

WCCCD'S TITLE IX POLICY AND PROCEDURES GOVERNING THE REPORTS AND INVESTIGATION OF TITLE IX COMPLAINTS

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Title IX is a landmark federal civil rights law that prohibits sex discrimination in education.

Title IX is part of the Education Amendments of 1972, which protects individuals from discrimination based on sex in education programs and activities that receive federal financial assistance. Title IX protects all students, WCCCD employees, and visitors, including women, girls, men, and boys; straight, LGBT, and gender nonconforming persons; persons with and without disabilities; and international and undocumented persons, who may be affected by sexual harassment, sex discrimination and sexual violence. It also protects individuals from retaliation by a college or any party for reporting any Title IX related incidents.

I. Statement of Purpose

Wayne County Community College District (“WCCCD,” “the College” or “the District”) is committed to providing a safe and secure academic environment for all students, employees and visitors. Every member of the District’s community, including students, employees and visitors, deserves the opportunity to live, learn and work free from sex discrimination (including pregnancy discrimination), sexual misconduct (which includes sexual harassment, gender-based harassment and sexual violence) and retaliation for reporting such conduct. Accordingly, the District is committed to:

- 1) Defining conduct that constitutes prohibited sex discrimination and sexual misconduct (which includes sexual harassment, gender-based harassment and sexual violence);
- 2) Providing clear guidelines for students, employees and visitors on how to report incidents of sex discrimination, sexual misconduct and retaliation and a commitment that any complaints will be handled respectfully and objectively;

- 3) Promptly responding to and investigating allegations of sex discrimination and sexual misconduct, pursuing disciplinary action when appropriate, referring the incident to local law enforcement when appropriate, and taking action to investigate and address any allegations of retaliation;
- 4) Providing ongoing assistance and support to students and employees who make allegations of sex discrimination, sexual misconduct and retaliation;
- 5) Providing awareness and prevention information on sexual misconduct, including widely disseminating this Policy, and providing training and educational programs on sexual misconduct to the College's constituencies; and
- 6) Gathering and analyzing information and data that will be reviewed in order to improve safety, reporting, responsiveness and the resolution of incidents.

Students and employees of WCCCD are encouraged to contact WCCCD's Title IX Coordinator for concerns or questions relating to sex discrimination, sexual misconduct, or retaliation:

Furquan Ahmed

Title IX Coordinator

District Vice Chancellor of Human Resources and Administration

801 W. Fort St., 2nd Floor

Detroit, MI 48226

Phone: (313) 496-2765

Fax: (313) 963-5816

HRandAccountability@wccd.edu

II. Definitions of Terms Used in This Policy

Complainant refers to the individual who alleges that she/he has been victimized or has otherwise been the subject of sex discrimination, sexual misconduct or retaliation, and can be a WCCCD student, employee (including all full-time and part-time faculty and staff), or visitor. Under this Policy, the alleged incident(s) may be brought to the College's attention by someone other than the alleged victim.

Complaint is an allegation of sex discrimination, sexual misconduct or retaliation made under this Policy. The complaint may be made verbally or in writing.

Consent is a knowing, informed, voluntary and mutual decision to engage in agreed upon sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or failure to resist does not, in and of itself, demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

Consent can be withdrawn at any time. Past consent to sexual activity between individuals does not constitute consent to subsequent sexual activity between those individuals, and consent to one form of sexual activity does not necessarily imply consent to other forms of sexual activity.

Whether one party to sexual activity is in a position of authority or influence over the other party is a relevant factor in determining consent.

In order to give consent, one must be of legal age and not mentally or physically incapacitated, or physically helpless, unconscious or asleep. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to consent. Consent is not valid if it is the result of coercion, intimidation, force or threat of harm. While the legal age of consent is generally 16 years of age, it is 18 years of age under the following circumstances:

- If one participant is a student and the other is a teacher, substitute teacher, or administrator.¹
- If one participant is a student and the other, who uses his or her status to gain access to, or to establish a relationship with the other person, is
 - an employee or contractual service provider where that other person is enrolled, or
 - a volunteer who is not a student in any school, or
 - an employee of Michigan or of a local unit of government of Michigan or of the United States assigned to provide any service to the location where the student is enrolled.

