1000 GENERAL ADMINISTRATION

1060 NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

Bay de Noc Community College Board of Trustees is committed to providing an educational and employment environment free from discrimination/harassment on the basis of race, color, national origin, religion, sex, gender identity, age, disability or other protected status. Accordingly, discrimination/harassment on the basis of race, color, national origin, religion, sex, gender identity, age, disability or other protected status is prohibited at Bay de Noc Community College. The prohibition contained within this Policy extends to gender and sex-based discrimination, which by way of example, can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. This Policy is intended to provide for the prompt and equitable resolution of complaints of discrimination/harassment.

The prohibitions contained within this Policy extend to the entire campus community, including but not limited to, the College’s administration of its admission, financial aid, employment, and academic policies, as well as college-administered programs, services and activities. This policy applies to all employment practices, including recruitment, selection, promotion, transfer, and employee training and development. The College also does not permit any person or entity using its facilities for commercial purposes to engage in unlawful discrimination/harassment. This Policy is intended to be consistent with the provisions of applicable state and federal laws and other College policies. All employees and students are responsible for insuring a work and educational environment free from prohibited discrimination/harassment. Employees and students have an obligation to report violations of this Policy. Failure to report a violation of this Policy could result in discipline; up to and including termination of employment or expulsion.

The Bay de Noc Community College Board of Trustees also expressly prohibits retaliation against any employee or student who: alleges that she or he was the victim of discrimination/harassment; provides information in the course of an investigation into claims of discrimination/harassment; or opposes a discriminatory practice which is prohibited by this Policy. No employee or student bringing a complaint, providing information for an investigation, or testifying in any proceeding under this Policy shall be subjected to adverse employment or educational consequences based upon such involvement or be the subject of other retaliation. When an allegation of misconduct is brought to an appropriate administrator’s attention, and a respondent is found to have violated this Policy, serious sanctions will be used to bring an end to the violation, reasonably prevent the recurrence of a

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similar violation, and remedy the effects of the violation on the student and the College Community.

PROCEDURE:

1060.1 Employment Disability Discrimination/Harassment

Any employee who believes that he/she has been subjected to discrimination/harassment on the basis of a disability shall promptly report the matter to the Director of Human Resources (Title IX Coordinator):

Bridget DeGroot
Director, Human Resources
Escanaba Campus
(906) 217-4049

All complaints of discrimination/harassment on the basis of a disability made to the Director of Human Resources shall be handled in accordance with the Employee Complaint Procedure outlined in Policy 1061.3

1060.2 Student Disability Discrimination/Harassment

Any student who believes that he/she has been subjected to discrimination/harassment on the basis of a disability shall promptly report the matter to the Director of Student Success Office:

Chris Fries
Director, Student Success
Learning Resource Center
Escanaba Campus
(906) 217-4017

All complaints of discrimination/harassment on the basis of a disability made to the Director of Student Success shall be handled in accordance with the Student Grievance and Appeal Procedure outlined in Policy 1061.3

1060.3 Employment Non-Disability Discrimination/Harassment

Any employee who believes that he/she has been subjected to any kind of discrimination/harassment, except on the basis of a disability, shall
promptly report the matter to the Director of Human Resources:

Bridget DeGroot  
Director, Human Resources  
Escanaba Campus  
(906) 217-4049

All complaints of discrimination/harassment, other than on the basis of a disability, made to the Director of Human Resources shall be handled in accordance with the Procedure outlined below.

1060.4 Student Non-Disability Discrimination/Harassment

Any student who believes that he/she has been subjected to discrimination/harassment, other than on the basis of a disability, as specified above, should promptly report the matter to the Vice President of West Campus (Title IX Co-Coordinator):

Patrick Kennedy  
Vice President, West Campus  
West Campus  
(906) 302-3008

All complaints of discrimination/harassment other than on the basis of disability shall be made to either Title IX Co-Coordinators and shall be handled in accordance with the Procedure outlined below.

