



**Baker
College**

POLICIES & PROCEDURES

Policy Title:	Baker College Title IX Nondiscrimination Policy
Policy Custodian:	Chief Human Resources Officer
Policy Approval:	President's Cabinet
Revision Date:	08/14/2020
Effective Date:	08/14/2020

POLICY STATEMENT

Baker College is committed to maintaining an education and work environment that is free from sexual harassment, sex discrimination, and retaliation. The College will also not discriminate against any employee or applicant for employment, student or applicant for admission on the basis of race, color, religion, national or ethnic origin, physical or mental disability, age, height, weight, marital status, arrest record, genetic information, or any other protected category under applicable local, state or federal laws, including protections for those opposing discrimination or participating in any grievance process on campus or within the Equal Employment Opportunity Commission or other human rights agencies; however, concerns about these forms of discrimination will be addressed outside this policy.

Pursuant to the College's obligations under Title IX of the Education Amendments Act of 1972, and its implementing regulations, the College is committed to stopping sexual harassment and will take appropriate action when an individual is determined responsible for violating Title IX. Conduct that does not violate Title IX but would violate another College policy will be addressed under the applicable policy.

This policy applies to student and employee complaints alleging sexual harassment, sex discrimination, and/or retaliation that is a violation of Title IX and its implementing regulations. All administrators, faculty, staff, and all other College employees share responsibility for avoiding, discouraging, and reporting acts of sexual harassment as a matter of their employment. All members of the College are further expected to avoid, discourage, and report violations of this policy of which they may become aware.

All inquiries about the application of Title IX at Baker College should be referred to the College Title IX Coordinator/Deputy Title IX Coordinator, or the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

Baker College has adopted grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance procedures are included in the College Title IX Policy. The grievance procedures and grievance process specifically address how to report or

file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the College will respond.

Baker College will prominently display the Title IX Coordinator contact information, the Deputy Title IX Coordinators contact information, and the College Title IX Policy on the College's website and student and faculty handbooks and/or catalog that the College makes available to applicants for employment and admission.

TITLE IX COORDINATORS

Title IX Coordinator

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Title IX Deputy Coordinators

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DEFINITIONS

TERM	DEFINITION
Actual Knowledge	Notice of Sexual Harassment or allegations of Sexual Harassment to a Baker College Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute Actual Knowledge. This standard is not met when the only official of the College with Actual Knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment or to inform a Student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College. "Notice" includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator. Persons with authority to institute corrective measures on behalf of the College include the Title IX Coordinator, Deputy Title IX Coordinator(s), the Directors of Student Affairs, Directors or Academic Affairs, Assistant Directors of Campus Safety, Campus Presidents, Campus Directors, the Director of Campus Safety, and the Baker College President.
Advisor	Each party is allowed to have an advisor of their choice present with them for all meetings and proceedings, from intake through to final determination. The parties may select whomever they wish to serve as their advisor. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them. The parties may choose advisors from inside or outside the campus community. If a party does not have an advisor present at a live hearing, the Title IX Coordinator will assign a trained advisor.
Appointee	An individual deemed to have an affiliation with the college in a non-compensatory capacity as designated in the applicable Human Resources Information System.
Complainant	Any person who is reported to have experienced conduct prohibited by this policy, regardless of whether that individual files and signs a formal complaint or participates in the grievance process of the College.
Consent	<p>Consent is knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.</p> <p>A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.</p> <p>It is not an excuse that the individual responding party of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue; and, if that happens, the other person must stop immediately.</p> <p>In the State of Michigan, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old is a sexual assault, as well as a violation of this policy, even if the minor wanted to engage in the act.</p>
College Community	Faculty, staff, students, student employees, graduate associates, appointees, volunteers, suppliers/contractors, and visitors.