Additionally, the age of consent is 26 years of age under the following circumstances:

- If one party is receiving special education services and the other is a teacher, substitute teacher, administrator, employee, or contractual service provider of where that other person receives the special education services.²
- If one participant is receiving special education services and the other, who uses his or her status to gain access to, or to establish a relationship with the other person, is
 - an employee or contractual service provider where that other person is enrolled, or
 - a volunteer who is not a student in any school, or
 - an employee of Michigan or of a local unit of government of Michigan or of the United States assigned to provide any service to the location where the student is enrolled.

Dating, domestic and intimate partner violence is a pattern of coercive behavior that can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an intimate partner. Such violence may occur in all kinds of intimate relationships, including married couples, people who are dating, couples who live together, people with children in common, same-sex partners, and people who were formerly in a relationship with the person abusing them.

Gender-based harassment is unwelcome conduct of a nonsexual nature based on an individual's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently serious that it alters the conditions of, or has the effect of substantially interfering with an individual's educational or work experience

¹ This does not apply if the student is emancipated or if both persons are lawfully married to each other.

² This does not apply if both persons are lawfully married to each other.

by creating an intimidating, hostile, or offensive environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of the complainant. An example of gender-based harassment would be persistent mocking or disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.

Pregnancy discrimination includes treating a student differently based on the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. Title IX also prohibits a school from applying any rule related to a student's parental, family, or marital status that treats students differently based on their sex.

Respondent refers to the individual who is alleged to have committed sex discrimination, sexual misconduct, or retaliation against a WCCCD student, employee, or visitor. In cases of sexual misconduct, this individual may also be referred to as an alleged "perpetrator" or as "the accused."

Retaliation is adverse treatment of an individual in response to that individual's reporting sex discrimination or sexual misconduct, assisting someone with a report of sex discrimination or sexual misconduct, or participating in any manner in an investigation or resolution of a report of sex discrimination or sexual misconduct. Adverse treatment includes threats, intimidation and reprisals by either a complainant or respondent or by others such as friends or relatives of either a complainant or respondent.

Sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

- an employee conditioning the provision of an aid, benefit or service on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo);
- unwelcome conduct that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies a person equal access to an education program or activity (i.e., hostile environment); or
- sexual assault (as defined by the Jeanne Clery Act), or dating violence, domestic violence and stalking (as defined by the Violence Against Women Act).³

While it is not possible to list all circumstances that might constitute sexual harassment, the following are some examples of conduct that might constitute sexual harassment depending on the totality of the circumstances:

- Inappropriate or unwelcome physical contact or suggestive body language, such as touching, groping, patting, pinching, hugging, kissing, or brushing against an individual's body;
- Verbal abuse or offensive comments of a sexual nature, including sexual slurs, persistent or pervasive sexually explicit statements, questions, jokes or anecdotes, degrading words regarding sexuality or gender, suggestive or obscene letters, notes, or invitations;

³ For clarity, these definitions have been incorporated into this Policy.

- Visual displays or distribution of sexually explicit drawings, pictures, or written materials; or
- Undue and unwanted attention, such as repeated inappropriate flirting, staring, or making sexually suggestive gestures.

For purposes of this Policy, sexual harassment also includes acts that violate an individual's right to privacy in connection with her/his body and/or sexual activity such as:

- Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- Disseminating images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure;
- Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent.

Sex discrimination is conduct that denies or limits an individual's ability to benefit from or fully participate in educational programs or activities or employment opportunities because of that individual's sex, gender, or sexual orientation. Examples of the types of sex discrimination that are covered under Title IX include, but are not limited to, discrimination in a school's classes and programs; discrimination in regard to recruitment, admission, counseling, financial assistance, discipline, extra-curricular activities; discrimination based on pregnancy; and the failure to provide equal opportunity in athletics.

