



OFFICE OF COLLEGE  
COMPLIANCE & ETHICS

Mid Michigan College  
**Title IX**  
**Sexual Harassment Policy**  
**2023-24**

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# Title IX Sexual Harassment Policy

## Policy Statement

Mid Michigan College's (Mid) enduring commitment is to create an environment for students, faculty, staff and visitors that is secure and unencumbered from all forms of sex-based discrimination and sexual harassment. Mid endeavors to promote an environment that supports a healthy culture of learning and employment. Our primary concern is for the safety of our College community. As such, no one should be subjected to harassment or discrimination of any kind. This includes, acts of sex-based discrimination and sexual harassment such as sexual assault, dating violence, domestic violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Mid Michigan College has adopted a zero tolerance for acts of sex-based discrimination and sexual harassment and does not discriminate on the basis of sex in our educational programs or activities. When an allegation of sexual harassment is brought to the attention of the College's Title IX Coordinator and a Respondent is found to have violated this Policy, serious sanctions will be used to reasonably ensure that such adverse behaviors are not repeated.

## Understanding Terminology

### Sexual Harassment

The term **Sexual Harassment** will be used throughout this document and is considered an umbrella term applied to a number of unwelcomed behaviors of a sexual nature that would constitute sex-based harassment under Title IX. Sexual harassment may occur in any sex or gender composition--between members of different sexes or the same sex, regardless of gender, gender identity or sexual orientation. It is defined as conduct on the basis of sex that meets one or more of the following:

- An employee of Mid suggesting provisions of an aid, benefit, or College service in exchange for an individual's participation in unwelcomed sexual conduct. This is commonly referred to as Quid Pro Quo sexual harassment and includes unwanted sexual advances, requests for sexual favors, or other verbal/physical conduct of a sexual nature; the submission to or rejection of such conduct would result in adverse educational or employment actions
- Any unwelcomed sex-based conduct that a reasonable person would find SO severe, pervasive and objectively offensive that it effectively denies a person equal access to the College's programs and activities
- Sexual Assault: Any attempted or actual sexual act directed against another person without their consent; it encompasses situations where the victim is incapable of giving consent because of their age or because of temporary or permanent mental incapacity; sexual assault includes:
  - Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object; oral penetration by a sex organ of another person without the consent of the victim
  - Fondling: the touching of the private body parts of another person without their consent for the purpose of sexual gratification
  - Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
  - Statutory Rape: sexual intercourse with a person who is under the statutory age of consent in Michigan
- Dating Violence: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; existence of the relationship shall be determined based on the reporting party's statement and with consideration given to the length of the relationship,

type of relationship, and the frequency of interaction between the persons involved in the relationship; violence may include but is not limited to, sexual or physical abuse or the threat of such abuse

- Domestic Violence: includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction and includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior by a person who is:
  - A current or former spouse or intimate partner of the victim
  - A person with whom the victim shares a child in common
  - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
  - A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
  - Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred
- Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress (Mid considers cyberstalking, recording or transmitting sexual images, and voyeurism to be a form of stalking and a violation of this Policy)
  - *Course of Conduct* means two or more acts including but not limited to, acts in which the stalker directly, indirectly or through a third party 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
  - *Reasonable Person* means a reasonable person under similar circumstances and with similar identities to the victim
  - *Substantial Emotional Distress* means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling

### Supportive Measures

Supportive Measures are free non-disciplinary and non-punitive individualized services extended, as appropriate and as reasonably available, to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Measures restore or preserve equal access to the College's education programs or activities without unreasonably burdening the other Party. They are also designed to deter sexual harassment, protect the College's educational environment, and ensure the safety of all Parties. Supportive examples are detailed later.

### Consent

Consent is clear, knowing, and voluntary; active, not passive; and silence, in and of itself, cannot be interpreted as consent. Additionally, consent to any one form of sexual activity cannot automatically imply consent to any other form of activity, nor can previous consent be construed to imply current consent. Consent cannot be given by someone who is not of legal age or by someone who is reasonably known to be (or should have been known to be) mentally or physically incapacitated. The State of Michigan does not have one single definition of consent. However, the following applies to consent in criminal cases in Michigan: Consent is a clear, freely given, verbalized "yes" to sexual activity. The absence of "no" is not



consent. Silence, in and of itself, cannot be interpreted as consent. A verbalized “yes” which has been coerced does not constitute a freely given “yes”. Individuals who consent to sex must be able to understand what they are doing. A person may not be able to give consent if they are under the age of 16 or if they are legally mentally incapable, mentally incapacitated or physically helpless.

#### Education Program and Activity

For purposes of this Policy, education programs and activities include locations, events, or circumstances over which Mid exercises substantial control over both the Respondent and the context in which the sexual harassment occurs. The definition of program and activity also encompasses the College’s operations and includes computer and internet networks, digital platforms, and computer hardware or software owned, operated, or utilized by Mid in its operations.

#### Notice

A student, employee or third party makes a report of sexual harassment or retaliation to the College’s Title IX Coordinator or other authorized College official.

#### Title IX Coordinator or Designee

An employee of the College designated and authorized to coordinate the College’s efforts to comply with its responsibilities under Title IX. If circumstances should occur that would make the Title IX Coordinator unavailable, the College will appoint a temporary designee to carry out the obligations of the Title IX Coordinator.

#### Official with Authority

An employee of the College who has been explicitly allocated with the responsibility to implement corrective measures for sexual harassment.

#### Responsible Employees

Individuals designated by the College’s Campus Non-Discrimination, Harassment and Sexual Misconduct Policy that have an obligation to report incidents of prohibited conduct, including sexual harassment.

#### Complainant

An individual who is alleged to be the victim of conduct that constitutes sexual harassment or retaliation for engaging in a protected activity under this Policy.

#### Respondent

The individual who has been reported to be the alleged perpetrator of conduct that could constitute sexual harassment or retaliation for engaging in a protected activity.

#### Formal Complaint

A document filed and signed by the Complainant, or the Title IX Coordinator, alleging sexual harassment or retaliation against a Respondent, requesting the College to investigate the allegation.

- A Formal Complaint may be accepted via paper or electronic submission that contains the Complainant’s physical or digital signature or some other indicator that clearly distinguishes the Complainant as the sender
- In instances when the Title IX Coordinator signs the Formal Complaint, the Title IX Coordinator is not the Complainant or a party to the action and must still comply with their regulatory duties outlined within this Policy

#### Advisor

An individual chosen by a party, or appointed by the College, to accompany the Party to proceedings related to the resolution process, to advise the Party on that process, and to conduct cross-examination for the Party at the live hearing, if any.