Decision Maker (hearing and appeal)	A person who determines whether sex discrimination or retaliation prohibited by Title IX occurred or who oversees any hearing or appeal which takes place as part of the formal resolution process for complaints involving sexual harassment. At the College's discretion this position may be held by a person outside of the College Community.
Deputy Title IX Coordinator	The Title IX Coordinator is supported by campus administrators who serve as Deputy Coordinators. Each Deputy Coordinator is knowledgeable and trained in state and federal laws that apply to matters of sexual misconduct, as well as this Policy and the complaint resolution procedures. The Deputy Coordinators assist the Title IX Coordinator with carrying out the responsibilities described in this Policy.
Formal Complaint	A sexual harassment complaint filed and signed by the Complainant or the Title IX Coordinator that triggers the Colleges full investigation and hearing process under Title IX.
Investigator	A properly trained individual assigned by the Title IX Coordinator to investigate the alleged Sexual Harassment.
Respondent	Any member of the Baker College Community who is reported to have engaged in conduct prohibited by this policy.
Retaliation	Any intimidation, threat, coercion or discrimination against a person for the purpose of interfering with that person's Title IX right or privileges or because that person 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.
Sex Discrimination	Unequal treatment based on sex with respect to an individual's access to or participation in the College's education programs or activities, as prohibited by Title IX.
Sexual Harassment	The following constitute acts of Sexual Harassment under this policy: <ol style="list-style-type: none"> 1. A Baker College employee conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (often called "quid pro quo" harassment); 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or 3. "Sexual assault" as defined in 20 U.S.C.1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).
Student	An individual to whom an offer of admission has been extended, paid an acceptance fee, registered for classes, or otherwise entered into another agreement with the College to take instruction. Student status lasts until an individual graduates, is permanently dismissed, or is not in attendance for two complete, consecutive semesters, and includes those with a continuing educational relationship with the College; "Student" also includes registered Student organizations. A Student organization remains a "Student" for purposes of this policy for one calendar year following the expiration of the organization's most recent registration. The College reserves the right to administer this policy and proceed with any process provided by this policy even if the Student withdraws from the College, is no longer enrolled in classes, or subsequently fails to meet the definition of a Student while a disciplinary matter is pending.
Title IX Coordinator	The designated Baker College official with primary responsibility for coordinating the College's compliance with Title IX. This individual provides leadership for Title IX activities; offers consultation, education, and training; and helps to ensure that the College responds appropriately, effectively, and equitably to all Title IX issues.

POLICY DETAILS

A Scope

- 1) Medium
 - a) This policy applies to alleged Sexual Harassment, Sex Discrimination, and Retaliation in any medium. Sexual Harassment may manifest in many evolving forms including, but not limited to: physical, verbal, and visual, whether in person or online in any format.
- 2) Jurisdiction
 - a) The College has a compelling obligation to address allegations of sexual harassment, sex discrimination, and retaliation that occurs within any of the College's education programs or activities. The College must inform the Respondent of the allegations and may take any further action it deems appropriate, including pursuing an investigation even in cases when the Complainant is reluctant to proceed. The Complainant will be notified in advance when such action is necessary.
 - b) The College's disciplinary response may be limited if the Respondent is a visitor or other third-party or is not subject to the College's jurisdiction.
- 3) Location
 - a) This policy applies to alleged Sexual Harassment, Sex Discrimination or Retaliation that takes place in a College educational program or activity, against a person in the United States. This includes locations, events, or circumstances over which the College exercised significant control over both the Respondent and the context in which the Sexual Harassment occurred.
 - b) This policy also applies to alleged Sexual Harassment that occurs off-campus, including virtual spaces, in any building owned or controlled by a Student organization that is officially recognized by the College.
 - c) In situations not covered above, but where the Sexual Harassment undermines the security of the College Community or the integrity of the educational process or poses a serious threat to self or others, other applicable College procedures for general misconduct may be applied.
- 4) This policy is not intended for, and will not be used to, infringe on academic freedom or to censor or punish members of the College Community who exercise their legitimate First Amendment rights.
- 5) Policy Maintenance
 - a) This policy is managed by the Title IX Committee and the Title IX Coordinator
 - b) This policy and the associated procedures will be revised by the Title IX Committee and the Title IX Coordinator

B Receiving Supportive Measures

- 1) Members of the College Community impacted by Sexual Harassment are encouraged to use counseling and support services.
- 2) Supportive measures may include, but are not limited to:
 - a) Mutual no-contact directives
 - b) Referral to campus and community resources for victim advocacy, counseling, health services, legal assistance, immigration assistance, disability services;
 - c) Academic support including extensions of time and other course-related adjustments;
 - d) Modification of work or class schedules;
 - e) Change in work or housing locations;
 - f) Change in reporting relationship;
 - g) Consideration of leave requests; and
 - h) Assistance with academic petitions.

