5. **Suspension.** Separation from one or more classes, activities, programs, campuses, buildings, or from the College altogether, for a defined period of time or until specified conditions are satisfied. The College may defer a suspension, meaning that the suspension will occur only if prescribed conditions are not timely satisfied.
6. **Expulsion.** Permanent separation of the student from the College.
7. **Restitution.** A directive requiring Respondent to reimburse or compensate the victim or the College for any loss, damage, or injury Respondent caused. This may take the form of appropriate service and/or monetary or material replacement.
8. **Other Sanctions.** Work assignments, community service, academic counseling, substance abuse counseling, restorative solutions, or other discretionary sanctions to help the student learn and improve.
9. **No Contact.** A restriction where Respondent is directed in writing to have no contact of any type with a particular individual or individuals.
10. **Withholding Degree or Certificate.** The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code, including the satisfactory completion of any sanctions imposed.

The type and severity of the sanction will depend on the severity of the offense and/or Respondent's disciplinary history.

CONCERN AND COMPLAINT PROCEDURE

Written complaints alleging violations of this Code may be submitted through the Online Complaint Form, or with the Office of Student Conduct at studentconduct@macomb.edu or 586-445-7573. Alleged Title IX violations should be reported to the College's Title IX Coordinator or by submitting complaints to the Title IX Online Complaint form.

586.445.7242 | titleix@macomb.edu

If possible, Complaints should identify supporting evidence, include the name(s) of all known witnesses or others who may have information concerning the alleged conduct, and set forth all known facts about the incident.

There is no time limit by which complaints must be submitted after an incident. However, the ability of the Office of Student Conduct to fully investigate an incident is impacted by how much time has elapsed since an incident occurred.

Complaints that are submitted anonymously will be reviewed; however, anonymity may limit the ability of the Office of Student Conduct to fully investigate an incident.

RESOLUTION PROCESS

Alleged violations of this Code will be resolved through the Resolution Process set forth below.

1. **Initial Investigation.** The Dean of Student Success or designee (hereinafter, "Dean") will review the complaint or report of alleged misconduct and may:
   - **a.** Investigate and/or gather information;
   - **b.** Close the case due to lack of information, or because the behavior alleged does not, in the Dean's discretion, represent a Code violation or warrant sanction;
   - **c.** Issue an interim suspension, no-contact order or other remedy designed to protect health and safety while the Resolution Process proceeds;
   - **d.** Ask Respondent to attend an Informational Meeting;
   - **e.** File formal charges;
   - **f.** Refer the matter to the Title IX Coordinator, Campus Police, a College administrator or other civil authority; or
   - **g.** Take other appropriate action, such as attempting to resolve the matter by Mutual Consent, or by referring one or more involved individuals to the behavioral intervention team.

2. **Informational Meeting.** The Informational Meeting provides Respondent and the Dean an opportunity to meet each other and discuss the situation. During the meeting, the Dean will discuss the complaint allegations and potential remedies with Respondent, and Respondent will have an opportunity to share their side of the story, identify potential witnesses or bring forward evidence. The meeting will help the Dean determine whether to conduct additional investigation, dismiss the complaint, propose or recommend Resolution by Mutual Consent, or file charges.

   A Respondent who is unwilling or unable to attend the Informational Meeting may submit a written statement responding to the allegations. The written response must be received at or before the time of the scheduled Informational Meeting.

3. **Further investigation.** If, at any time, the Dean determines more investigation is warranted, the Dean or investigator handling the matter will attempt to gather additional information/evidence. Investigation may lead to additional or different charges, dismissal of charges, another Informational Meeting, an offer of resolution by Mutual Consent, or a decision to call for a panel hearing.
4. **Formal Charge(s).** If a decision is made to file formal charges, the Dean will issue a Formal Charge document that notifies Respondent of the specific Code violation with which Respondent is charged and a recommended sanction. Respondent may either (a) accept responsibility and sanctions imposed by the Dean; (b) accept responsibility and request a hearing to address the propriety of the sanction; or (c) deny responsibility and request a hearing to determine responsibility and sanction.

   In the event that Respondent does not make an election of one of the three options available within ten (10) calendar days from the date of the letter, the charge and sanction set forth in the Formal Charge letter becomes final.