### Investigator

The individual charged by the College with the responsibility of gathering facts, collecting evidence, and preparing the investigative report to be shared prior to the live hearing with the Parties, their Advisors, and the Decision-Maker.

### Decision-Maker

Decision-Makers are those who have decision-making and/or sanctioning authority under the Formal Grievance process. Generally, Decision-Makers will be external individuals for both employee and student, Respondents. In singular cases involving student Respondents, the Decision-Maker may be an employee of the college. Any Decision-Maker selected will have been trained in areas that include serving impartially, issues of relevance, applying rape shield protection for Complainants, and technology used at the live hearings. Decision-Makers will be free from conflict of interest or bias, including bias for or against Complainants or Respondents.

### Final Determination

A conclusion by the preponderance of evidence that the alleged conduct did or did not violate policy.

### Finding

A conclusion by the preponderance of evidence that the conduct did or did not occur as alleged.

### Resolution

The results of an informal or formal grievance procedure.

### Remedies

Measure provided to the Complainant after a determination of responsibility for sexual harassment has been made against the Respondent. Measures are designed to restore or preserve equal access to the College's education program or activity.

### Sanctions

A consequence imposed by Mid on a Respondent who is found to have violated this Policy.

## Title IX Coordinator, Team and Reporting Options

### Title IX Coordinator

Mid Michigan College strongly encourages anyone who experiences or observes any acts of sexual harassment to promptly report the incident(s) and seek assistance from the College's Title IX Coordinator. The Title IX Coordinator is the official that is designated and authorized by Mid to ensure compliance with Title IX and Mid's Title IX Program. Primarily, the Title IX Coordinator shall oversee Mid's response efforts when reports of sexual harassment are made. This includes coordination of intake, investigation, resolution processes and the implementation of supportive measures designed to stop, remediate, and prevent sexual harassment prohibited under this Policy. The Title IX Coordinator is expected to act with independence and authority free from bias and conflicts of interest. Mid's Title IX Coordinator is:

Martricia M. Farrell

Director of College Compliance & Ethics

Title IX/Civil Rights Coordinator

Harrison Campus: 1375 S. Clare Ave, Harrison MI 48625; Main Building, Business Office 205

Mt. Pleasant Campus: 2600 S. Summerton Rd., Mt. Pleasant, MI 48858, C-LAB, Office 168C (inside

Library & Learning Services) Telephone: (989) 386-6622, Ext. 394

Email: [mfarrell@midmich.edu](mailto:mfarrell@midmich.edu)

### Title IX Team

The Coordinator not only manages the College's Title IX Program but also has the oversight of the Title IX Team. The Title IX Team is comprised of Investigators, Decision-Makers, Appellate Panel, and individuals designated to facilitate the informal resolution process. The individuals that serve on the Title IX Team and who are involved in a particular case are vetted and trained to ensure that they are not biased for or against any party in a specific case or Complainants/Respondents generally or individually.

Any individual involved in the Title IX process including the Title IX Coordinator, Investigator, Decision-Maker, or Appellate Panel may neither have nor demonstrate a conflict of interest for or against any party in a specific case, or for or against Complainants/Respondents generally or individually. The Complainant or Respondent may, at any time during the resolution process, raise a concern to the Title IX Coordinator regarding bias or conflict. Further, *any* concerns regarding any member of the Title IX Team should be routed to the Title IX Coordinator. The Title IX Coordinator will consider the report and determine if the concern is reasonable and has merit. If so, the Coordinator will assign another member of the Title IX Team to fill the role and the impact of the bias or conflict, if any, will be resolved. If the concern for bias or conflict is with the Title IX Coordinator, it should be directed to the Vice President of Finance and Facilities, Chief Financial Officer. Any concerns may be submitted by telephone or in writing and sent via email, or regular mail, using the addresses listed herein.

### Title IX Team Training

Members that serve on the Title IX Team shall participate in annual training on issues related to sexual harassment including dating violence, domestic violence, stalking and sexual assault. Additionally, members receive information and training, specific to the resolution processes and their respective roles under this policy, as follows:

- The definitions of sexual harassment
- Usage of training materials that do not rely on sexual stereotypes
- The scope of the College's programs and activities and this policy
- Applicable laws, regulations, and federal regulatory guidance
- Reporting, confidentiality, and privacy requirements
- How to conduct investigations and hearings that promote accountability and protect the safety of Complainants and Respondents
- How to objectively evaluate all relevant evidence including both inculpatory and exculpatory; determine credibility, without bias, towards a person's status as a Complainant, Respondent, or witness
- Issues of relevance in creating an investigative report that accurately summarizes relevant evidence
- How to serve impartially by avoiding bias, conflicts of interest, and prejudgment of the facts at issue
- Familiarity with technology to be used at a live hearing
- Issues of relevance in questions and evidence
- Promotion of impartial investigations and adjudications of Formal Complaints of sexual harassment
- How to implement appropriate and situation-specific remedies
- How to render findings and generate clear, concise, evidence-based rationales



## Filing a Report

Reports, complaints, inquiries or concerns regarding this policy may be made in person, via phone, regular mail, or email at any time (including during non-business hours) to the Title IX Coordinator listed above. Reports may also be submitted through the Mid Cares online reporting platform, using the College's [Campus Non-Discrimination, Harassment, and Sexual Misconduct Form](#). Forms submitted through this platform are routed to the Title IX Coordinator and are available 24 hours a day/365 days a year.

## Anonymous Reporting

Anonymous Reports may be submitted through any of the means listed above. Mid recognizes an individual's wish to remain anonymous. However, a person that is considering submitting an anonymous report should be aware that the College's ability to respond may be limited, and may impede the ability to offer and/or provide supportive measures. The act of submitting a report does not carry an obligation to initiate a Formal Complaint, as explained in this Policy.