C Employees With Authority To Institute Corrective Measures

- 1) Baker College designates certain employees who have the authority to institute corrective measures on its behalf. Under this policy, their knowledge of Sexual Harassment conveys Actual Knowledge to the College.
- 2) The following employees have been designated by the College as having the authority to initiate corrective measure on its behalf:
 - a) The Title IX Coordinator and Deputy Title IX Coordinators
 - b) Campus Presidents or Campus Directors
 - c) Directors of Academic Affairs
 - d) Directors of Student Affairs
 - e) Director and Assistant Directors of Campus Safety
 - f) The Baker College President
 - g) Provost
 - h) Chief Operating Officer
- 3) When one of the above employees learns of alleged sexual harassment, that employee should contact the Title IX Coordinator as soon as possible.
- 4) Employees may have additional reporting obligations provided by law and/or other College policies.
- 5) Corrective action may be taken against any individual who has a duty to report and who fails to respond in a manner consistent with the provisions of applicable laws, regulations, policies, and procedures.

D Employee Duty To Report

- 1) All College employees, except those exempted by legal privilege of confidentiality or expressly identified as a confidential reporter, have an obligation to report incidents of Sexual Assault. Any employee who receives a disclosure of Sexual Assault or becomes aware of information that would lead a reasonable person to believe that a Sexual Assault may have occurred involving anyone covered under this policy, must report all known information immediately.
- 2) In addition to the requirement of reporting incidents of Sexual Assault, the following members of the College Community have an additional obligation to report all other incidents of Sexual Harassment, Sex Discrimination, and Retaliation when they receive a disclosure of Sexual Harassment, Sex Discrimination or Retaliation or become aware of information that would lead a reasonable person to believe that Sexual Harassment, Sex Discrimination or Retaliation may have occurred involving anyone covered under this policy. These individuals must report the incident within 2 business days of becoming aware of such information:
 - a) Executive officers;
 - b) Deans, directors, department heads/chairs (including those serving in assistant or associate roles);
 - c) Graduate and undergraduate chairs;
 - d) Supervisors who have hiring or firing power over at least three employees who are not Student employees;
 - e) Faculty and staff who serve as advisors to College-recognized Student groups;
 - f) Any individual, whether an employee or not, who serves as a coach of a club sports team;
 - g) All individuals, including Student-employees (such as Resident Advisors) working in Student Life, Campus Safety, except those who serve in non-supervisory positions in dining services, clerical, or custodial/maintenance capacities;
 - h) Campus Security Authorities designed by the College under the Clery Act not otherwise specified in this provision; and
 - i) Individuals serving in any of the positions described above on an acting or interim basis.

- 3) Employees are not required to report disclosures of information regarding Sexual Harassment pursuant to this policy in the following circumstances, unless an individual covered under this policy is implicated or the individual is explicitly seeking assistance from the College:
 - a) At public survivor support events including, but not limited to: “Take Back the Night,” candlelight vigils, protests, and survivor speak-outs;
 - b) To Student-employees when they are operating outside of their official work capacity; or
 - c) During an individuals’ participation as a subject in an Institutional Review Board (IRB)-approved human subjects research protocol.
- 4) Employees with a duty to report should report allegations to a staff member with authority to institute corrective measures as found in Section III, part B. Employees with a duty to report must share all known information to satisfy the employee duty to report.
- 5) Employees may have additional reporting obligations provided by law and/or other College policies.
- 6) The following categories of employees are exempt from the duty to report Sexual Assault and other Sexual Harassment, due to their legal or professional privilege of confidentiality or their designation by the College as a confidential reporter:
 - a) None
- 7) Corrective action may be taken against any individual who has a duty to report and who fails to respond in a manner consistent with the provisions of applicable laws, regulations, policies, and procedures.

E Reporting Allegations of Sexual Harassment, Sex Discrimination, and Retaliation

- 1) Any person may report sexual harassment. By way of example, this includes:
 - a) Students
 - b) Employees
 - c) Parents
 - d) Any College Community member or other individual who is directly involved in, observes, or reasonably believes that Sexual Harassment may have occurred.
- 2) Reports can be made to the Title IX Coordinator or any employee with authority to institute corrective measures (see section III, paragraph B) in the following ways:
 - a) In-person
 - b) Mail
 - c) Phone
 - d) Email
- 3) Making a report to the College and to law enforcement are mutually exclusive events. Making a report to the College does not preclude the individual from filing a report of a crime with law enforcement nor does it extend time limits that may apply in criminal processes. Filing a report with law enforcement is not a prerequisite of making a report with the College. However, individuals may request assistance from the Title IX Coordinator, Deputy Title IX Coordinator or Assistant Campus Safety Director to notify law enforcement. A Title IX Coordinator shall consult with the Director or Assistant Director of Campus Safety to assess any Clery implications for the College.