5. **Mutual Consent.** At any time during the Resolution process, but before a ruling on appeal is issued, the College and Respondent may resolve the matter by Mutual Consent. This means that Respondent and the Dean voluntarily agree upon a finding of responsibility and sanction. A resolution by Mutual Consent ends the Resolution process, without the possibility of a hearing or appeal.
6. **Hearing.** A hearing is a chance to have a three-person Hearing Panel hear evidence and decide (a) whether Respondent should be held responsible for a Code violation; and (b) the propriety of the sanction recommended by the Dean.
   a. **Availability.** A hearing is available when Respondent (a) is subject of a Formal Charge; (b) timely disagrees with the finding of responsibility and/or sanction imposed; (c) timely and properly requests a hearing; and (d) the matter was not resolved by Mutual Consent.
   b. **Requesting a Hearing.** Respondent must submit a completed Request for Hearing form within 10 calendar days of the date the Charge Letter was issued.
   c. **Notice of Hearing.** At least five days before the hearing is scheduled, the College will notify Respondent of the date, time and location of the hearing.
   d. **Hearing Panel.** A Hearing Panel will consist of one member of the faculty, one current College student, and one current College employee.
   e. **Hearing Moderator.** The Dean, or designee, shall act as a Hearing Moderator. The Hearing Moderator will attend the hearing to address questions and facilitate a fair, orderly process. The Hearing Moderator does not make findings or vote on the remedy.

f. **Consolidation.** The Hearing Moderator shall have discretion to consolidate the hearing with other cases that, in the discretion of the Hearing Moderator, arise out of the same or similar event(s).

g. **Failure to Appear.** If Respondent fails to appear at the scheduled hearing, the hearing will be held in Respondent's absence. No Respondent may be found responsible for a Code violation solely because they failed to appear at the Hearing.

h. **Hearing Rules.**

   i. **Pre-hearing Disclosures.** At least three days before the hearing, the parties will provide the Hearing Moderator with a list of witnesses, and copies of any documents they wish to introduce. The Hearing Moderator will provide each party with a copy of the list of Hearing Panel members and proposed witnesses, as well as copies of any documents identified by a party.

   ii. **Evidence.** The majority of the Hearing Panel has discretion to determine the admissibility of evidence, and the weight to be given any particular piece of evidence.

   iii. **Advisors.** A student's advisor may be present at the hearing, but shall have no role at the Hearing other than to advise Respondent. The Advisor shall not be permitted to ask or answer questions, make arguments, submit documents, or otherwise disrupt the hearing.

   iv. **Cross-examination.** Cross-examination will usually be permitted, but the Hearing Moderator reserves the right to limit or preclude cross-examination, control the manner of cross-examination, or require that cross-examination questions be directed through the Hearing Moderator, who shall have discretion whether to decide if each question is relevant to ask.

   v. **Recording.** There shall be a single recording or transcript of the hearing, which shall be the property of the College.

   vi. **Campus Police.** One or more campus police officers may be present at the hearing, if deemed necessary by the College.

   vii. **Closed Hearing.** Hearings are not open to the public.

i. **Decision and Standard of Proof.** The Hearing Panel will, by majority vote, determine whether there is a preponderance of evidence to hold Respondent responsible for the charged conduct, and whether the sanction imposed in the Formal Charge should be accepted, increased or decreased. "Preponderance of evidence means "more likely than not."

7. **Appeal.** Respondent or the College may appeal the Hearing Panel's decision. Grounds for appeal, and the potential result on appeal, are limited as described below.

a. **Grounds for Appeal.** The only grounds for appeal are:

   i. A procedural error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.); or

   ii. To consider new evidence that was (i) unavailable during the original hearing or investigation, and (ii) could substantially impact the original finding or sanction or remedy. A summary of the new evidence and its potential impact must be included in the written appeal.

b. **Filing an Appeal.**

i. **Process**. Appeals must be filed in writing, addressed to the Vice President, Student Services. The Appeal letter should identify the Respondent and the grounds for appeal.

   Jill M. Thomas-Little
   Vice President Student Services
   Macomb Community College
   14500 E. Twelve Mile Road
   Warren, Michigan 48088
   littlej@macomb.edu
   586.445.7242

ii. **Timing.** An appeal based on a procedural error must be filed within 14 calendar days of the issuance of the findings of the administration. An appeal based on new evidence must be filed within 14 calendar days of when the new evidence is, or reasonably should have been, discovered. The remedy imposed by the Hearing Panel will not be stayed while an appeal is pending.

c. **Appeal Decision-Maker.** Appeals will be heard by the Vice President, Student Services

d. **Potential Appeal Outcomes**. Potential outcomes of appeal are:

   i. Modify or uphold the original decision or sanction(s);

   ii. Recommence the formal investigation; or

   iii. Dismiss the case or individual charge(s) against the student.