Title IX Co-Coordinators

Student Complaints:  
Patrick Kennedy  
Vice President, West Campus  
West Campus  
(906) 302-3008

Employee Complaints:  
Bridget DeGroot  
Director, Human Resources  
Escanaba Campus  
(906) 217-4049

*** Please note that a complainant is able to file a complaint with either Coordinator. Investigations will be led by the appropriate Coordinator according to the details submitted in the complaint.

1060.5 Individuals and Conduct Covered

This Policy applies to all applicants, employees, and students and prohibits discrimination, harassment and retaliation, whether engaged

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Procedure Revision Date(s):  05/20/2015

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in by employees, fellow students or by someone not directly connected to Bay College (e.g., an outside vendor, consultant or customer). This is the procedure for complaints against the College itself, or College employees or agents related to non-disability discrimination/harassment. This is also the procedure for complaints against fellow students, student organizations and third-parties for non-disability discrimination/harassment. Claims arising from disability discrimination/harassment fall under Policy 1061. The procedures outlined within this procedure shall be followed regardless of where the alleged discrimination/harassment occurred for the purpose of determining whether any alleged off-campus sexual discrimination/harassment occurred in the context of an education program or activity of the College.

1060.6 Title IX Coordinators

The College's Title IX Co-Coordinators oversee the College's investigation, response to, and resolution of all reports of discrimination/harassment. The College's Title IX Co-Coordinators are:

- Knowledgeable and trained in College policies and procedures and relevant state and federal laws;

- Available to advise any individual, including a student, employee or a third party about College and community resources and reporting options;

- Available to provide assistance to any College employee regarding how to respond appropriately to a report of behavior prohibited in this Policy;

- Participates in ensuring the effective implementation of this Policy, including monitoring compliance with all procedural requirements, record keeping, and timeframes; and

- Responsible for overseeing training, prevention, and education efforts and annual reviews of climate and culture.

- Responsible for the training of staff and faculty Title IX investigators, and for the coordination of Title IX investigations.

Inquiries or concerns about Title IX may be referred to the College's Title IX Coordinators. Concerns about the College's application of Title IX under this Policy may be addressed to the United States Department of Education.

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Office for Civil Rights.

1060.7 Reporting Requirements

Except as otherwise provided in this Policy, an employee who witnesses an act of discrimination/harassment must report the incident to a Title IX Coordinator and all relevant details about the alleged discrimination/harassment that was witnessed or shared by the student or another person so the College can determine the path necessary to resolve the situation. This requirement includes providing the names of the alleged perpetrator (if known), the student or employee who experienced the alleged discrimination/harassment, other students or employees involved in the alleged discrimination/harassment, as well as relevant facts, including the date, time and location. Students and employees have the right to file a complaint with a Title IX Coordinator, as well as with law enforcement.

Professional counselors whose official responsibilities include providing mental-health counseling to members of the College Community are not required to report any information regarding an incident of alleged sexual violence to the Title IX Coordinator in absence of the complainant's consent. Likewise, non-professional counselors or advocates, including student workers, who work or volunteer in on-campus sexual assault centers, victim advocacy offices, women's centers, or health centers, are also not required to report incidents of alleged sexual violence to a Title IX Coordinator in the absence of the complainant's consent.

Professional counselors shall inform the complainant of their right to file a Title IX complaint with the College and a separate complaint with local law enforcement, and shall inform complainant about campus resources for counseling, medical, and academic support and that they are available to assist students in filing such complaints.

1060.7 Confidential Reporting

Before a complainant reveals information that he or she may wish to keep confidential, the College employee should make every effort to ensure that the complainant understands: (i) the employee's obligation to report the names of the alleged perpetrator and complainant involved in the alleged sexual harassment/violence, as well as relevant facts regarding the alleged incident (including the date, time, and location), to a Title IX Coordinator or other appropriate school officials; (ii) the complainant's option to request that the school maintain his or her confidentiality, which the school (e.g., Title IX Coordinator) will consider; and (iii) the complainant's ability to share the
Information related to discrimination/harassment will be securely maintained, and shared only with those responsible for handling these matters. The College will notify complainants of the information that will be disclosed, to whom it will be disclosed, and why.