Sexual abuse is subjecting another person to unconsented to sexual contact.

Sexual assault is any form of sexual contact (i.e., any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party) that occurs without consent and/or through the use of force, threat of force, intimidation, or coercion. Examples of sexual assault include:

- **Rape and attempted rape** is engaging or attempting to engage in sexual intercourse with another person: (i) without such person's consent; (ii) where such person is incapable of giving consent by reason of being mentally disabled, mentally incapacitated or physically helpless; or (iii) where such person is less than seventeen years old. Sexual intercourse includes vaginal or anal penetration, however slight.
- **Criminal sexual act** is engaging in oral or anal sexual conduct with another person without such person's consent.

- **Forcible touching/Fondling** is intentionally touching the sexual or other intimate parts of another person without the latter's consent for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire.
- **Sexual abuse** is subjecting another person to unconsented to sexual contact.
- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Sexual misconduct may consist of sexual harassment, gender-based harassment and sexual violence (e.g., assault, battery, intimidation, and stalking).

Sexual violence is an umbrella term that includes: sexual assault, such as rape/attempted rape, criminal sexual act, forcible touching and sexual abuse, as well as dating, domestic and intimate partner violence. Stalking, while not necessarily sexual in nature, can be a form of sexual violence depending upon the circumstances.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress. Examples of conduct which may constitute stalking include, but are not limited to:

- following or appearing within the sight of the victim
- approaching or confronting the victim in a public place or on private property
- appearing at the victim's workplace or residence
- contacting the victim by telephone
- sending mail or electronic communications (such as e-mail or text messaging) to the victim
- placing an object on, or delivering an object to, property owned, leased or occupied by the victim.

Visitor is an individual who is present at a WCCCD campus but is not a student, employee or official.

For further examples of potential sex discrimination, gender-based discrimination, and sexual harassment, WCCCD refers to its Equal Opportunity, Non-Discrimination, and Anti-Harassment Policy (2015).

III. Prohibited Conduct

A. Sex Discrimination and Sexual Misconduct

WCCCD prohibits sex discrimination (including pregnancy discrimination) and sexual misconduct (which includes sexual harassment, gender-based harassment, sexual violence, domestic violence, dating violence and stalking) against any student, employee, WCCCD official or visitor.

B. Retaliation

WCCCD also prohibits retaliation against any person who reports sex discrimination or sexual misconduct, assists someone making such a report, or participates in any manner in an investigation or resolution of a sex discrimination or sexual misconduct complaint.

WCCCD's prohibition against sex discrimination and sexual misconduct made unlawful by Title IX is applicable at all of the College's campuses or events.⁴

Employees and certain third-party vendors of the WCCCD community should also be aware of the following policies that apply to sex discrimination, sexual harassment, gender-based harassment, and retaliation in the workplace, as well as violence in the workplace:

- WCCCD's Equal Opportunity, Non-Discrimination and Anti-Harassment Policy (2015) prohibits discrimination on the basis of numerous protected characteristics in accordance with federal, state and local laws. That policy addresses and prohibits many types of discrimination (including sex discrimination, gender-based discrimination and sexual harassment) by the College, its employees and, in certain instances third-parties, against employees of the College.
- The WCCCD Workplace Violence Policy addresses violence by or against employees.

In addition, campus crime statistics, including statistics relating to sexual violence, which WCCCD is required to report under the Jeanne Clery Act, are available from the District Police Authority or from WCCCD's website.

⁴ This Policy applies to sex discrimination, sexual misconduct or retaliation committed by an WCCCD official, student, employee and certain third-parties (e.g., vendors, independent contractors, or subcontractors) if it occurs on campus and off campus, if (1) in connection with a College-related program or activity, including College-sponsored, research or internship programs; (2) in a manner that may pose a serious threat of harm to any member(s) of the College community; or (3) in a manner that may have the effect of creating a hostile environment for any member(s) of the College community.