ADVISORS

Respondents may, at their expense, have an advisor of their choosing present at any meeting or hearing during the Resolution process. Advisors may confer quietly and exchange notes with Respondent and ask questions about procedure, but may not make presentations, argue, introduce documents or examine witnesses.

STUDENT CONDUCT RECORDS

A student's conduct record is part of their formal educational record. Conduct records are maintained by the Office of Student Conduct and include records related to the Code of Conduct, and records related to the Academic Integrity Policy.

Typically, a Student Conduct Record is established when information on a student is received and maintained by the Office of Student Conduct.

Student conduct records can be reported outside the College as part of a college admission, job application, or background check with the student's authorization for three (3) years after the reported incident. Conduct violations that result in a suspension or expulsion are reported out indefinitely.

The case file will be maintained by the Office of Student Conduct for seven (7) years after the incident date. If a student or student organization is assigned the sanction of Expulsion, the case file will remain on file permanently.

Accessibility to Student Conduct Records follows the College Policy on Confidentiality of Student Records.

DEFINITIONS

"Campus"

- includes any college-owned property, as well as any college-sponsored virtual or online activities, such as online classes, meetings, events or forums.

"College Official"

- Includes any individual employed by the College, including College Police and independent contractors, performing administrative or professional responsibilities.

"Consent"

- Means clear words or actions that show a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, by ignoring or acting in spite of the objections of another, or by taking advantage of the incapacitation of another, when Respondent knows or reasonably should know of such incapacitation. Consent is absent when sexual activity exceeds the scope of the consent previously given or when a respondent assumes that consent to one form of sexual activity implies consent to other forms of sexual activity.

"Dean of Student Success or Designee"

- Designated by the Vice President and Chief Student Affairs Officer to uphold the Student Code of Conduct and manage the Resolution process.

"Faculty Member"

- Means any individual hired by the College to conduct classroom or teaching activities.

"Force"

- Means physical force, violence, threat, intimidation or coercion.

"Incapacitation"

- Means the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, sleep and blackouts.

"Member of the College Community"

- Includes any individual who is a student, faculty member, College official or staff member employed by the College, trustee, or serving the College in an official capacity. An individual's status in a particular situation will be determined by the Dean of Student Success, or designee.

"Respondent"

- Means anyone, or any student organization, accused of violating this Code.

"Student"

- Includes all individuals currently admitted, enrolled full-time or part-time at the College, who have been issued a student number or who maintain an ongoing relationship with the College.



MACOMB COMMUNITY COLLEGE BOARD OF TRUSTEES

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Macomb Community College
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Expressive Activity

I. Purpose of policy. The purpose of the policy is to promote the free exchange of ideas and the safe and efficient operation of the College by:

- Fostering free speech, assembly, and other expressive activities at publicly accessible outdoor areas of any College campus, regardless of the viewpoint being expressed;
- Maintaining an appropriate educational and work environment for all persons present on College property; and
- Protecting and maintaining the security of College property, students, employees and visitors.

In developing and administering this policy, the College recognizes the freedoms guaranteed by the United States and Michigan constitutions, including freedom of speech and assembly. The College also recognizes the need to preserve and protect its property, students, guests and employees, and to ensure the effective operation of educational, business and related activities of the College.

Expressive activities on the College's campus may be subject to reasonable regulation with regard to the time, place and manner of the activities. College employees will not consider the content or viewpoint of expressive activities when enforcing this policy, including by restricting students' expression based on concerns about other person(s)' negative reaction to the expression. No policy can address every possible activity or situation that may occur on College property, and the College reserves the right to address such situations as circumstances warrant.

This policy does not apply to use of College facilities or grounds for official events sponsored by the College. Expressive activities carried out under this policy will not be considered to be speech made by, on behalf of, or endorsed by the College.

II. Scope. This policy applies on all College campuses. This policy does not apply to use of any area of any College campus by College employees who are acting in the course of their job responsibilities. This policy shall not apply to any person or organization desiring to advertise or sell merchandise or services for commercial purposes on campus. Any person or organization desiring to sell or advertise merchandise or services on campus should contact the Vice President of College Advancement & Community Relations, or designee.