## Notifications

### Duty to Report

Mid encourages all members of the campus community to report allegations of sex-based discrimination and sexual harassment to the College's Title IX Coordinator as soon as possible. Reports made to the Title IX Coordinator constitute 'actual knowledge' and shall trigger a response obligation under this policy. Employees of the College who have been designated as **Officials with Authority** (individuals who have been explicitly designated with the responsibility to implement corrective measures for sexual harassment) and **Responsible Employees** (individuals designated by the College's Campus Non Discrimination, Harassment and Sexual Misconduct Policy to have an obligation to report incidents of prohibited conduct) have an obligation to report sex-based discrimination and sexual harassment to the Title IX Coordinator as soon as they have been informed. This report may be verbal, written, or reported as witnessed. All complaints of sex-based discrimination and sexual harassment, investigative documents, and relative materials to the resolution of the matter will be maintained electronically with the Title IX Coordinator. All documents will be confidential to the extent allowed under state and federal law.

## Jurisdiction

Jurisdiction under this Title IX policy pertains to situations when:

- The alleged conduct occurred within Mid's educational program or activities and defined as locations, events, or circumstances where Mid exercises substantial control over both the Respondent and the context in which the sexual harassment occurs; This may include off-campus buildings owned or controlled by the College
- Mid has control over the Respondent at the time of the complaint
- The alleged misconduct occurs against a Complainant who is in the United States
- A Formal Complaint is filed and at the time of filing, the Complainant is participating in or attempting to participate in Mid's education program or activity

In instances where the alleged sexual harassment does not meet the above jurisdiction, the Title IX Coordinator shall dismiss the complaint under this Policy and may reinstate/reissue the grievance under another college policy with governing jurisdiction.

Any actions taken by the College are administrative in nature and separate from any criminal proceeding related to the reported misconduct. These actions may occur while a criminal proceeding is ongoing.

Actions taken by the College will not be dismissed or delayed when criminal charges have been reduced, dismissed, or when a criminal investigation or proceeding is pending. Further, Mid may continue with its investigation if a party is no longer a student or employed at the College.

#### Retaliation

No person shall be penalized for good faith utilization of channels available for resolving complaints of sexual harassment under this Policy. It is prohibited for Mid or any member of the campus community to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this Policy, or because the individual has made a report or complaint, testified, assisted, participated, or refused participation in any manner of an investigation, proceeding or hearing under this Policy.

Anyone who believes that they have been the victim of retaliation for opposing discriminatory behavior, reporting sexual harassment, or participating/cooperating in an investigation, should immediately contact the Title IX Coordinator listed herein. Any person found to have retaliated against a person for engaging in protected activity will be in violation of this Policy and may be subject to disciplinary action.

#### False Statement

Should the College's investigation reveal that a complaint was knowingly false and/or that false evidence was knowingly and willfully provided, the complaint will be dismissed and the person who knowingly filed the false complaint and/or provided the false evidence may be subject to disciplinary action and charged with a Conduct Violation or other policy violation for making a materially false statement in bad faith, during the course of a grievance proceeding.

#### Amnesty

In the course of good faith reporting, if any individual is found to be in violation of a non-violent conduct issue, no act of retribution from the College will be taken against said individual.

#### Privacy

Every effort will be made to maintain the privacy of reports. Mid will not share any individual's identity who has made a report or filed a Formal Complaint of sexual harassment; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent and any witness, except as may be permitted by FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law; or to fulfill the purpose of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

#### Confidentiality

Except when required by law, the College will make reasonable and appropriate efforts to ensure an individual's privacy and protect confidentiality when conducting an investigation and resolving a complaint of sexual harassment or retaliation. The objective is to provide the Complainant with as much control over the process as possible, while balancing Mid's obligation to protect the campus community. Should a Complainant request confidentiality, ask that a complaint not be investigated, or does not choose to have a Formal Complaint pursued, the College's ability to respond may be limited. Complainants may make such requests to the Title IX Coordinator who will evaluate the request. In light of the duty to ensure the safety of the campus and to comply with state or federal law, there may be limited conditions when the Title IX Coordinator may not be able to honor the request. This could involve issues when serious or repeated conduct persists or when the Respondent may pose a continuing threat to the Campus Community. In such circumstances, the Title IX Coordinator may sign a Formal Complaint to initiate the grievance process under this Policy after completion of an appropriate risk assessment. The Title IX Coordinator's decision

will be based on results of a risk assessment that demonstrates a compelling risk to the health and/or safety of the campus community which would require Mid to pursue formal action. A compelling risk to health and/or safety may result from evidence involving repeated patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence.

The Title IX Coordinator must also evaluate the effect that the non-participation by the Complainant may have on the availability of evidence and Mid's ability to pursue a formal grievance procedure adequately and effectively. In the event that Mid would proceed with a formal grievance procedure, the Complainant and/or their Advisor may have as much or as little involvement in the process as they prefer. The Complainant retains all rights under this policy regardless of the level of participation. As a general rule, when a Complainant chooses not to participate and the matter proceeds to a formal grievance, the Advisor may be appointed by proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.

In cases where the Complainant requests confidentiality/no Formal Complaint and said request can be honored, the Title IX Coordinator will offer informal resolution options, supportive measures, and remedies to the Complainant and will not otherwise pursue a formal action. It should be noted that if the Complainant elects not to act, the Complainant can change that decision if they choose to pursue a Formal Complaint at a later date. The Complainant can expect to have the allegations accepted seriously and properly investigated and resolved through this Policy.

The College is required by the Federal Clery Act to statistically report certain types of crimes, including certain types of sexual harassment. When filing the report, confidentiality is maintained and no personal information about the Complainant or Respondent is disclosed. Only the type of incident is reported in the [Annual Security Report](#).

#### Equity and Promptness

The College will promptly respond to reports of alleged sexual harassment against a person in the United States, in a manner that is not deliberately indifferent to the actual knowledge of harassment in its education program or activity. The College will treat the Complainant and Respondent equitably, provide non-punitive supportive measures to either party, and provide reasonably prompt time frames for the conclusion of the grievance process. The formal grievance process encompasses the time period from the filing of the Formal Complaint until the issuance of a written determination. This generally takes 60-90 business days to accomplish unless an extension has been requested and granted for good cause. If an extension is granted, written notice will be provided to the parties notifying them of the delay, the reason for the delay and the estimated additional time that will be needed to resolve the matter. Good cause considerations may include the absence of a party, a party's Advisor or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disabilities.

In cases where an informal resolution is appropriate and the parties have agreed to such a resolution, the matter will generally be resolved within 30 to 45 business days from the date that the parties and Title IX Coordinator sign the notice of the informal resolution agreement. When an informal resolution process begins, the formal grievance process stops. If either party withdraws from the informal resolution, the grievance clock restarts from the point when the parties entered the informal process.