When a complainant demands anonymity, the College shall inform the complainant of the limitations anonymity places upon the College in its ability to respond the situation. The College will also take other steps when anonymity is requested, which may include, but not limited to, providing increased monitoring, supervision or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; changing and publicizing the College's policies on sexual violence; and conducting climate surveys regarding sexual violence. In instances affecting multiple complainants, an alleged perpetrator can be put on notice of allegations of harassing behavior and be counseled appropriately without revealing, even indirectly, the identity of the complainants. The College will also take immediate action as necessary to protect the complainant while keeping the identity of the complainant confidential, which may include, but are not limited to, providing support services to the complainant and in the case of student complainants, changing living arrangements or course schedules, assignments or tests.

1060.8 Prohibited Forms of Conduct

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this Policy, sexual harassment is defined as including, but not limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment; or (iv) conduct of a sexual nature that limits a student's ability to
participate in or benefit from the education program, or to create a hostile or abusive educational environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature. Sexual harassment under this Policy also includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the complainant's age or use of drugs or alcohol, or because an intellectual or other disability prevents the complainant from having the capacity to give consent). A number of different acts fall into this definition, including but not limited to: rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual harassment can be carried out by school employees, other students or third parties. Sex-based harassment that is, harassment not involving sexual activity or language (e.g., manager disciplining males and females differently for the same rule infraction) may also constitute discrimination if it is severe or pervasive and directed at an employee or student because of their sex.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this Policy, non-sexual harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, national origin, religion, sex, gender identity, age, disability or other protected status, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; (iii) otherwise adversely affects an individual's employment opportunities; or (iv) conduct that limits a student's ability to participate in or benefit from the education program, or to create a hostile or abusive educational environment.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; demeaning jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail or social media posting).
1060.9 Student Non-Disability Complaint Procedure

Any student who believes that they have been subject to discrimination/harassment, as defined above, or in violation of this Policy or state and federal law, may file a complaint with a Title IX Coordinator. Any student who believes that they have been subject to discrimination/harassment may also file a complaint with local law enforcement. Any student filing a complaint shall be told that they have the right to notify law enforcement.

A complainant’s written statement/complaint should contain the following information:

- The complainant’s name, ID #, address and telephone number;
- The name of the individual the complainant believes has discriminated against/harassed him or her (referred to as the respondent);
- A detailed description of the behavior which the complainant believes shows that he/she was discriminated against or harassed;
- A description of any action the student has taken to resolve the alleged discrimination/harassment;
- A list of the names of each individual the complainant believes to have witnessed the discriminatory activity or harassment.

The complainant shall sign the written complaint. Within five (5) business days of receiving the written complaint a Title IX Coordinator shall commence an investigation into the allegations included within the Complaint. The Title IX Coordinator will assign trained investigators to the investigation team, and will supervise the development and communication of an investigation timeline and strategy. The investigation will include interviewing: the complainant, the respondent, and any witnesses identified. Both the complainant and the respondent are entitled to identify witnesses to be interviewed in the investigation. In advance of the witness interview, the student and the accused may submit proposed questions for the interview to the investigation team. Sole discretion of whether to ask the proposed questions shall rest with the investigation team. The investigation may also include reviewing any appropriate documentation and/or policies, reviewing
law enforcement investigation documents, if applicable, reviewing student and/or personnel files, and gathering and examining other relevant documents or evidence, and any other action(s) the Title IX Coordinator and investigation team deem necessary to completing the investigation. The complainant and the respondent have the right to have another person present during their interviews, however, the person present shall not participate in the proceedings, and shall remain silent during the proceeding. A College Vice President shall be present for the interviews with the complainant, the respondent, and any witnesses. A record of the interviews of the complainant, respondent, and witnesses shall be made via audio recording. No other party besides the College shall be permitted to make a recording.

Prior to commencing the investigation, the Title IX Coordinators and investigators shall disclose any conflict of interest between him/herself and either party, and in the event that both Coordinators have conflicts, the College President shall appoint one of the College Vice Presidents to lead the Investigation in place of the Title IX Coordinator.