III. Expressive Activity Defined. "Expressive Activity" is defined as the carrying or displaying of signs or placards, leafleting, campaigning, marches, rallies, parades, demonstrations, protests, assemblies, speeches, circulation of petitions, and/or any public demonstration on College grounds.

IV. Expressive Activity for Enrolled Students and Registered Student Groups

A. General Access: Registered students and student groups may use, without prior notification or permission, any publicly accessible outdoor area of any College campus except parking lots, garages and driveways. Federal, state and local laws will be enforced, as applicable. The use of walkways or other common areas may not block the free passage of others nor impede the regular operation of the College.

Use of the publically accessible outdoor area may include speaking, non-verbal expression, distributing literature, displaying signage and circulating petitions. There is no limit to the number of

times a month a person or group may access these areas, provided that access is limited to hours when the College is open to the public.

During work and class hours, or if the area is currently in use for an official College event, amplification will be restricted if it interferes with College operations or noise ordinances are violated.

B. Large groups: Except in the circumstances described below, any person or group whose use of an outdoor area for demonstration, protest or distribution or literature is expected or reasonably likely to have more than fifty (50) people in attendance shall notify the Vice President, Student Services, or designee (hereinafter "Vice President, Student Services") at least two (2) business days before the day of the activity. Notification may be submitted in person at the Student Life and Leadership office located at either South Campus (K Building, Room 251) or Center Campus (P Building, room 127), , or online through the following link https://app.perfectforms.com/player.htm?f=RgmFggQj. Notification shall include information as to the specific location requested to be used for the event and the estimated expected number of persons, and the name and contact information of at least one person who can be contacted regarding logistics of the event, which should include at least one person who will be personally present.

Prior notice is to help ensure that there is sufficient space for the large group event, that the large group event does not conflict with any another College event or use, and that sufficient College resources are available for crowd control and security. If such advance notice is not feasible because of circumstances that could not be reasonably anticipated, such as because of very recent or still-unfolding news developments, the person or group must provide the College with as much advance notice as circumstances reasonably permit.

The College may direct groups that exceed 50 individuals to areas that do not interfere with College operations, public safety, the educational process, and unobstructed access to the College for its students, faculty, employees and occupants.

C. Reserved Space: In addition to the general right of access to outdoor areas of campus described above, any registered student or student organization may seek to reserve the use of specific outdoor areas by contacting Student Life and Leadership located at either South Campus (K Building, Room 251) or Center Campus (P Building, room 127),. Requests by a registered student or student organization to reserve such area or space shall be made at least 5 business days before the event. A request will be granted unless it would conflict or interfere with a previously scheduled event or activity or violate College policy.

A student or student organization that has reserved a specific area or space under this policy will have priority over any other persons seeking to use the area or space during the scheduled time period. Any decision denying a request will be promptly communicated (within 48 hours of receiving the request) in writing to the requester and will set forth the basis for the denial.

The content of the anticipated speech or other expressive activity will not form the basis for a denial.

V. Expressive Activity by College Visitors.

A. **Requests to Engage in Expressive Activity.** Members of the public who are not registered students or student organizations must receive a permit before engaging in Expressive Activity on any College campus. Requests to schedule Expressive Activity on the College grounds shall be made to the Vice President, Student Services. Requests may be submitted in person at a Student Life and Leadership office located at either South Campus (K Building, Room 251) or Center Campus (P Building, room 127),, or online through the following link https://app.perfectforms.com/player.htm?f=RgmFggQj.

B. Process. Requests must be made in writing to the Vice President, Student Services during regular business hours at least 48 hours prior to any Expressive Activity on a form supplied by the College. Each request shall be in writing and shall contain the following information:

1. Name/address/telephone number(s) of contact person(s).
2. Name/address/telephone number(s) of back-up contact person(s).
3. Date and hours requested for the expressive activity and duration of the expressive activity.
4. Area requested for use.
5. Number of anticipated participants.
6. Structures to be used in the expressive activity.

In order to assure the reasonable conduct of public business, the educational process, unobstructed access to the College for its students, faculty, employees, occupants and the public, and to maintain public safety and College grounds, the Vice President, Student Services, has been delegated the authority to approve, modify or deny an application for expressive activity. The Vice President, Student Services, will not take the content of the speech into consideration when approving, modifying or denying an application. All decisions by the Vice President, Student Services, required under these procedures shall be made promptly, but no later than 24 hours after receiving the written request.