Appeals of the formal grievance procedure are discussed later in this policy. Those timeframes are separate and commence upon the completion of the written determination.

### Emergency Removal

Mid may act to remove a Respondent entirely or partially from its education program or activity on an emergency basis after an individualized risk and safety analysis has determined that an immediate threat from the allegations of sexual harassment would justify removal on the basis that the Respondent poses a danger to the physical health or safety of any student or other individual. The individualized risk and safety analysis for students will be conducted by the Student Oversight Committee and will focus upon the particular Respondent. The committee will examine the specific circumstances “arising from the allegations of sexual harassment” posing an immediate threat to a person’s physical health or safety. It will utilize a Risk Rubric (such as the NaBITA Risk Rubric) or another comparable tool. It should be noted that there is no “one-size fits all” for an individualized safety and risk analysis and Respondents will be assessed on a case-by-case basis. The Respondent will be provided with notice and an opportunity to challenge the decision, immediately following the removal.

Mid has the authority and discretion to place an employee Respondent on a paid non-disciplinary administrative leave only after a Formal Complaint has been filed and, under this Policy, even where the requirements for an emergency removal are not met.

## Title IX Procedures

### Submitting a Report or Complaint/Formal Complaint

Mid strongly encourages anyone who experiences or observes any acts of sexual harassment or retaliation to promptly report the incident(s) and seek assistance from the College. The College can only take corrective action when it becomes aware of the problem. A Formal Complaint is the document filed and signed by the Complainant, or the Title IX Coordinator, alleging a policy violation by the Respondent and requesting the College to investigate the allegation. A Formal Complaint may be filed and accepted via paper or electronic submission that contains the Complainant’s physical or digital signature or otherwise clearly distinguishes the Complainant as the sender. If the notice is submitted in a manner that does not meet this standard, the Title IX Coordinator will communicate with the Complainant to verify their intent to file a Formal Complaint and ensure it is filed properly. In instances where the Title IX Coordinator signs the Formal Complaint, the Title IX Coordinator is not the Complainant or a party to the action and must still comply with their regulatory duties outlined in this Policy. Any student, staff member, or other member of the college community who experiences, observes, or becomes aware of any acts of sexual harassment or retaliation is encouraged to report it to the College’s Title IX Coordinator or utilize the online Mid Cares reporting platform as follows:

Martricia M. Farrell

Director of College Compliance & Ethics

Title IX/Civil Rights Coordinator

Harrison Campus: 1375 S. Clare Ave, Harrison MI 48625; Main Building, Business Office 205

Mt. Pleasant Campus: 2600 S. Summerton Rd., Mt. Pleasant, MI 48858, C-LAB Office 168C (inside Library & Learning Services)

Email: [mfarrell@midmich.edu](mailto:mfarrell@midmich.edu)

Report online at [Mid Cares: Discrimination, Harassment and Sexual Misconduct Report Form](#)

### Initial Assessment

Upon receipt of a report, complaint or notice to the Title IX Coordinator of an allegation of sexual harassment or retaliation, Mid will initiate a prompt initial assessment to determine appropriate next steps as follows:

1. Under this Policy, the Title IX Coordinator will correspond with the Complainant and review their rights and options. If the Complainant wishes to file a Formal Complaint, the Coordinator will provide the needed assistance.
2. If the Complainant does not wish to file a Formal Complaint at that time, the Title IX Coordinator will determine if there is a risk to the health or safety of the campus community; if there is enough sufficient risk, the Title IX Coordinator will initiate a Formal Complaint.
3. Regardless of whether a Formal Complaint is filed, the Title IX Coordinator will discuss and offer supportive measures available to the Complainant.

### Response after Assessment

The outcome of the initial assessment will result in at least one of the following responses:

1. If the Complainant does not wish to proceed formally, supportive measures will be offered, reviewed and implemented as requested; and/or
2. The Complainant (or in limited circumstances the Title IX Coordinator) signs and files a Formal Complaint requesting that the College open an investigation into the allegation of Sexual Harassment. The resolution process is designed to provide a fair and reliable determination about whether this Title IX Policy or any other College Policy has been violated. If there has been a Policy violation, the College will implement a prompt and effective remedy designed to end the discrimination, prevent its recurrence and address its effects on the Complainant and others, as appropriate.

### Supportive Measures

Mid, through the Title IX Coordinator, will offer and implement supportive measures to either the Complainant or the Respondent regardless of whether a Formal Complaint is filed. Supportive measures are free non-disciplinary, non-punitive services offered to the Complainant or Respondent as appropriate and reasonably available. When establishing supportive measures for the Complainant, the Title IX Coordinator will also review the Complainant's rights under this Policy to file a formal Complaint, either presently or at a future date. The Title IX Coordinator acts with the Complainant to ensure that the Complainant's wishes are considered with respect to implemented supportive measures.

In applying supportive measures, any services that are provided to either the Complainant or the Respondent will be kept confidential unless disclosure is necessary to provide the service. Supportive measures restore or preserve equal access to the College's education program or activity without unreasonably burdening the other Party. They are designed to protect the safety of all Parties, the College's educational environment, and/or deter sexual harassment.

Examples of Supportive Measure may include, but are not limited to:

- Referral to confidential resources, including counseling and other mental-health services; the Employee Assistance Program for employees, and community-based service providers
- Extension of deadlines or other course-related adjustments
- Modifications of work or class schedule
- Campus escort services



- Safety-planning
- Mutual restrictions on contact between the Parties
- Change in work location
- Leave of absence
- Increased security monitoring of certain areas of the campus
- Information regarding the availability of counseling, health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available both on-campus and through off-campus external agencies
- Issuance of a Timely Warning, per the Clery Act
- Any other actions deemed reasonable and appropriate by the Title IX Coordinator.

### Review of Formal Complaint

Upon the filing of a Formal Complaint, the Title IX Coordinator will review the complaint and take one of the following steps:

1. Determine if the alleged sexual harassment falls within the scope of this Title IX Policy.
2. If the alleged sexual harassment does not meet the definition of this Policy, the Title IX Coordinator will complete a ‘dismissal of complaint’ and reissue or reassign the matter under another College policy; possibly the Campus Non-Discrimination, Harassment and Sexual Misconduct Policy, as applicable.
3. If the alleged sexual harassment does meet the criteria of this policy, the Title IX Coordinator will open a case for investigation.