Campus	Local Police	Phone Number	Address	Web Page
Auburn Hills	Auburn Hills Police	248-370-9460	1899 N. Squirrel Road Auburn Hills, MI 48326	http://www.auburnhills.org/departments/emergency_services_department/police_division/index.php
Cadillac	Wexford County Sheriff's Dept.	231-775-9211	1015 Lincoln Street Cadillac, MI 49601	www.wexfordsheriff.com
Clinton Township DHY	Clinton Township Police	586-493-7800	37985 S. Groesbeck Hwy Clinton Township, MI 48036	http://clintontownship.com/police.html
Jackson	Blackman Public Safety Dept.	517-788-4223	19906 W. Parnall Road Jackson, MI 49201	http://www.blackmantwp.com/publicsafety.html
Jackson	Jackson County Sheriff's Dept.	517-768-7900	212 W Wesley Street Jackson, MI 49201	https://www.co.jackson.mi.us/167/Sheriff
Jackson	Michigan State Police	517-780-4580	3401 Cooper St Jackson MI 49201	https://www.michigan.gov/msp/0,4643,7-123-1878_63868_63877-294172--,00.html
Muskegon	Muskegon Police	231-724-6750	980 Jefferson Street Muskegon, MI 49440	http://www.muskegon-mi.gov/public-safety/muskegon-police/
Muskegon	Muskegon County Sheriff's Dept.	231-724-6275	25 W. Walton Muskegon, MI 49440	https://www.co.muskegon.mi.us/173/Sheriff
Muskegon CIM	Muskegon Police	231-724-6750	980 Jefferson Street Muskegon, MI 49440	http://www.muskegon-mi.gov/public-safety/muskegon-police/
Muskegon CIM	Muskegon County Sheriff's Dept.	231-724-6275	25 W. Walton Muskegon, MI 49440	https://www.co.muskegon.mi.us/173/Sheriff
Owosso	Owosso Police	989-725-0580	202 S. Water Street Owosso, MI 48867	www.ci.owosso.mi.us
Owosso	Shiawassee County Sheriff Dept.	989-743-2297	201 E. McArthur Street Corunna, MI 48817	http://www.shiawassee.net/Sheriff/
Owosso	Michigan State Police	810-732-1111	4481 Corunna Road Flint, MI 48532	https://www.michigan.gov/msp
Port Huron CIM	St. Clair County Sheriff's Dept.	810-987-1700	1170 Michigan Port Huron Twp., MI 48060	www.stclaircounty.org/offices/sheriff/
Port Huron CIM	Port Huron Police	810-984-8415	100 McMorran Port Huron, MI 48060	www.porthuron.org

F Confidentiality and Privacy

- 1) Baker College recognizes the importance of confidentiality and privacy. See the [Resources section](#) for a list of confidential support, non-confidential support, and medical resources. Information received in connection with the reporting, investigation, and resolution of allegations will be treated as private and will only

involve individuals whom the College determines are necessary to conduct an appropriate investigation, to provide assistance and resources to parties, to perform other appropriate College functions, or when the College is required to provide information under the law.

- 2) If an incident is disclosed or reported to the College and the individual requests that no investigation be conducted or disciplinary action be taken, the Title IX Coordinator or Deputy Title IX Coordinator will explain that the College prohibits Retaliation and explain the steps the College will take to prevent and respond to Retaliation if the individual participates in a resolution process. The Title IX Coordinator or Deputy Title IX Coordinator will evaluate the request to determine whether the College can honor the request while still providing a safe and nondiscriminatory environment.
- 3) A decision to proceed despite an individual's request will be made on a case-by-case basis after an individualized review, and the Complainant will be notified if such a decision is made. If the College proceeds with an investigation, the Complainant is under no obligation to proceed as a part of the investigation and no retaliation will result from the Complainant's decision not to participate.
- 4) All individuals involved in the process should observe the same standard of discretion and respect for everyone involved in the process.

G Sex Discrimination and Retaliation

- 1) In addition to Sexual Harassment, Sex Discrimination and Retaliation are prohibited by College policy and law.
- 2) Sex Discrimination and Retaliation are serious violations that can subject the offender(s) to discipline, up to and including termination of employment and/or suspension or dismissal of a Student, independent of the merits of the underlying allegation.
- 3) Allegations of Sex Discrimination and Retaliation should be reported to the Title IX Coordinator. Any investigation of Sex Discrimination and Retaliation will be investigated and resolved outside of the Title IX grievance process for Sexual Harassment complaints.

