- 4. Statutory Rape is the sexual intercourse with a person who is under the statutory age of consent.
- B. violence emeanor crimes of violence committed by

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 occurred; or Any other person against an adult or youth victim who is protected from that

e domestic or family violence laws of the jurisdiction in which

the crime occurred.

- c. violence relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the person involved in the relationship.
- D. irected at a specific person that would cause a reasonable person to

the allegation of sexual harassment. At the time of filing a formal complaint with the College, a complainant must be participating in or attempting to

electronic mail or through an online form or dick on this link:

The College shall notify applicants for employment, students, and employees with the College of the following information:

Montcalm Community College does not discriminate on the basis of sex in its education program or activity and is required by Title IX and its implementing regulations not to discriminate in such a manner. This requirement

When a report of sexual harassment is made, the Title IX Coordinator, or their designee, shall promptly contact the complainant (including his/her parent/guardian if the complainant is under 18 years of age

wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the complainant or respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the College to provide the supportive measures. In the event that the complainant is unable to file a formal complaint, the Title IX Coordinator is authorized in that instance to file the formal complaint on their behalf. However, if the complainant is unwilling to be named, preferring to remain anonymous, a formal Title IX investigation may not be as effective.

Emergency Removal: The College may remove a respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purposes of the individualized safety and risk analysis is to determine whether the respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment that justifies removal. If the College determines the respondent poses such a threat, it will so notify the respondent and complainant, and the respondent will have an opportunity to provide a written challenge of the decision to the Dean of Student and Enrollment Services within two (2) business days following notification of the removal.

The Dean of Student and Enrollment Services or his/her designee shall determine whether emergency removal is warranted within five (5) calendar days of receiving the challenge. If the respondent is a non-student employee, the College may place the respondent on administrative leave during the pendency of the grievance process.

Informal Resolution

Under no circumstances shall a complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive his/her right to an investigation and adjudication of a formal complaint of sexual harassment. Smilarly, no party shall be required to participate in an informal resolution process. However, if a formal complaint is filed alleging activity that falls under this policy, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The

(3) any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

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.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process. The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.

Initiation of Grievance Process

The College will seek to conclude the grievance process, including resolving any appeals, within 60 days of receipt of the formal complaint. If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the complainant or respondent to unduly delay the investigation and determination of responsibility. This timefandm the informal

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c. inform the parties that the college will assign them an adviser, or they may have an

In conducting the investigation of a formal complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the College, not the parties.

In making the determination of responsibility, the decision

format or a hard copy, and the parties must have at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report. The College will

each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly

review and written response. The investigator must send the investigative report in an electronic format or a hard copy, at least ten (10) days prior to the hearing.

Determination of Responsibility

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker(s), and prior to the decision-maker(s) issuing a determination of responsibility, the decision-maker(s) will conduct a

If a party does not have an adviser present at the live hearing, the College will provide without fee or charge to that party, an adviser of the choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

to prove that someone other than the respondent committed the conduct alleged by the complainant,

with respect to the respondent and are offered to prove consent.

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

hearing or refusal to answer cross-examination or other questions.

Live hearings pursuant to this section may be conducted with all parties physically present in the same

participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

The College will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

Determination regarding responsibility: The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the preponderance of the evidence standard. The written determination will include the following content:

- (1) Identification of the allegations potentially constituting sexual harassment pursuant to this policy:
- (2) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- (3) Findings of fact supporting the determination;
- (4) Conclusions regarding the application of the code of conduct to the facts;
- (5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the respondent as determined in the process below, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided by the College to the complainant; and
- (6) The procedures and permissible bases for the complainant and respondent to appeal. The decision-maker(s) will provide the written determination to the Title IX Coordinator who will then provide the written determination to the parties simultaneously.

Sanctions/Remedies

If the decision-maker(s) determines the respondent is responsible for violating this policy, the Title IX Coordinator, after consultation with the Dean of Students and Enrollment Services, and with human

resources for a faculty or staff respondent, shall issue sanctions, including remedies to end the sex discrimination/sexual harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects. In addition to imposing disciplinary sanctions/consequences on the respondent, the Title IX Coordinator may also order further supportive measures along with following individual and global remedies, on a case-by-case basis:

- 1. Provide medical, counseling, and academic support services to the complainant and/or respondent;
- 2. Re-arranging s
- 3. Afford the complainant extra time to complete or retake classes without academic penalty;
- 4. Review any disciplinary proceedings against the complainant;
- 5. Train or re-train employees;
- 6 Develop materials on sexual harassment;
- 7. Conduct sexual harassment prevention programs; and/or
- 8. Conduct climate checks.

Disciplinary sanctions/consequences imposed on a student may include suspension, expulsion, and any other sanction authorized by the student code of conduct.

Disciplinary sanctions/consequences imposed on an employee may include written reprimands, unpaid suspension, termination, and any other sanction authorized by any applicable codes of conduct. Discipline of employees must be implemented in accordance with state law and College policy.

The determination regarding responsibility becomes final either on the date that the Title IX Coordinator

the Title IX Coordinator within five (5) calendar days after receipt of the decision-

allegations therein.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and shall receive the same training as required of other decision-makers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. The parti

determination of responsibility must be submitted within five (5) calendar days after the Title IX Coordinator provides notice to the non-appealing party of the appeal.

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within ten (10) calendar

a formal Title IX investigation and any other similar processes do not apply.

Retaliation

Neither the College nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code o