### Dismissal of Complaint

After the filing of a Formal Complaint, the College must/may dismiss complaints alleging sexual harassment as follows:

#### *Mandatory Dismissal*

The College is required to dismiss Formal Complaints if any of the following circumstances exist:

- The alleged conduct would not constitute sexual harassment as defined in this Policy
- The alleged conduct did not occur in the College’s education program or activity, or
- The alleged conduct did not occur against a person in the United States

Such a dismissal does not preclude action under other established College Policies, such as the Campus Non-Discrimination, Harassment and Sexual Misconduct Policy.

#### *Discretionary Dismissal*

The College may dismiss a Formal Complaint of sexual harassment or any allegations therein if at any time during the investigation or hearing:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein
  - When a Complainant submits a written withdrawal to the Title IX Coordinator, the College may choose to continue with the investigation in certain situations such as when the information obtained supports that the Respondent may pose an ongoing risk to the campus community, and where the College has gathered evidence apart from the Complainant’s statements and desires to reach a determination regarding the Respondent’s responsibility
- The Respondent is no longer enrolled or employed by the recipient
- Specific circumstances prevent the recipient from gathering sufficient evidence to reach a determination as to the Formal Complaint or allegations therein. Examples of which include:

- When no Complainant is identified during the investigation, the College may not be able to gather evidence necessary to establish elements of conduct defined as sexual harassment in this Policy, such as whether alleged conduct was unwelcome, or without the consent of the victim
- When a Formal Complaint contains allegations that are precisely the same as allegations the College has already investigated and adjudicated
- When the length of time elapsed between an incident of alleged sexual harassment and the filing of a Formal Complaint, prevent the College from collecting enough evidence to reach a determination
- When the Complainant has stopped participating in the investigation but has not sent a written withdrawal request and the only inculpatory evidence available is the Complainant’s statement in the Formal Complaint or as recorded in an interview by the investigator

In the event of a mandatory or discretionary dismissal, the Title IX Coordinator will prepare a written notice of the dismissal. This dismissal will include the reason for the dismissal. Simultaneous notice will be provided to the parties.

#### Consolidation of Complaints

In the event that multiple Formal Complaints would be filed arising out of the same factual circumstances, the College may choose to consolidate the complaints under the following circumstances:

- Where there is more than one Complainant or Respondent;
- Where a cross-complaint has been filed by a Respondent against a Complainant.

In such cases, each party (and their Advisor, if selected) would independently receive notices and evidence for review. One investigative report would be assembled from this information. All parties of a consolidated complaint will receive the same written determination. The written determination will be provided simultaneously to the parties and may not be redacted. As example, in the event of a “cross-complaint,” each party is entitled to the rights allocated to their respective status. This means, a Respondent who files a cross-complaint against the Complainant would be entitled to request supportive measures that otherwise would be reserved to the Complainant. Likewise, evidentiary exclusions such as the “rape shield” provision would apply to the Respondent in their status as Complainant.

#### Notice to the Parties

Upon receipt of a signed Formal Complaint, the Title IX Coordinator will provide simultaneous notice to the Parties of the following:

1. Notice of the allegations of sexual harassment potentially constituting a violation of policy; including sufficient details known at the time and allow sufficient time for the Respondent to prepare a response before any initial interview. The Notice will include the following information:
  - A meaningful summary of all allegations
  - The identities of the Parties involved in the incident, if known
  - The conduct allegedly constituting sexual harassment as defined within this policy (Quid Pro Quo; Sexual Assault – rape, statutory rape, incest, fondling; Dating Violence, Domestic Violence, Stalking; conduct of a sexual nature that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal access to the College’s programs and activities; retaliation)
  - The date and location of the alleged incident, if known

- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process
  - A statement that the parties will be given the opportunity to inspect and review all inculpatory and exculpatory evidence obtained during the review and investigation
  - A statement regarding sanctions that may be imposed
  - A statement regarding the standard of evidence that is used when making a determination regarding responsibility, which is by a preponderance of evidence
  - A description of the grievance process
  - Advise the Parties that they may have an Advisor of their choice to inspect and review evidence. This person may, but is not required to be, an attorney. In the event that either party does not have an Advisor, the College has a ‘pool’ of Advisors who can serve in this capacity on their behalf; upon request to the Title IX Coordinator, the College would appoint an Advisor
  - Inform the Parties of the provision of this Policy that prohibits making false statements, knowingly, or consciously submitting false information during the grievance process are subject to disciplinary action under the College’s conduct policies
  - A statement regarding Mid’s policy regarding retaliation as outlined in this policy
  - Details on how a party may request disability accommodations
  - A link or information about relevant internal and external resources, including mental health services
  - Any instruction on how to preserve evidence that may be directly related to the allegations
  - The name of the Title IX Coordinator and Investigator assigned, along with the process to identify any conflict or bias ahead of any meetings/interviews
  - Provide notice of any additional allegation that was added after the initial notice to the Parties whose identities are known
2. Mid operates with the presumption that the Respondent is not accountable for the alleged sexual harassment. This presumption exists unless and until the Respondent is determined to be responsible for a policy violation by a preponderance of the evidence (meaning it is more likely than not that the Respondent violated the Policy as alleged).
  3. Once the decision to proceed with a formal investigation is made, the Title IX Coordinator will appoint an Investigator (who may be the Title IX Coordinator) to perform the investigation. That Investigator will reach out to the parties and begin the investigation process.

Notice will be provided to the parties in writing and will be sent to the Party’s Midmail account. Notice may also be delivered in person or sent to the address the College has on file at the time of sending said notice. Once emailed and/or delivered in person or sent via the United States Postal Service, notice will be presumptively delivered.

#### *Advisors*

The Complainant and Respondent may each have an Advisor present throughout the resolution process from the period of the initial interview through the live hearing. The role and level of participation of the Advisor varies throughout the grievance process as follows:

#### *Advisor of Choice*

A Parties’ Advisor may be anyone—a friend, family member, an attorney, a union representative, or any other individual a party chooses. This Advisor will guide, support, and/or provide counsel throughout the resolution process. Nothing within this Policy precludes a witness from serving as an Advisor; however, it

should be noted that choosing such a person creates the potential for bias and a conflict of interest. A party who chooses a witness to serve as their Advisor can anticipate that issues of potential bias will be raised and explored.