H Investigation and Resolution Options for Sexual Harassment Complaints

- 1) Initial Assessment
 - a) Upon receipt of a report under this Policy, the Title IX Coordinator will conduct an initial assessment of the reported information to determine whether it qualifies as a report of Sexual Harassment. If the report relates to Sex Discrimination, Retaliation or another code of conduct violation, it will be investigated and resolved through other applicable policies. If the report is of Sexual Harassment and a formal complaint has not been filed, the Title IX Coordinator will promptly contact with Complainant to provide information about filing a formal complaint. The Title IX Coordinator will also discuss the availability of supportive measures, with or without filing a formal complaint, and the Complainant's wishes regarding possible supportive measures.
 - b) Upon completion of an initial assessment, if the Complainant declines to file a formal complaint, the Title IX Coordinator will provide supportive measures to the Complainant as necessary and appropriate. The Title IX Coordinator also reserves the right to make a formal complaint.
 - c) If a formal complaint is made, the complaint may be resolved through informal resolution or the formal grievance process.

- 2) Informal Resolution
 - a) As described in more detail below, informal resolution (like mediation) may be used to resolve a formal complaint of sexual harassment against a non-employee if the College deems appropriate and both parties voluntarily agree to it.
 - b) As described in more detail below, in all cases where a formal complaint of sexual harassment has been filed and informal resolution does not occur, Baker College will resolve the complaint through its formal grievance process (described below)

I Remedies

- 1) When the College makes a finding of a policy violation, it will take steps, whether individual or systemic, to stop the alleged Sexual Harassment, prevent its recurrence, and remedy the discriminatory effects on the Complainant and others, as appropriate.
- 2) Corrective Actions/Sanctions
 - a) When the Respondent is a Student, potential sanctions may include, but are not limited to, formal reprimand, disciplinary probation, suspension, dismissal from housing, expulsion or any sanctions authorized under the student code of conduct.
 - b) When the Respondent is an employee, corrective actions may be taken. Actions may include coaching, development plans, reduction in supervisory duties and leadership responsibilities, changes in salary, termination, and other appropriate corrective actions.
 - c) Student employees may be subject to corrective action and sanctions under Student and/or employee policies depending on the nature of the case. For instance, a Student employee who is dismissed from the College may also be subject to termination or other corrective actions as found in the Student Employment Policy.
- 3) Any corrective actions or sanctions will not take effect until any appeals have been completed.
- 4) Supportive Measures
 - a) Supportive measures will be made available to both the Complainant and Respondent whether or not a Formal Complaint is filed to ensure equal access to the College's education and employment programs and activities. The Title IX Coordinator or Deputy Title IX Coordinator will conduct an individualized assessment and will review requests from Complainant and Respondent to determine supportive measures that are appropriate and reasonably available at no cost to the Complainant or Respondent and that are not punitive in nature. Supportive measures may include, but are not limited to:
 1. Mutual no-contact directives
 2. Referral to campus and community resources for victim advocacy, counseling, health services, legal assistance, immigration assistance, disability services;
 3. Academic support including extensions of time and other course-related adjustments;
 4. Modification of work or class schedules;
 5. Change in work or housing locations;
 6. Change in reporting relationship;
 7. Consideration of leave requests; and
 8. Assistance with academic petitions.
 - b) During the period of any Sexual Harassment investigation, a Respondent can be put on administrative leave if they are an employee of the College. If the Respondent is a Student of the College, they may be removed from educational activities following an individualized safety and risk analysis that determines that if the Respondent poses an imminent threat to the physical health or safety of

anyone due to the allegations made. If a Student is removed from educational activities in this way, they have the right to challenge the determination of the safety and risk analysis.

- c) The Title IX Coordinator or Deputy Title IX Coordinator will coordinate the provision of supportive measures. Parties will not be required to arrange such measures by themselves but may need to participate in communication with supervisors, faculty, and other College employees with a need to know.
 - d) The College will maintain as confidential any supportive measures provided to the Complainant or Respondent to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.
- 5) Other Remedial Measures
- a) When the College is unable to proceed with the formal grievance process, such as lack of information in the report or request by the Complainant that an investigation not move forward, the College may take other remedial measures as appropriate to remedy the effects of the alleged Sexual Harassment and/or prevent its recurrence. Remedial measures may also be implemented when it is determined that inappropriate behavior occurred, but that the behavior did not rise to the level of a Title IX violation.
 - b) Remedial measures may include and are not limited to:
 1. Providing training on Sexual Harassment;
 2. Increasing security in a designated space;
 3. Changing policy or procedure; and
 4. Conducting climate checks.