C. Appeal. If a person or organization is aggrieved by a decision of the Vice President, an appeal may be taken to the Vice President, College Advancement and Community Relations, or designee, within three College business days of that decision. The appeal shall be in writing, stating the basis therefore, and the relief sought. The Vice President, College Advancement and Community Relations, or designee, shall promptly announce their decision.

VI. Rules. Use of College grounds is subject to the following:

A. In order to maintain the security, safety and aesthetic appearance of the College and College grounds, and to provide for regular maintenance, improvements or alterations, Expressive Activity on the College grounds may occur only between the hours of 8:00 a.m. and 8:00 p.m. and shall at no time block any entrance or exit of the buildings, or impede free access to the buildings or parking lots by its students, faculty, employees, occupants or the public.

B. No activity shall substantially impede or interfere with College business, the educational process, or public access to College grounds.

C. To provide for regular maintenance, improvements or alterations of the College grounds and in order to maintain the security, safety and aesthetic appearance of the College and College grounds, equipment, signs, banners or structures of any kind that are placed on the College grounds shall be free standing and shall not be affixed to any building, tree, monument, fixture or other College structure. The equipment, signs, banners or structures shall be entirely removed at the conclusion of the expressive activity, or no later than 8:00 p.m. on any day of any Expressive Activity. Structures (whether for shelter or for any other purpose) must be pre-approved by the Vice President, Student Services.

D. Due to the presence of underground utility, electrical and drainage lines, signs, banners or other objects shall not be driven into the ground; nor shall they be supported in or by any tree, monument or other structure affixed to the College grounds. Signs, banners or objects supported by freestanding devices may not be left unattended, i.e., an individual must be stationed within six feet of a freestanding sign or banner at all times to prevent damage to the property and injury to individuals.

E. Defacing or damaging the College grounds, including but not limited to trees, shrubbery, flowers, lawns, sidewalks, parking lots, fences, lighting fixtures, light wells, fire hydrants, benches, statues, monuments, plaques, and such subterranean features as are necessary for the maintenance and

operation of the College (such as lawn sprinkler systems, sewer and water mains, electrical conduit, etc.), or any other feature is not allowed. Likewise, defacing or damaging the exterior walls and surfaces of the buildings, including the entrances, porches and staircases, is not allowed.

F. Stepping or climbing upon statues, monuments, fences, lighting fixtures, light wells, trees, or parts of the College building not intended for such purposes is not allowed.

G. No sign located within 50 feet of a roadway, entrance or exit shall be larger than 3' x 3', and no sign shall block the sight lines of drivers entering or exiting the College grounds or traveling on a public roadway around the College.

H. Vehicles are not allowed on the College grounds, except in areas designated for vehicular use.

I. Camping or sleeping overnight on the College grounds is not allowed.

J. Alcoholic beverages or any other controlled substance shall not be possessed, dispensed, or consumed on the College grounds.

K. Individuals distributing literature shall remove all discarded items from the general area(s) of distribution at the conclusion of their activity.

L. Firearms, or other weapons are not allowed on campus.

M. All persons must comply with all College policies, Campus Rules and Regulations, and local, state and federal ordinances and statutes.

N. Expressive Activity inside College buildings is prohibited.

O. Distribution/solicitation by placing any material on vehicles in the parking lots or garages is prohibited. Leaving trash, litter, materials or pollutants in any area is prohibited.

VII. Enforcement. The College reserves the right to stop any activity that substantially interferes with or disrupts the normal activities of the College; interferes with the educational process; or violates any of the conditions covering expressive activity under this policy. Any person who violates this policy may be subject to an order to leave College property. Employees in violation of this policy may be subject to discipline, up to and including termination. Students in violation of this policy may be subject to discipline under the applicable Code of Conduct.

Approved by the Board of Trustees
Macomb Community College
December 20, 2017
Updated pursuant to Board authorization (6/17/19)

MACOMB COMMUNITY COLLEGE
EQUAL OPPORTUNITY/NON-DISCRIMINATION, ANTI-HARASSMENT, TITLE IX, DISABILITY ACCOMMODATION, ANTI-FRAUD and NON-RETALIATION/WHISTLEBLOWER POLICY

EQUAL OPPORTUNITY/NON-DISCRIMINATION

Macomb Community College ("the College") is an equal opportunity institution. The College prohibits discrimination in any College program or activity, including but not limited to employment, admissions, grading and facilities use, based on race, color, sex, age, religion, national origin, ancestry, height, weight, sexual orientation, pregnancy, disability, genetic information, familial status, marital status, military or veteran status, gender identification or expression, or any other status or characteristic protected by applicable law.