To complete the investigation, the Title IX Coordinator and the investigation team will make a final determination on the merits of the complaint using a preponderance of the evidence standard, meaning more likely than not, that a violation of the discrimination/harassment policy occurred. The conduct in question will be viewed from both a subjective and an objective perspective.

Specifically, the conduct will be evaluated from the perspective of a reasonable person in the complaining student's position considering all the circumstances. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. Indeed, a single or isolated incident of sexual violence may create a hostile environment.

Investigation team members will be selected by the Title IX Coordinators. Team members will be trained on how to facilitate the College's Title IX procedures.

In determining what sanctions to impose, the Title IX Coordinator and investigation team will consider suspending or expelling any student, or terminating any employee, found responsible for a violation of this Policy. However, the Title IX Coordinator may impose any sanction that he/she finds to be fair and proportionate to the violation. In determining the appropriate sanction, the Title IX Coordinator may consider any record of past violations, as well as the nature and severity of such past violations. The Title IX

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Coordinator will also consider, as part of his/her deliberations, whether the sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation on the accuser and the College community. The Title IX Coordinator will document in writing his/her findings and determination. If the Title IX Coordinator determines that a violation has occurred, the following actions will be taken:

- The Title IX Coordinator will coordinate with the appropriate supervisor(s) and vice president(s) to determine what action is necessary to resolve the complaint and prevent a reoccurrence.

- The Title IX Coordinator will inform the student and the accused in writing of the findings and determination, and the action to be taken or sanctions imposed.

- Appropriate discipline will be imposed where applicable, based upon the severity of the incident and the prior record of the accused. In the event that the penalty imposes less than termination of employment or expulsion, this Policy will be reviewed with the offender.

- The findings and determination, as well as the documented disciplinary action will be placed in the offender's personnel or student file.

- All documentation regarding the complaint and investigation will be maintained in a separate file. The College will discard this file three (3) years after the date of the findings and determination, unless litigation or charges have been brought related to the complaint and investigation.

- The Title IX Coordinator shall notify the complainant of any counseling services available, as well as all options for changing academic and living situations.

- The Title IX Coordinator will also ensure that steps are taken which are reasonably calculated to: end the discrimination/harassment, eliminate any hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.
In the event the Title IX Coordinator determined that a violation of this Policy did not occur, the following actions will be taken:

- Provide the written findings and determination to the complainant and the respondent.

- The findings and determination will be discussed individually with the complainant and the respondent in addition, the individuals who need to know (in the opinion of the College) will be advised of the findings and conclusions.

- All documentation regarding the complaint and the investigation will be maintained in a separate file. The College will discard this file three (3) years after the date of the findings and determination, unless litigation or charges have been brought relating to the complaint and the investigation.

In the event that the College learns of discrimination/harassment in the absence of a direct complaint being filed by the student, such as from a member of the local community, social networking sites, or the media, the College shall investigate or otherwise determine what occurred (subject to the confidentiality provisions discussed above). If an investigation reveals that sexual violence created a hostile environment, the College will take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

1060.10 Interim Protective Measures

When a report is received, the Title IX Coordinator, in consultation with other administrators, will impose reasonable and appropriate Interim Protective Measures when necessary to protect the safety of the parties or witnesses involved. Interim Protective Measures are temporary actions taken by the College to ensure equal access to its education programs and activities and foster a more stable and safe environment during the process of reporting, investigation, and/or adjudication. Interim Protective Measures may be applied to the reporting student, the accused, and other involved individuals as appropriate to ensure their safety and well-being. Interim Protective Measures may be requested by the parties or the College at any time, regardless of whether any particular course of action is sought by the reporting student.
Interim Protective Measures are initiated based on information gathered during a report and are not intended to be permanent resolutions; hence, they may be amended or withdrawn as additional information is gathered. The Title IX Coordinator, in consultation with other administrators, will maintain consistent contact with the parties so that all safety, emotional, and physical well-being concerns can be reasonably addressed.