#### *Mid Appointed Advisor*

In the event that a party does not have an Advisor, the Title IX Coordinator will offer to appoint an Advisor from the College's 'pool' of advisors. The Advisor will be conversant with this Policy and processes. The Advisor may meet with the Title IX Coordinator in advance of the Formal Grievance process to allow the Advisor to clarify and fully comprehend their role, as well as the relevant Policies and Procedures. If one Party chooses to use an attorney as their Advisor, the College is not under any obligation or stipulation to provide an attorney for the other party.

#### *Unionized Employees/Advisors*

For unionized employees that have a right to a Union Representative, the College will allow the Party to have their Union Representative and an Advisor at all meetings, interviews, and the Formal Grievance processes. The Union Representative may serve as the Party's Advisor at the Party's discretion. If the Union Representative serves as the Advisor, they will be held to the same expectation as any other Advisor. If a unionized employee chooses to have their Union Representative present and elects a separate Advisor, the Union Representative will be precluded from any advisory role. The Union Representative's role will be accordant with the appropriate Collective Bargaining Agreement. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Reflective of the role of the Union Representative, one of the party's Advisors will be precluded from the advisory role and will serve solely in a supportive capacity.

#### *Role of the Advisor Up to Live Hearing*

The parties may be accompanied by their Advisor/Union Representative to all meetings and interviews that they are entitled to be present at, including intake. At this juncture, Advisors are generally present to support a party and should refrain from asking questions and/or speaking for the Party. The Advisor may observe and consult with the Party and take appropriate action to ensure that the investigation does not violate policies or collective bargaining agreements. If an Advisor is unable to comply with these expectations, they may be asked to leave. All Advisors are subject to Mid Policies and procedures. It should be noted that a party is not required to have an Advisor until the Live Hearing. During the Live Hearing, an Advisor is required and if one has not been requested, one will be appointed by the College.

#### *Role of the Advisor at the Live Hearing*

At the Live Hearing, a party's Advisor is there to provide support but also to ask cross-examination questions of the other Party and any witnesses; one Party may never cross-exam the other Party. The Advisor is expected to follow all Live Hearing processes and to advise their advisees without disrupting the proceedings. Advisors are not present at the Live Hearing to present statements or arguments or to facilitate direct examination; they are there to ask cross-examination questions on behalf of their advisee. A party may consult with their Advisor throughout the process, as requested, and may do so privately as needed.

#### *Sharing Information with Advisors*

Parties may share information with their Advisors as they desire and as needed to facilitate the Advisors participation in the process. During the process, if the Party would like the gathered information to be shared directly with their Advisor, the Party may sign a Release of Information with the Title IX Coordinator. Advisors are expected to maintain the privacy of any documentation, exhibits or other information that is shared with them.

## Informal Resolution

In certain circumstances, an Informal Resolution may be offered by the Title IX Coordinator any time prior to reaching a determination regarding responsibility, as long as participation is not required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right. The Informal Resolution does not involve a full investigation and adjudication. Parties are not required to participate in an informal resolution process, and it is not available unless a Formal Complaint has been signed and filed.

If the matter is suitable and accepted for Informal Resolution, the Parties will receive a written notice disclosing:

- The allegations
- 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
- Notice that at any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared
- The Parties' voluntary, written consent to the informal resolution process

The Informal Resolution will still act to end the misconduct, prevent its reoccurrence and remedy its effects; lesser sanctions may be imposed. In cases where an Informal Resolution is reached, the Title IX Coordinator will prepare the Informal Case Resolution Agreement and provide simultaneous copies to both the Complainant and Respondent. The Complainant and Respondent may end the informal resolution process at any point and submit a written request to the Title IX Coordinator that the matter proceed through the formal grievance process.

**Note:** Informal Resolution is never allowed to resolve allegations of an employee sexually harassing a student.

## Investigation Process

After the Notice of Investigation has been sent to the Parties by the Title IX Coordinator and an Investigator has been assigned, the investigation will commence. The investigation will be conducted promptly and fairly. During the investigation, the burden of proof and burden of gathering sufficient evidence to reach a determination regarding responsibility rests on the College and not the Parties. Therefore, the investigation will include interviews with all relevant Parties, witnesses, and all relevant evidence gathered by the Investigator. This Policy does not restrict the ability of either Party to discuss the allegations under investigation and allows the Parties an equal opportunity to propose witnesses, questions, provide evidence, and respond to all collected evidence. Generally, the investigation process will follow the below steps:

1. The Investigator will reach out to the Parties, separately, to set up meetings. During the meetings, each individual will be afforded the opportunity to share their version of events, provide any evidence, suggest any relevant witnesses and submit questions that they would like asked of the other party or any witnesses. The investigator will provide written notice of the day, date, time and location that the meeting is scheduled to take place and will remind the Party of their right to bring an Advisor.



2. The Investigator will develop an investigation plan, including a witnesses list, evidence list, intended investigation timeframe and the anticipated order of interviews for all witnesses and parties.
3. The Investigator will communicate and interview witnesses provided by the parties and review any materials submitted such as text messages, photos etc.
4. The Parties will be provided regularly with status updates throughout the investigation process.
5. Employing the statements and information provided, the Title IX Investigator will prepare the Preliminary Investigative Summary before issuing a Final Investigative Report. The Complainant, Respondent and their respective Advisors (if so desired) will be provided a copy of the Summary along with any relevant information directly related to the allegations raised in the Formal Complaint and gathered by the investigators, (including both inculpatory and exculpatory evidence). They will also receive any evidence upon which the College does not intend to rely in reaching a determination regarding responsibility. The Summary and all other materials will be provided in electronic or hardcopy. The parties will have 10 business days to review the materials prior to the conclusion of the investigation in order to meaningfully respond to the Summary and evidence. Submission after this time will not be accepted by the Investigator.
6. The Title IX Investigator will consider any appropriate, additional information provided by the parties and conduct any additional interviews and/or investigations as deemed necessary. The Investigator will then compile the Final Investigative Report and include any rebuttal statement submitted by the parties.
7. The Title IX Investigator will submit the Final Case Summary and any rebuttal statements to the Title IX Coordinator and/or legal counsel as appropriate for review and feedback.
8. The Final Investigative Report will be shared with the Complainant, Respondent, and their respective Advisors through a secure electronic transmission or hardcopy at least 10 business days prior to the live hearing. They will also receive any evidence that was not provided in the Report.
9. The College will make all evidence subject to the parties' inspection and review available at any hearing to give each party an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

#### Notice of Live Hearing

If the complaint is not resolved or applicable for informal resolution and the matter proceeds to a live hearing the Title IX Coordinator shall schedule the hearing and provide notice of the hearing to the Complainant, Respondent, Advisors, and Decision-Maker(s). The Hearing may be conducted with all parties physically present in the same geographic location. At the College's discretion, parties, witnesses, and other participants may appear at the live hearing virtually, using technology to enable participants to see and hear each other simultaneously.