ANTI-HARASSMENT

The College prohibits harassment, including hostile environment and sexual harassment, against any individual or group based on race, color, sex, age, religion, national origin, ancestry, height, weight, sexual orientation, pregnancy, disability, genetic information, familial status, marital status, military or veteran status, gender identification or expression, or any other status or characteristic protected by applicable law.

The prohibition against harassment extends to all College programs and activities, including but not limited to employment, admissions, grading and facilities use, and may extend to online or electronic conduct that impacts an individual's employment or educational experience at the College.

The College recognizes community members' right to free expression of ideas, including those that may be controversial or unpopular. Nothing in this definition is intended to conflict with an individual's First Amendment rights.

> **Hostile Environment Harassment**. Verbal, non-verbal, and/or physical conduct, including racially or religiously offensive or bigoted remarks, epithets and/or conduct, may constitute hostile environment harassment if based on one of the statuses or characteristics identified above, is severe or pervasive, and either (a) objectively creates an intimidating, hostile, or offensive work or academic environment, or (b) unreasonably interferes with an individual's employment, education, or participation in any College course, program or activity.[1]
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> **Sexual Harassment**. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature may, depending on the circumstances, constitute sexual harassment in violation of this policy when:

[1] Pursuant to Department of Education Regulations, the definition for sexual harassment under Title IX is different. The definition of harassment under Title IX is set forth in the Title IX Grievance Procedure.

- Submission to or rejection of sexual activity is an explicit or implicit term, condition of or factor in an individual's employment, grade or status in a College course, program or activity;
- Submission to or rejection of sexual activity is used as a factor in any employment, academic or athletic decision; or
- Sexual advances, requests for sexual favors, and/or verbal or physical conduct of a sexual nature either (a) objectively create an intimidating, hostile, or offensive work or academic environment, or (b) unreasonably interfere with an individual's work, academic or athletic performance or opportunities.

The following are examples of unwelcome conduct that may, depending on the circumstances, constitute or contribute to a finding of sexual harassment:

- Physical assault, including but not limited to unwelcome touching, patting, hugging, or brushing against a person's body;
- Sexual misconduct, exploitation or assault;
- Explicit or implicit suggestions that submission to sexual advances will be a condition of employment, work status, promotion, grade, recommendation or other benefit;
- Propositions of a sexual nature that are unwelcome or intimidating to the recipient;
- Pressure for sexual activity, an element of which may be conduct such as repeated and unwanted staring that would discomfort or humiliate a reasonable person; or
- An unwelcome pattern of conduct (not germane to the subject matter of a course if one is involved) that (a) has the purpose or effect of discomforting and/or humiliating a reasonable person, and (b) involves one or more of the following: (*i*) comments of a sexual nature; (*ii*) sexually explicit statements, questions, jokes, or anecdotes; (*iii*) remarks of a sexual nature about a person's clothing or body; (*iv*) remarks about a person's past or present sexual activity; or (*v*) staring or leering at a person's body parts.

TITLE IX

The College is committed to complying with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in any College program or activity. Prohibited practices include sexual discrimination, sexual harassment, sexual misconduct, dating and domestic violence, each of which are defined in the College's Title IX Grievance Process.

Title IX Coordinator. The College's Title IX Coordinator, along with any deputy coordinators, develop, implement, and monitor the College's efforts to comply with Title IX. This includes oversight over the notification, investigation and disposition of complaints, the creation of educational materials and training for the College

community, ensuring a fair and unbiased process for parties, and monitoring all other aspects of the College's Title IX compliance.