All individuals are encouraged to report concerns about the adequacy of the Interim Protective Measures or failure of another individual to abide by any Interim Protective Measure to the Title IX Coordinator. Violations of Interim Protective Measures will be addressed under this Policy. The Title IX Coordinator will take appropriate, responsive, and prompt action to enforce Interim Protective Measures and/or to respond to Retaliation by another party or witness. The range of Interim Protective Measures includes, but is not limited to:

- Access to counseling services and assistance in setting up initial appointments, both on and off campus;
- Imposition of a campus "No-Contact Order;"
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- Change in class schedule, including the ability to drop a course without penalty or to transfer sections;
- Change in work schedule or job assignment;
- Change in student's campus housing;
- Assistance from the College support staff in completing housing relocation;
- Limiting access to certain College facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Providing an escort to assure safe movement between classes and activities;
- Providing academic support services, such as tutoring;
- College-imposed leave, suspension, or separation for the Responding Party;
- Any other measure which can be tailored to the involved individuals to achieve the goals of this Policy.

1060.11 Student Non-Disability Appeal Procedure

Either the complaining student or the accused may appeal the determination and the remedial measures imposed by the Title IX Coordinator where correction of a procedural error or previously unavailable relevant evidence could significantly impact the outcome of a case, or where a sanction is substantially disproportionate to the findings. This appeal process is limited to these issues. The appeal must be in writing and it must state the basis upon which the appeal is brought. If the basis for the appeal is a procedural error, the specific procedural error must be identified and an explanation of why the procedure followed was in error. If the basis for the appeal is previously unavailable relevant evidence that could significantly impact the decision of the Title IX Coordinator, then the specific relevant evidence must be identified, and an explanation of why the evidence is relevant, why it would significantly impact the outcome of the case, and why it was not available prior to the Title IX Coordinator's decision must be included within the written appeal.

The written appeal must be submitted to the College President within (10) business days from the date in which the Title IX Coordinator issues his written decision. Within five (5) business days of receiving a written appeal, the College President will appoint an Appeal Committee.

The Appeal Committee will consist of one of the College’s Vice Presidents, other than the Vice President of Student Services, two faculty members, and two staff members. The appointed Vice President shall serve as the Appeal Committee chair. The College President may appoint alternates as becomes necessary. All members of the Appeal Committee must be physically present to constitute a quorum and to hear an appeal. To ensure a fair and impartial hearing, any member of the Appeal Committee who has a direct interest in the matter should recuse himself/herself from the Committee, and an appropriate alternate shall serve on the Committee.

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Upon notice from the College's President that an appeal has been filed, the Appeal Committee Chairperson shall within three (3) business days contact the Appeal Committee members to arrange a hearing date, time, and place. Once a hearing date, time and place has been determined, the Appeal Committee Chairperson shall provide written notice of the hearing date, time and place to all interested Parties. The notice of the hearing must be provided to all interested parties at least five (5) business days before the date and time of the scheduled hearing. The hearing shall be conducted no later than fifteen (15) business days from the date the appeal was filed with the College President.

Appeal hearings will be conducted in private in order to protect the confidential nature of the proceedings. Any student or employee requiring accommodations for this hearing shall make the request for such accommodations to the Director of the Student Success Office at least three (3) business days prior to the hearing. In the event that an essential accommodation cannot be provided by the College by the date of the hearing, the hearing shall be rescheduled with the respective date to be no more than one week later. The Appeal Committee Chairperson will preside at the hearing, and be responsible for ensuring that procedural matters are followed. The hearing shall be of an informal nature and need not adhere to the rules of procedure or technical rules of evidence followed by courts of law.

Deviations from prescribed procedures will not necessarily invalidate a decision or proceeding unless the deviation causes significant prejudice to a student or the accused. An audio recording of the proceedings will be kept by the Appeal Committee Chairperson. No party, other than the College, shall be permitted to make an audio recording of the proceeding. The record of the hearing will be filed in the Office of the President and only for the purpose of appeal be accessible to the College, the Student and the Accused. Neither Party shall be represented by Counsel, however, both Parties may have counsel present in the room as silent observers. Neither Parties’ counsel shall speak or address the Appeals Committee prior to, during or after the Appeal hearing.