IV. Process to Report Allegations of Sex Discrimination, Sexual Misconduct and Retaliation, and the College's Response

The College will promptly respond when it becomes aware, from any source (including third-parties not connected to the College), that sex discrimination, sexual misconduct or retaliation may have been committed against a student, employee or visitor. For purposes of this Policy, WCCCD will be deemed to have knowledge of a potential Title IX violation if a report is made to the Title IX Coordinator. A report may be made at any time (including during non-business hours) and by any means (telephone, e-mail, in person, or by mail).

When the Title IX Coordinator receives a complaint of sexual misconduct, he will work with the Vice Chancellor of Student Services to: (i) contact the complainant confidentially to discuss the availability of supportive measures; (ii) consider the complainant's wishes with respect to supportive measures; (iii) inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and (iv) explain to the complainant the process for filing a formal complaint. See Section VIII of this Policy for a list of example supportive measures.

To report sex discrimination, sexual misconduct or retaliation, contact the Title IX Coordinator, Furquan Ahmed, at (313)496-2765. Alternatively, contact the District Police Authority at 313-496-2800 or the Office of the Vice Chancellor of Student Services at 313-496-2613.

V. Title IX Coordinator

The Title IX Coordinator is an employee of WCCCD. He is responsible for compliance with Title IX of the Education Amendments of 1972, which prohibits sex discrimination and sexual misconduct in education programs. The Coordinator has overall responsibility for implementing this Policy, including overseeing the investigation and remediation of complaints. The Title IX Coordinator's responsibilities also include: the review and investigation of complaints involving sexual misconduct, sex discrimination and retaliation in athletics and all other educational programs and activities maintained and/or sponsored by the College; identifying and addressing any patterns or systemic problems that may arise during the review of such Title IX reports and complaints; the provision and continual review of the quality, content and documentation of all Title IX training and education programs and documenting the distribution and delivery of all prevention and awareness campaigns (e.g., literature, brochures); reviewing all policies and procedures pertaining to sex discrimination and sexual misconduct to ensure consistency and compliance; and, receiving and responding to inquiries concerning Title IX and its implementing regulations.

Students and employees are encouraged to contact the Title IX Coordinator whenever they:

- Want to understand their rights regarding any concern of sex discrimination, sexual misconduct or retaliation;
- Want to file or otherwise report a complaint of sex discrimination, sexual misconduct or retaliation;

- Need guidance, assistance or resource information on how to handle a situation in which they believe they were indirectly affected by a Title IX violation;
- Have inquiries about Title IX and WCCCD's response program to sex discrimination and sexual misconduct allegations or complaints; or
- Want to provide feedback on how WCCCD is fulfilling its Title IX responsibilities.

VI. Reporting Sex Discrimination, Sexual Misconduct or Retaliation to the College

WCCCD encourages individuals who have experienced sex discrimination, sexual misconduct or retaliation to report the incident(s) to appropriate campus officials. Complainants should report *sexual violence* to the College's District Police Authority, even if they have already reported the incident to outside law enforcement, and regardless of whether the incident took place on or off-campus. Such reporting will enable complainants to get the support they need, and provide the College with the information it needs to take appropriate action.

A. Filing a Complaint with Campus Officials/Police Authority

- i. **Students.** Students who experience sexual misconduct (sexual harassment, gender-based harassment or sexual violence) should direct their complaints to one of the following campus officials/offices:
 - Title IX Coordinator;
 - District Police Authority; or
 - Office of the Vice Chancellor of Student Services;
- ii. **Employees.** Employees who experience sexual misconduct (sexual harassment, gender-based harassment or sexual violence) should direct their complaints to one of the following campus officials/offices:
 - Title IX Coordinator and District Vice Chancellor of Human Resources and Administration; or
 - District Police Authority.
- iii. **Visitors.** Visitors who experience sexual misconduct (sexual harassment, gender-based harassment or sexual violence) should direct their complaints to one of the following:
 - Title IX Coordinator;
 - District Police Authority.
- iv. **Students or employees** who experience sex discrimination should direct their complaints to the Title IX Coordinator and District Vice Chancellor of Human Resources and Administration, or the Vice Chancellor of Student Services.