The College's Title IX Coordinator is:

Jill Thomas-Little
Title IX Coordinator
South Campus, G316
Macomb Community College
14500 East 12 Mile Road
Warren, MI 48088-3896
(586) 445-7242
Littlej@macomb.edu

The College's Deputy Title IX Coordinators are:

Denise L. Williams
Vice President, Human Resources
Human Resources Office
Center Campus, S312
Macomb Community College
14500 East 12 Mile Road
Warren, MI 48088-3896
(586) 445-7897
Williamsdl@macomb.edu

Susan R. Boyd
Dean of Student Success
Student Services Dean's Office
Center Campus, H114
Macomb Community College
14500 East 12 Mile Road
Warren, MI 48088-3896
(586) 445-7408
Boyds@macomb.edu

Complaints Under Title IX. Concerns or complaints regarding potential Title IX violations, including allegations of sexual harassment or discrimination, should be brought to the attention of the College's Title IX Coordinator as set forth in the College's Title IX Grievance Procedure.

Title IX Grievance Process. Complaints that allege a potential Title IX violation will be processed and resolved through the Title IX Grievance Procedure.[2]

SEXUAL MISCONDUCT

The College prohibits sexual misconduct. Sexual misconduct is antithetical both to the academic values of the College and a work and learning environment that is free from sexual misconduct, harassment, and coercion. Sexual misconduct includes, but is not limited to, sexual assault, dating and domestic violence, and stalking, all of which are defined in the College's Student Code of Conduct and Title IX Grievance Process.

DISABILITY ACCOMMODATION/ANTI-DISCRIMINATION

The College complies with the Americans With Disabilities Act, the Michigan Persons With Disabilities Civil Rights Act, and other laws that protect and afford rights to disabled individuals. The College does not discriminate against persons with disabilities and is committed to providing reasonable accommodations to qualified individuals with

[2] Complaints that do not rise to the level of a Title IX violation, but that violate another College policy, rule or code, may be investigated and resolved through a different process, such as the Student Code.

disabilities. Students or employees with disabilities who seek reasonable accommodations must request them. The process for requesting accommodations is set forth as follows:

For students: [Link to student page]

For employees: [Link to Employee page]

Under Michigan law, if an employee's request for an accommodation is not made within 182 days of the need being known, the obligation to grant an accommodation under state law may be waived.

ANTI-FRAUD

The College prohibits fraudulent activity, which is generally defined as intentionally obtaining an unauthorized benefit, such as money or property, by deception or other unethical or illegal means. Prohibited fraudulent activity includes, but is not limited to:

- Embezzlement, misappropriation or financial irregularities, forgery or alteration of documents (checks, time sheets, purchase orders, or other financial documents);
- Selling College property for personal benefit;
- Circumventing established purchasing processes without authorization;
- Improprieties in handling money or financial transactions;
- Misappropriation of funds, securities, supplies, inventory, or other College assets;
- Violations of the conflict of interest provision of any College policy, including the College's Confidentially and Conflict of Interest Policy and the Ethics and Conflict of Interest section of the Investment Policy; or
- Authorizing or receiving payment for goods not received, services not performed or hours not worked.

ANTI-RETALIATION/WHISTLEBLOWER PROTECTION

The College seeks to foster an environment in which all employees, students and visitors feel free to truthfully report misconduct and policy violations, including illegal discrimination, harassment or fraud, without fear of retaliation or reprisal. The College thus prohibits retaliation or reprisals against any individual because they have filed a good faith complaint or report under any College policy or Code, participated in an investigation or hearing related to the College, or otherwise opposed illegal activity, either internally or with a governmental agency.

REPORTING CONCERNS

People who believe they experienced or witnessed a violation of any of the policies set forth above are encouraged to follow the College Complaint Procedure.

Macomb Community College

COMPLAINT PROCEDURE

In order to take appropriate corrective action, the College must be made aware of any alleged violations of its policies, including but not limited to violations of its Anti-Discrimination, Anti-Harassment, Anti-Fraud, Anti-Retaliation policies, Rules and Regulations, or Student Code. Therefore, anyone who believes that they have experienced or witnessed a violation of any College policy, rule or Code should complete and submit this Online Complaint Form, or report the violation in person as follows:

Type of Conduct	**Report to:**
Complaints concerning the College's Title IX policy, including gender-based discrimination, misconduct or harassment Retaliation for reporting, opposing, complaining about or for participating in an investigation or hearing regarding sexual discrimination, misconduct or harassment	**Jill Thomas-Little** Title IX Coordinator South Campus, G316 Macomb Community College 14500 East 12 Mile Road Warren, MI 48088-3896 (586) 445-7242 titleix@macomb.edu
Violations *by College employees or vendors* of any College policy or rule	**Denise L. Williams** Vice President, Human Resources Macomb Community College 14500 East 12 Mile Road Warren, MI 48088-3896 (586) 445-7897 Williamsdl@macomb.edu
Violations *by students or visitors* of any College policy, Code or rule	**Susan R. Boyd** Dean of Student Success Macomb Community College 14500 East 12 Mile Road Warren, MI 48088-3896 (586) 445-7408 deanofstudents@macomb.edu
Concerns regarding a failure or refusal to grant reasonable accommodations ■ *Employees and vendors* should raise their concerns with: ■ *Students and visitors* should raise their concerns with:	**Denise L. Williams** Vice President, Human Resources Macomb Community College 14500 East 12 Mile Road Warren, MI 48088-3896 (586) 445-7897 Williamsdl@macomb.edu **Susan R. Boyd** Dean of Student Success Macomb Community College 14500 East 12 Mile Road Warren, MI 48088-3896 (586) 445-7408

	deanofstudents@macomb.edu
Financial or ethical improprieties, conflicts of interest, or facilities concerns (including safety or accessibility concerns)	**Elizabeth A. Argiri** Vice President, Business Macomb Community College 14500 East 12 Mile Road Warren, MI 48088-3896 (586) 445-7306 Argiril@macomb.edu
Student Code violations or student behavior concerns	**Susan R. Boyd** Dean of Student Success Macomb Community College 14500 East 12 Mile Road Warren, MI 48088-3896 (586) 445-7408 deanofstudents@macomb.edu -or- **Daniel Thurman** Associate Dean of Student Success Macomb Community College 14500 East 12 Mile Road Warren, MI 48088-3896 (586) 445-7573 studentconduct@macomb.edu
NJCAA violations or athletics issues	**Bryan E. Rizzo** Director of Athletics Macomb Community College 14500 East 12 Mile Road Warren, MI 48088-3896 (586) 445-7119 Rizzob993@macomb.edu
Illegal activity, safety concerns, violations of the College's Rules and Regulations or Violence Prevention Policy	**College Police** (586) 445-7135
Police Misconduct	**James C. Matheney** Chief of College Police Macomb Community College 14500 East 12 Mile Road Warren, MI 48088-3896 (586) 447-8666 Matheneyj897@macomb.edu
Retaliation for asserting rights under any College policy, complaining about policy violations or for participating in any investigation, hearing or grievance process ■ Retaliation *by employees or vendors.*	**Denise L. Williams** Vice President, Human Resources Macomb Community College 14500 East 12 Mile Road Warren, MI 48088-3896 (586) 445-7897 Williamsdl@macomb.edu

■ Retaliation *by students or visitors*	**Jill Thomas-Little** Vice President, Student Services Macomb Community College 14500 East 12 Mile Road Warren, MI 48088-3896 (586) 445-7242 titleix@macomb.edu

If the individual(s) identified above is unavailable, fails to respond, does not adequately resolve the complaint, or is somehow involved in the suspected violation, complaints should be registered through the Online Complaint Form or by contacting the Provost at:

Donald J. Ritzenhein
Provost/Vice President, Learning Unit
Macomb Community College
14500 East 12 Mile Road
Warren, Michigan 48088-3896
(586) 498-4141
Ritzenheind@macomb.edu

All complaints and reports will be reviewed, appropriately investigated, and addressed in a fair and impartial manner. All individuals involved can expect to be treated with dignity and respect.

Nothing in this statement of procedure shall prevent a person who believes a violation has occurred from filing a complaint with an appropriate governmental agency, such as the Michigan Department of Civil Rights, 110 West Michigan Avenue, Suite 800, Lansing, Michigan 48913, the Equal Employment Opportunity Commission, 477 Michigan Ave # 865, Detroit, MI 48226, or with the Office for Civil Rights, U.S. Department of Education, 1350 Euclid Avenue, Suite 325, Cleveland, Ohio, 44115.

Confidentiality. A person making a complaint ("Complainant") may ask the College not to disclose their identity. However, due to various federal and state laws, it is not always possible to guarantee confidentiality. Moreover, keeping a Complainant's identity confidential may limit the College's ability to investigate or respond to the allegations.

False Reports. False allegations or reports are prohibited and may result in discipline. This prohibition against false reports or statements does not apply to reports or statements which are made in good faith but ultimately found not to be substantiated.

Modifications. College Administration may modify this policy to adjust the identity, title, or contact information of the individuals to whom issues should be reported.