Appeal hearings will proceed in the following order:

1. Reading of the Appeal by the committee chairperson;

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2. The Appellee’s statement of position with respect to the Appeal (no more than 5 minutes);

3. The Appellant's statement of position with respect to the Appeal (no more than 5 minutes);

4. The presentation of evidence by the Appellee and questions by the Appeals Committee members (no more than 10 minutes total, including questions);

5. The presentation of evidence by the Appellant and questions by the Appeals Committee members (no more than 10 minutes, including questions);

6. Brief closing statements by both parties (no more than 3 minutes with the Appellant speaking first, followed by the Appellee).

Upon conclusion of the Appeal hearing, the Appeals Committee will make a determination to uphold the Title IX Coordinator’s decision or to overturn the Title IX Coordinator’s decision. The Appeal Committee will transmit its findings and determinations in writing, to only the Appellee, the Appellant, and the Title IX Coordinator within three (3) business days after the hearing. The decision of the Appeals Committee is final.

If the Appeals Committee overturns the Title IX Coordinator’s finding and determination that a violation of this Policy did not occur, the following actions will be taken:

- The Appeals Committee, in consultation with the Title IX Coordinator, shall determine what action is necessary to resolve the complaint and prevent a reoccurrence.

- The Appeal Committee will inform the student and the accused in writing of the findings and determination, and the action to be taken or sanctions imposed.

- Appropriate discipline will be imposed where applicable, based upon the severity of the incident and the prior record of the accused. In the event that the penalty imposes less than termination of employment or expulsion, this Policy will be reviewed with the offender.
• The findings and determination, as well as the documented disciplinary action will be placed in the offender's personnel or student file.

• All documentation regarding the complaint and investigation will be maintained in a separate file. The College will discard this file three (3) years after the date of the findings and determination, unless litigation or charges have been brought related to the complaint and investigation.

• The Title IX Coordinator shall notify the student of any counseling services available, as well as all options for changing academic and living situations.

• The Title IX Coordinator will also ensure that steps are taken which are reasonably calculated to: end the discrimination/harassment, eliminate any hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

If the Appeals Committee overturns the Title IX Coordinator's finding and determination that a violation of this Policy did occur, the following actions will be taken:

• The Appeal Committee's written findings and determination will be provided to the student and the accused. In addition, the individuals who need to know (in the opinion of the College) will be advised of the findings and conclusions.

• All references to the complaint will be removed from the file of the accused.

• All documentation regarding the complaint and the investigation will be maintained in a separate file. The College will discard this file three (3) years after the date of the findings and determination, unless litigation or charges have been brought relating to the complaint and the investigation.

If the Appeals Committee upholds the Title IX Coordinator's finding and determination then the actions imposed above in Section 1060.10 shall continue to remain in force and be complied with.
1060.12 Employee Non-Disability Grievance Procedure

Any employee who believes that he or she has been discriminated against on the basis of his or her race, color, national origin, religion, sex, gender identity, age, disability or other protected status may file a grievance under this procedure. The Director of Human Resources is responsible for handling all complaints of discrimination.

Any employee who believes that they have been discriminated against on the basis of a disability shall provide a written complaint to the Director of Human Resources:

Director, Human Resources
Escanaba Campus (906) 217-4049

The written complaint must contain the following information:

- The employee's name and job title;
- The employee's current supervisor;
- The name of the individual the employee believes has discriminated against him/her;
- A detailed description of the behavior which the employee believes shows that he/she was discriminated against;
- A description of any action the employee has taken to resolve the alleged discrimination;
- A list of the names of each and every individual the employee believes to have witnessed the discriminatory activity.