J False Allegations

- 1) It is a violation of this policy for anyone to make a false allegation of Sexual Harassment in bad faith. Corrective actions or sanctions may be imposed on individuals who in bad faith make false allegations of Sexual Harassment.
- 2) The absence of a finding of a policy violation is not equivalent to finding that the Complainant acted in bad faith.

K Process Abuse

- 1) No member of the College Community may:
 - a) Obstruct, prohibit, exert improper influence over, or interfere with any individual making a report, participating in a process, or carrying out a responsibility covered by this policy;
 - b) Make, in bad faith, materially false statements in or related to a process covered by this policy;
 - c) Disrupt or interfere with the orderly conduct of any proceeding conducted under this policy; or
 - d) Fail to comply with any directive, sanction, or corrective action issued pursuant to this policy.

L Training

- 1) All faculty, staff, student employees, and students are required to take annual Sexual Harassment training as directed by the College.

GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT COMPLAINTS

A Initial Assessment

- 1) Upon receiving a report, the Title IX Coordinator will review if any immediate steps need to be taken for the safety of any student or other individual arising from the report of sexual harassment. If emergency removal is necessary due to an immediate threat to physical health or safety, the Title IX Coordinator will provide respondent(s) with notice of the decision to remove respondent(s) from campus and the opportunity to challenge the decision immediately following the removal. The Title IX Coordinator will also provide information to the Complainant on the right to file a Formal Complaint and how to file a Formal Complaint.
- 2) The Title IX Coordinator reviews all reports of Sexual Harassment under this policy for an initial assessment of the reported information. The Title IX Coordinator will consider whether supportive measures may be needed by both the Complainant and Respondent, and to the extent needed, those supportive measures will be offered. The Title IX Coordinator will also consider available resolution options, which will be guided by the availability of information and evidence suggesting that a policy violation may have occurred; the College's obligation to investigate and provide appropriate remedies to eliminate, prevent, and address the effects of the prohibited conduct; and the availability or desire of the Complainant to participate in an investigation or other resolution.
- 3) Upon completion of an initial assessment and receipt of a formal complaint, the Title IX Coordinator or a Deputy Title IX Coordinator will determine the available options for resolution and will communicate these options to the parties.
- 4) If the Complainant or the College elects to file a Formal Complaint, the Title IX Coordinator or Deputy Title IX Coordinator will provide written notice to the Complainant and Respondent within ten business days including:
 - a) The actual allegations of facts that constitute Sexual Harassment and any evidence that supports this;
 - b) That there is a presumption of innocence in their favor;
 - c) That all parties are entitled to an advisor of their choice;
 - d) That all parties can inspect and review evidence; and,
 - e) Information regarding any code of conduct provisions that prohibit false statements made in bad faith.

B Dismissal of a Complaint

- 1) In the event that prior to, or in the course of, an investigation, the College determines that the allegations fail to meet the definition of Sexual Harassment or did not occur while in the United States and under the College's educational program or activity, the investigation and Formal Complaint will be dismissed. Formal Complaints may still be resolved through an informal resolution process as outlined above or according to procedures set forth in the Student Code of Conduct. The College reserves the right to investigate the alleged behavior under the Sexual Misconduct Policy, Student Code of Conduct, Basic Principles of Student Responsibility, and other College policies if the alleged behavior does not meet the definition of Sexual Harassment under this policy.
- 2) The College reserves the right to dismiss the Formal Complaint and stop the investigation if:
 - a) The Complainant notifies the Title IX Coordinator in writing that they wish to withdraw their Formal Complaint;
 - b) The Respondent is no longer enrolled in or employed by the College; or
 - c) Specific circumstances prevent the school from gathering sufficient evidence to reach a determination about allegations (e.g. lack of participation in the investigative process by parties or witnesses).

- 3) If the College dismisses the Formal Complaint for any reason, either party may appeal the decision as outlined in this policy's appeals process.

C Informal Resolution

- 1) 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. Similarly, 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/Deputy 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/Deputy 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 informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility. If the Title IX Coordinator/Deputy Title IX Coordinator proposes an informal resolution process, the Title IX Coordinator/Deputy Title IX Coordinator shall provide to the parties a written notice disclosing:

1. the allegations;
2. 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; and
3. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
 - a. 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/Deputy 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.