The process shall proceed as follows:

1. A Live Hearing will be scheduled not less than 10 business days after the completion and dissemination of the Final Investigative Report.
2. The Title IX Coordinator is responsible for securing the Decision-Maker. Generally, the Decision-Maker will be an individual external from the College. Undoubtedly, in cases where the Respondent is an employee of the College, the Decision-Maker will be an external individual. In all probability, if the Respondent is a student, the Decision-Maker will be an external individual except in specific, singular instances. The Decision-Maker may not be an Advisor, Investigator, or Title IX Coordinator or a person with any conflict of interest. A Hearing facilitator, who may be the Title IX Coordinator, may be assigned who would be present to guide the process and ensure procedural requirements as outlined in this policy are met.

3. If agreed upon by the Parties, the Title IX Coordinator will schedule a Pre-Hearing Conference at least 5 business days before the live hearing is scheduled to take place. The Pre-hearing conference is a specific time where the Parties and their respective Advisors may meet independently of the other Party, with the Title IX Coordinator to address any requests regarding services and accommodations that they may require; to request a College-appointed Advisor if a party does not already have an Advisor of choice; to raise conflict of interest regarding the selected Decision-Maker(s); present cross-examination questions that they would like forwarded to the Decision-Maker(s) ahead of the live hearing, for relevance determination (any questions deemed irrelevant will be noted at the live hearing and on the record with rationale provided); to have the information contained within the Notice of Hearing explained in detail, by the Title IX Coordinator; to review the live hearing process and Hearing decorum.
4. Notice of Live Hearing will be sent via email or hardcopy to the Complainant, Respondent, Advisors, Title IX Investigator, and Decision-Maker(s), at least 10 business days prior to the scheduled hearing date. Once emailed and/or mailed, or received in person, notice will be considered presumptively delivered.
5. The Notice of Hearing will not only include the day, date, time, and location of the Hearing but will include an attachment that will outline the following:
  - Notice of the alleged violation, all policies that may be in violation, and a list of possible sanctions/responsive actions that may be imposed upon a determination of responsibility
  - The name of the Decision-Maker, including a statement regarding the ability to object to the Decision-Maker on the basis of demonstrated conflict or bias. This objection should be raised to the Title IX Coordinator at least 5 business days prior to the scheduled hearing
  - Any technology that will be used to facilitate the hearing
  - Information on how the hearing will be recorded (audio or audiovisual) or transcribed; how a copy of the recording or transcript may be requested, after the hearing
  - Choosing the preference to hold the live hearing with the parties in separate rooms using technology that enables the Decision-Maker(s) and parties to simultaneously see and hear the Party or the witness answering questions. This request should be made to the Title IX Coordinator at least 5 business days prior to the scheduled hearing
  - A reminder of the need to have an Advisor present who will ask cross-examination questions on the Party's behalf. Also, a statement that if a party will not have an Advisor of their choosing present at the live hearing, the College will appoint, without fee or charge to that party, an Advisor from the College's pool of Advisors; this person may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. If possible, a party should notify the Title IX Coordinator of the need for a College appointed Advisor as least 5 business days before the scheduled hearing
  - A list of witnesses whose attendance at the Hearing has been requested
  - A statement that if a party or witness chooses not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning, the Decision-Maker(s) may only rely on whatever relevant evidence is available through the investigation/investigation summary and hearing in making the ultimate determination of responsibility. The Decision-Maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or

refusal to submit to or answer questions. Decision-Maker may delay and/or reschedule the hearing

- Information on how to contact the Title IX Coordinator and request any disability accommodations, language assistance, and/or interpretation services that may be required at the hearing. This request should be made at least 5 business days before the scheduled hearing
6. A separate Notice of the Hearing's date, time and location will be sent to witnesses at least 10 days prior to the scheduled hearing; it will include the names of the Complainant, Respondent, Decision-Maker(s), the alleged violation and the applicable College Policies that may be in violation. The Notice will be sent via email or hardcopy through the United States Postal Service. This notice will contain information on how to contact the Title IX Coordinator to discuss any procedural questions and/or to request services or accommodations that they may require. Once emailed and/or mailed, or received in person, notice will be considered presumptively delivered.

### Title IX Live Hearing Process

#### *Evidentiary Considerations*

1. Each party's Advisor will be provided with the opportunity to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility
2. Such cross-examination at the hearing must be conducted directly, orally, and in real time by the Party's Advisor and never by a party, personally
3. Only relevant questions and cross-examination may be asked of a party or witness
4. Before a Complainant, Respondent, or witness answers a question or cross-examination, the Decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude an irrelevant question. Once a question is posed and before it is answered, the hearing will pause and the Decision-Maker will consider the question; the Decision-maker will determine if said question will be allowed, disallowed, or rephrased. For any question that is not allowed, the Decision-maker will state the reason for not allowing the question on the record and will then instruct the Party or witness to whom the question was asked accordingly. If cross-examination questions were submitted for relevance review prior to the hearing, at the hearing the Decision-Maker(s) will state for the record, the cross-examination questions that will not be allowed and provide a rationale for disallowing the question.
5. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or 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
6. If a party or witness does not submit to cross-examination at the live hearing, the Decision-Maker(s) may only rely on whatever relevant evidence is available through the investigation/investigation summary and hearing in making the ultimate determination of responsibility. The Decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

#### *Hearing Process*

1. The Decision-Maker or Hearing facilitator will provide an overview of the processes, hearing decorum, and ensure that all accommodations are established and technology is operative.