The employee shall sign the written complaint. Within five (5) business days of receiving the written complaint, the Director of Human Resources, shall commence an investigation into the allegations included within the Complaint. The investigation will include interviewing: the employee, the accused, the employee's and accused's supervisor, and any witnesses identified. The investigation may also include reviewing any appropriate documentation and/or policies, and any other action(s) the Director of Human Resources deems necessary to completing the investigation. To complete the investigation, the Director of Human Resources will make a
final determination on the merits of the complaint. The Director of Human Resources will document in writing his/her findings and determination. If the Director of Human Resources determines that the complaint has merit, the following actions will be taken:

- The Director of Human Resources will coordinate with the appropriate supervisor(s) and vice president(s) to determine what action is necessary to resolve the complaint and prevent a reoccurrence.

- The Director of Human Resources will inform the employee and the accused in writing of the findings and determination, and where appropriate, of the action to be taken.

- Appropriate discipline will be imposed where applicable, based upon the severity of the incident and the prior record of the accused. In the event that the penalty imposes less than termination of employment, the Disability Policy will be reviewed with the offender. In the event that the penalty imposed is termination of employment, that determination shall be made by the College President after review of the relevant materials.

- The findings and determination, as well as the documented disciplinary action will be placed in the offender’s personnel file.

- All documentation regarding the complaint and investigation will be maintained in a separate file. The College will discard this file three (3) years after the date of the findings and determination, unless litigation or charges have been brought related to the complaint and investigation.

In the event the Director of Human Resources determined that the grievance is without merit, the following actions will be taken:

- The findings and determination will be discussed individually with the grievant and the person about whom the complaint was made. In addition, the individuals who need to know (in the opinion of the College) will be advised of the findings and conclusions.

- All references to the complaint will be removed from the personnel file for the person about whom the complaint was made and the
grievant.

- All documentation regarding the complaint and the investigation will be maintained in a separate file. The employer will discard this file three (3) years after the date of the findings and determination, unless litigation or charges have been brought relating to the complaint and the investigation.

The findings and determination of the Director of Human Resources is final.

1060.13 Reasonable Accommodations

The College will take reasonable steps to ensure that any reporting forms, information, or training about sexual discrimination/harassment will be provided in a manner that is accessible to students and employees with disabilities.

1060.14 English Language Learners

The College will take reasonable steps to ensure that any reporting forms, information, or training about sexual discrimination/harassment will be provided in a manner accessible to students who are English language learners.

1060.15 Potential Sanctions

Sanctions will be imposed upon a finding that a student or employee has violated this Policy. A student or employee who fails to complete the sanction will be considered to have committed another violation of this Policy. Violations involving impairment from the voluntary use of alcohol and/or use of drugs, (other than medically necessary) shall be considered an aggravating, and not a mitigating, factor in sanctioning. All sanctions become part of a student's file or employee's personnel file. The College may withhold awarding a degree, or any other academic achievement, otherwise earned, until the completion of the process set forth in this Policy, including appeals and the completion of any and all sanctions imposed.

Potential sanctions for students found by the College to have violated this Policy may include, but are not limited to:
Censure: Censure is a written notice warning to the accused student to avoid a recurrence of any conduct that violates College Policy.

Disciplinary Probation: Disciplinary probation is a specified period of time, a minimum of one semester, requiring the student to avoid a recurrence of any conduct that violates any College policy that may result in additional College sanctions including suspension or expulsion.

Educational Experiences: Educational experiences are learning opportunities, including but not limited to, community service, drug and alcohol education, and written papers, designated to be completed by the student. In addition, an alcohol and drug assessment and/or behavioral health assessment may be required to be completed by a qualified medical or mental health professional and released to an appropriate College official.

Loss of Privileges: Loss of privileges is a denial of services, privileges, and benefits which may impact participation in extracurricular activities, residence in College housing, College employment, leadership within student organizations and academic activities, for a designated period of time.

Bans, Deactivations and Holds: Bans, deactivations and holds are restriction of access to College services, activities, facilities and registration.

Restitution: Restitution is monetary reimbursement to the College and/or a member of the College community or others to cover the cost of damage, injury, or loss of community or personal property as a result of a violation.

No Contact: The accused is instructed not to have direct or indirect contact with the complaining student. This includes but is not limited to contact in person, through electronic means, or through a third party.

Deferred Suspension: Deferred suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the College articulated behavioral expectations.