D Formal Resolution and Hearings

- 1) Baker College may resolve a report of Sexual Harassment through this formal grievance resolution process when the alleged Sexual Harassment, if true, would be prohibited under this Policy. In instances when informal resolution is inappropriate, when any party requests, or when the College requires formal investigation, the College will consider the concerns and rights of all parties and provide a prompt, fair, impartial, and equitable process.
- 2) Investigation
 - a) Following the filing of a Formal Complaint, an Investigator will be assigned to the case by the Title IX Coordinator. During the investigation, the Investigator will seek to meet separately with the Complainant, Respondent, and any relevant witnesses who may have information relevant to the incident. The Investigator may also gather or request other relevant information or evidence when available and appropriate. Both the Complainant and Respondent will be asked to identify witnesses and provide other relevant information in a timely manner to facilitate prompt resolution of the case. All investigations will be conducted by a properly trained Investigator and may be outsourced at the College's discretion.

- b) Although both the Complainant and Respondent are advised to participate in the investigation process to enable a fair and equitable resolution to any case, neither the Complainant nor the Respondent are required to participate in the investigation process.
 - c) Formal Complaints of sexual harassment may be consolidated were the allegations arise out of the same facts or circumstances.
 - d) During the investigation process, parties have an equitable right to:
 - 1. Receive notice from the Title IX Coordinator of the allegations before participating in an interview with sufficient time to prepare for meaningful participation;
 - 2. A process with reasonably prompt timeframes, with extensions for good cause, as described in the Procedure section below;
 - 3. Present relevant information to the Investigator, including evidence and witnesses;
 - 4. Receive timely and equal access to any relevant information, documentation, and evidence gathered during the investigation;
 - 5. Have an advisor of their choosing, including an attorney, advocate, or other support person, who provides support throughout the formal resolution process, including being present for any meetings or hearings. However, advisors may not participate in the interview process itself by speaking, objecting, interfering with or asking questions during the interview itself.
 - 6. Investigators who are adequately trained to resolve cases of alleged Sexual Harassment, are familiar with applicable policies and procedures, and who do not have a conflict of interest or bias for or against either party.
 - e) The College must provide a written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings to all parties whose participation is invited or expected with sufficient time for the party to prepare to participate.
 - f) The College will not restrict the ability of a Complainant or Respondent to discuss the allegations under investigation or to gather and present relevant evidence.
 - g) Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.
 - h) Following the completion of the investigation, the Investigator will complete a preliminary investigative report on the allegations contained in the Formal Complaint. Before the report is finalized, the Investigator will send to the Title IX Coordinator who will then send to each party and their advisors an electronic or hard copy of all evidence that is directly related to the allegations. The College must include all evidence directly related to the allegations, even if the investigator does not intend to rely on that evidence in making a determination of responsibility. The parties then have ten days to provide a written response, which the Investigator will consider before finalizing the investigative report. The finalized report is then circulated to the parties for no less than ten days before a hearing is held.
- 3) Hearings
- a) All hearings are overseen by a Decision Maker(s). All Decision Maker(s) have received special training on how to be impartial and make decisions on relevance. They are also assigned to cases by the Title IX Coordinator to avoid any bias and present an objective analysis of the evidence. In no case is the Investigator for a given case also the Decision Maker(s).
 - b) The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the investigation and hearings.

- c) The Decision Maker(s) will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived it.
 - d) Credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.
 - e) Hearings are not legal proceedings and do not follow courtroom procedure or the formal rules of evidence. During any hearings, each party must have an advisor present to ask questions to the other party. This advisor does not need to be licensed to practice law and may be a person of the party's choice or, if they do not have an advisor, the College will provide an advisor for them.
 - f) Questioning & Cross-Examinations
 - 1. The Decision Maker(s) may question individual parties and witnesses.
 - 2. Parties will have the opportunity to cross-examine the party or witness. Parties may never ask questions directly, and questions must be asked to the other party through the use of a party's advisor. All questions asked must be relevant. Any questions determined not to be relevant by the Decision Maker(s) are not required to be answered.
 - 3. If a party or witness is absent from the live hearing or refuses to answer cross-examination or other questions, the Decision Maker(s) may not rely on any statement of that person in reaching a determination of responsibility. The Decision Maker(s) may not draw an inference about the determination regarding responsibility based solely on a party's or witness' absence from the live hearing or refusal to answer cross-examination or other questions.
 - g) If, at any point during the hearing, the Decision Maker(s) determines that unresolved issues exist that could be clarified through additional investigation time, the Decision Maker(s) may suspend the hearing and reconvene it in a timely manner that accommodates further investigation.
 - h) Hearings may be conducted virtually through the use of technology at the College's discretion. However, if either the Complainant or Respondent asks to be in separate rooms, the College must grant this request and provide appropriate technology to allow for simultaneous participation.
 - i) All hearings will be memorialized through an audio or audiovisual record or transcript of the live hearing. The recording or transcript will be made available for parties to inspect and review following their completion.
- 4) Resolution
- a) The Decision Maker(s) will communicate his or her decision to both parties, concurrently. The Decision Maker(s) will communicate the decision in writing and orally as soon as possible after the hearing. In all cases, the Decision Maker(s) will send the parties a final outcome letter within ten business days of the conclusion of the hearing.
 - b) The Decision Maker(s) bases all conclusions by examining all evidence from the investigation and the hearing. Their conclusion is based on the "Preponderance of the Evidence" standard: If the evidence indicates that it is more likely than not, then the Respondent will be found responsible for violating this policy.
 - c) The Decision Maker(s)'s written decision must include the following information:
 - 1. Identification of the allegations potentially constituting Sexual Harassment;
 - 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 College's code of conduct to the fact;
 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanction imposed upon the Respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided; and
 6. The procedures and permissible bases for either party to appeal.
- d) If the Respondent is found responsible for violating this policy, the Decision Maker will consult with at least one of the following administrators in order to determine the corrective actions and/or sanctions to resolve the case:
1. The Campus Director of Student Affairs and Campus President/Director when the respondent is a student
 2. The Vice President of Human Resources when the respondent is an employee