2. If cross-examination questions were submitted prior to the hearing for review of relevance, the Decision-maker(s) will read the questions that will not be allowed due to relevance and provide a rationale for disallowing the questions.
3. The Title IX Investigator will present a summary of the Final Investigative Report to the Decision-Maker(s). After presenting the summary, the Investigator will be subject to questioning by the Decision-Maker and parties, through their Advisor. The Decision-Maker and Advisors should refrain from asking questions that pertain to the Investigator's opinion on credibility, recommended findings, or determination.
4. After the Title IX Investigator has presented the summary and questioning have concluded, the Parties and witnesses will be allowed to present relevant information in turn, beginning with the Complainant, followed by the Respondent. The Parties and witnesses will submit to questions first by the Decision-Maker and then through the Advisors.
5. Once the Parties and witnesses have finished answering questions, the Decision-maker(s) will take the matter under advisement for deliberation. Using a preponderance of the evidence standard (more likely than not), the Decision-Maker(s) will render a final determination and prepare a post deliberation statement. This statement will be provided to the Title IX Coordinator, outlining the determination, rationale, and evidence used in support of the determination.
6. If a determination of responsible is rendered, the Title IX Coordinator will address the post-deliberation statement as follows: for student Respondents, the matter will be referred to the Student Conduct Office who will determine the appropriate sanctions. Sanctions for employee Respondents will be referred to Human Resources (HR). Human Resources, in conjunction with the employee's Supervisor, Dean (or other pertinent party), will determine an appropriate sanction. When determining appropriate sanctions, the following will be considered:
  - The nature, circumstances, and severity of the violation and the impact the misconduct had on the Complainant and campus community
  - The Respondent's disciplinary history
  - Previous allegations or allegations involving similar conduct
  - The need for sanctions/responsive action that ends the sexual harassment, prevents its reoccurrence, and remedies its effect on the Complaint and campus community

For both student and employee Respondents, previous disciplinary action, of any kind, may be used in determining appropriate sanctions upon a determination of responsibility
7. After sanctions have been established, they will be affixed to the post-deliberation statement and provided to the Title IX Coordinator. The Title IX Coordinator, using the post deliberation statement, will prepare the Notice of Final Outcome which will include the final determination regarding responsibility, rationale, and any sanctions imposed. The Right to Appeal information will also be included. Specifically, the Notice of Final Outcome will address:
  - The specific portion of this Policy, and any related policies, reported to have been violated
  - The procedural steps and timeframe taken throughout the grievance process, beginning with the filing of the Formal Complaint through the Notice of Final Outcome
  - Findings of fact that support the determination of responsibility or non-responsibility on each allegation
  - Conclusion regarding the application of the relevant policy to the facts at issue
  - A statement of, and rationale for, the determination of responsibility for each allegation to the extent permitted under law

- Any sanctions/responsive actions imposed, to the extent permitted sharable under law
- Any remedies provide to the Complainant designed to ensure access to Mid’s educational or employment program of activity, to the extent permitted under law
- Information on both Party’s right to appeal and the steps to file an appeal.

The Notice of the Final Outcome will be delivered simultaneously to the Parties and their Advisor, if desired, via secure electronic email to their Midmail accounts and/or via hardcopy through the United States Postal Service to the address on file with Mid at the time of issuing the Notice of Final Outcome. Receipt of the Notice of the Final Outcome serves as official notification.

### Sanctions

A list of sanctions that could be imposed based on the severity of the incident include:

#### *For Students:*

Verbal warning, written warning, college No Contact Order, classroom/work reassignment or removal, probation, social probation (limiting or removal from student group’s social activities, sports, etc.), community service, restitution, recommendation for external counseling, implementation of behavior/improvement contract, program attendance/interview, loss of college computer use and/or network, suspension, revocation of degree, or expulsion.

#### *For Employees*

Written warning, written reprimand, College No Contact Order, establishment of an improvement plan, restitution, recommendation for external counseling, program attendance/interview, added trainings or educational requirements/internal professional development, removal of responsibilities or leadership roles, work reassignment or demotion, potential suspension with or without pay, termination.

### Appeal Process

The Complainant or Respondent may file an appeal with the Title IX Coordinator. The petition must be filed within 5 business days of receiving the written Notice of Final Outcome. Any party that files an appeal must do so, in writing, to the Title IX Coordinator. Other parties will be notified and provided a copy of the petition. The Title IX Coordinator will assemble the Appeal Board and forward the Petition to them, for consideration, within 5 business days of receipt of said Petition. Within 10 business days, the Appeal Board will determine if the request is timely and has merit. An Appeal decision will be rendered by the Board within an additional 10 business days and the written outcome will be provided to the Parties simultaneously, via secure electronic email to the parties midmich.edu account, and/or hardcopy through the United States Postal Service to their address on file with the College, or hand delivered. Once sent, receipt is presumptively recognized.

The original findings and sanctions are acknowledged to be reasonably and appropriately determined. Therefore, the only grounds for appeal are:

- If a procedural (or substantive) error occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.)
- To consider new evidence that was unavailable during the original hearing or investigation and could substantially impact the original finding or sanction; a summary of this new evidence and its potential bearing must be included
- The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondent generally or the individual Complainant/Respondent that affected the outcome of the matter



- The sanctions imposed are substantially disproportionate to the severity of the violation; post-investigation sanctions that are imposed can be appealed by either Party

## Office of Civil Rights

A Complaint can be filed with the Office of Civil Rights (OCR) by anyone who believes that a school receiving Federal financial assistance has discriminated against someone on the basis of race, color, national origin, sex, disability, or age. The person or organization filing the Complaint need not be a victim of the alleged discrimination, but may complain on behalf of another person or group. For information on how to file a Complaint with OCR, [visit their webpage](#) or contact OCR's Customer Service Team at 1-800-421-3481.

Office for Civil Rights

### ***Cleveland Office***

U.S. Department of Education

1350 Euclid Avenue, Suite 325

Cleveland, OH 44115

Telephone: (216) 522-4970; Facsimile: (216) 522-2573

Email: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)

## Policy Establishment and Updates

This policy was enacted August 14, 2020, and is reviewed and update yearly, to meet the revised Title IX Regulations as set forth in 34 CFR part 106. Information contained within this policy was adopted from those regulations as well as from information obtained from the State University of New York's "Joint Guidance on Federal Title IX Regulations" and ATIXA's 2020 R3 Resources: Title IX Regulations as a checklist and Summary of 2020 Title IX Regulations and Quick Tips, as well as information shared by Grand Rapids Community College (GRCC), and was updated July of 2022. This policy is not intended to replace the College's Campus Non-Discrimination, Harassment and Sexual Misconduct Policy, and is intended to address allegations of Sexual Harassment prohibited under 34 CFR part 106.