Suspension: Suspension is removal of a student for a defined period of time, for a maximum of six consecutive semesters, during which a student loses all College privileges including, but not limited to, facilities, programs, privileges, classes, and premises. Students who do not attend the College for three or more successive semesters excluding summer sessions must submit an application for readmission to the College.
Expulsion: Expulsion is permanent dismissal from the College, administrative withdrawal from classes and loss of all College privileges.

Potential sanctions for employees found by the College to have violated this Policy may include, but are not limited to:

Corrective Plan of Action: Based upon the severity of the violation, an employee found to have violated this Policy may be issued a corrective plan of action which directs the employee.

Training: Any employee found to have violated this Policy may be required to participate in Sexual Harassment Awareness training, including, but not limited to obtaining education regarding this Policy and the laws prohibiting sexual harassment/discrimination.

No Contact: The employee may be directed to have no direct and/or indirect contact with the complainant. This includes but is not limited to contact in person, through electronic means, or through a third party.

Verbal Warning: A verbal warning may be issued to the employee directing that the employee not engage in behavior prohibited by this Policy. The verbal warning will be documented and placed in the employee’s personnel file.

Written Warning: A written warning may be issued to the employee directing that the employee not engage in behavior prohibited by this Policy. The written warning will be placed in the employee’s personnel file.

Suspension: The employee may be suspended with or without pay for a period of time.

Discharge: The employee may be terminated from his/her employment from the College.

Potential sanctions for third-parties found by the College to have violated this policy may include, but are not limited to:

Loss of Privileges: The individual and/or entity represented by the individual, may be denied privileges such as access to the College Campus, participation in College activities.
Termination of Business Relationship: Any violation of this Policy by an individual employed with and/or representing a third party may result in the termination of any business relationship between the College and the Third Party.

1060.16 Potential Sources of Support

Potential sources of support for individuals who have been subjected to discrimination/harassment in violation of this Policy include, but are not limited to the following:

Tri-County Safe Harbor - 24 hour crisis line - 906-789-1166

Campus Mental Health Counselor, Dr. Pamela Balentine 906-217-4140

The College does not endorse any single potential source for support.

1061.17 Education and Information

Appropriate notice will be provided to Employees and Students of this Policy and its procedures in publications such as the College Catalog, training materials, and promotion of college-sponsored events, course syllabi and the College’s website. The Director of Human Resources and the Title IX Coordinator shall annually provide training to students and employees regarding Bay College’s discrimination and harassment policies and procedures. All first year employees and first year students are required to participate in this mandatory training. Additionally, all first year supervisors are required to participate in this mandatory training. In years thereafter, in years in which a substantive policy or procedural change has occurred all College employees will attend a training update and receive a copy of the revised policy and procedure. Training for academic staff will emphasize potential unlawful harassment in the classroom environment.

1060.18 Prohibition Against Retaliation

Retaliation and/or reprisals against an individual who reports or provides information in an investigation about behavior that may violate this Policy are against the law, are considered a violation of this Policy and will not be tolerated. Any employee or student violating this prohibition will be subject to discipline as described above. Intentionally making a false report or providing false information, is also considered a violation of this Policy. Anyone making a false report will be subject to discipline; up to and including termination or expulsion.

1060 NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

Policy Origin Date: 09/17/2008
Policy Revision Date(s): 02/18/2015

Procedure Origin Date: 09/17/2008
Procedure Revision Date(s): 05/20/2015

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1060.19 Monitoring Compliance

The Title IX Compliance Coordinator will review this Policy on at least an annual basis, with the assistance of an advisory group consisting of staff and faculty selected by the College President. The review will capture evolving legal requirements, evaluate the supports and resources available to the parties, and assess the effectiveness of the resolution process (including as to the fairness of the process, the time needed to complete the process, and the sanctions and remedies imposed). The review will include the opportunity for individuals affected by the Policy to provide feedback and will incorporate an aggregate view of reports, resolution, and climate. The Title IX Coordinator will prepare an annual report, publicly available, which will include recommendations and steps taken to improve the delivery of services and the effectiveness of this Policy and its procedures.