Any such corrective actions and/or sanctions will be outlined in the Decision Maker(s)'s written decision.

E Appeals Process

- 1) If either party disagrees with the outcome of the Decision Maker's determination, they may file a written appeal with the Title IX Coordinator within ten business days of receiving the Decision Maker's written decision.
- 2) Appeals may be filed due to:
 - a) A procedural irregularity that affected the outcome.
 - b) New evidence being discovered that was not reasonably available at the time of the determination or dismissal.
 - c) A conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter of the Investigator or investigator(s), or decision-maker(s).
- 3) The Appeal Decision Maker will examine all evidence in order to determine if the appeal has merit. The Appeal Decision Maker will make an unbiased objective conclusion as to the appeal's merit and issue a written decision describing the result of the appeal and the rationale for the result; and will provide the written decision simultaneously to both parties.

F Recordkeeping

- 1) The College shall maintain all records relating to Formal Complaints of Sexual Harassment, as well as all training materials used under this Policy, for seven years.

G Training

- 1) The College's Title IX Coordinator and Deputy Title IX Coordinators, along with any investigator(s), decision maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on the definition of sexual harassment (as that term is used in this policy), the scope of the College's Title IX Policy, the College's education program or activity, how to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The College will make its training materials publicly available on its website.

RESPONSIBILITIES

Position	Responsibilities
Decision Maker	A person who oversees any hearing or appeal which takes place as part of the formal resolution process. At the College's discretion this position may be held by a person outside of the College Community.
Deputy Title IX Coordinator	A trained campus administrator who assists the Title IX Coordinator with carrying out the responsibilities described in this Policy.
Investigator	A properly trained individual assigned by the Title IX Coordinator to investigate the alleged Sexual Harassment.
Title IX Officer	The designated Baker College official with primary responsibility for coordinating the College's compliance with Title IX. This individual provides leadership for Title IX activities; offers consultation, education, and training; and helps to ensure that the College responds appropriately, effectively, and equitably to all Title IX issues.

RESOURCES

SUPPORT RESOURCES

Community Served	Scope/Purpose	Office/Agency	Contact Information	Confidentiality
Students	Provides legal services (e.g. civil protection orders, crime victim compensation, and criminal proceedings guidance) to eligible Students	Varies by Campus	Legal Resources By County	Confidential
Employees	Provides life assistance for an array of personal, work-related, and daily living challenges for benefits-eligible employees and family members	Human Resources via The Hartford	Employee Assistance Program	Confidential
All members of the College Community	Coordinates Title IX compliance; leads Title IX activities; provides education and training	Title IX Coordinator	Dr. Dana Clark Chief Human Resources Officer/Title IX Coordinator 1020 S. Washington St. Owosso, MI 48867 (989)729-3955 dana.clark@baker.edu	Non-Confidential
Anyone	Responds to criminal conduct on campus	Campus Safety and/or local law enforcement	See section V., paragraph C	Non-Confidential

MEDICAL RESOURCES

Community Served	Scope/Purpose	Office/Agency	Contact Information	Confidentiality
Students	Outpatient facility; provides a variety of health care services	Varies by Campus	Resource Page	Confidential
Anyone	24/7 medical services	Varies by Campus	Resource Page	Confidential