B. Reporting Retaliation

An individual may report or file a complaint with the Title IX Coordinator or the Vice Chancellor of Student Services if she/he has been retaliated against for reporting sex discrimination or sexual misconduct, assisting someone making such a report, or participating in any manner in an investigation or resolution of a sex discrimination or sexual misconduct complaint. All retaliation complaints will be investigated in accordance with the investigation procedures set forth in Section IX of this Policy, and individuals who are found to have engaged in retaliation will be subject to disciplinary action.

Once any of the individuals is notified of a complaint of sex discrimination, sexual misconduct or retaliation, she/he will coordinate with the appropriate College offices to address the matter in accordance with this Policy, including taking appropriate supportive measures set forth in Section VIII. All information in connection with the complaint, including the identities of the complainant and the respondent, will be kept as confidential as possible and will only be shared with those who have a legitimate need for the information. Any reports made to the District Police Authority or the Vice Chancellor of Student Services shall be forwarded to the Title IX Coordinator for review and, where warranted, an investigation will be conducted. In addition, upon being notified of an alleged sexual assault or other form of sexual misconduct that may constitute a crime, the Title IX Coordinator will notify the District Police Authority to ensure appropriate distribution of College-wide warnings, if needed, and publication of accurate crime statistics, and to provide assistance in the investigation as may be required under the circumstances.

C. Request that the College Maintain a Complainant's Confidentiality, Not Conduct an Investigation, or Not Report an Incident to Outside Law Enforcement

After a report of an alleged incident of sex discrimination or sexual misconduct has been made to either the Title IX Coordinator or to other campus officials identified above, a complainant may request that the matter be investigated without the disclosure of her/his identity or any details regarding the incident. Alternatively, a complainant may request that no investigation into a particular incident be conducted or reported to outside law enforcement.

In all such cases, the Title IX Coordinator will weigh the complainant's request against the College's obligation to provide a safe, non-discriminatory environment for all students, employees and visitors.⁵ A decision to maintain confidentiality does not mean that confidentiality can be absolutely guaranteed in all circumstances, but only that all efforts will be undertaken to keep information confidential consistent with law. Notwithstanding the decision of the Title IX Coordinator regarding the scope of any investigation, the College will provide the complainant with ongoing assistance and support, including, where appropriate, the supportive measures set forth in Section VIII of this Policy.

If the Title IX Coordinator determines that he will maintain confidentiality, as requested by the complainant, the College will take all reasonable steps to investigate the incident consistent with

⁵ If the complainant is a WCCCD employee, the College may also be obligated to conduct an investigation pursuant to its Equal Opportunity, Non-Discrimination and Anti-Harassment Policy (2015).

the request for confidentiality. However, the College's ability to meaningfully investigate the incident and pursue disciplinary action may be limited by such a request.

In any event, the College is required to abide by any laws mandating disclosure, such as the Jeanne Clery Act. However, notification under the Jeanne Clery Act is done without divulging the complainant's identity.

If the Title IX Coordinator determines that the College must report the incident to outside law enforcement, the College will cooperate with any criminal investigation, which may include providing the outside law enforcement agency with any evidence in its possession relating to the incident.

D. Action by Bystanders and Other Community Members

While those employees designated as "responsible employees" are required reporters as set forth in Section VII below, WCCCD encourages all other community members, including students and visitors, to take reasonable and prudent actions to prevent or stop an act of sexual misconduct that they may witness. These actions may depend on the circumstances, and may include direct intervention, contacting the District Police Authority or local law enforcement, or seeking assistance from a person in authority.

In addition, WCCCD encourages all community members to report any incident of sexual misconduct that they observe or become aware of to the Title IX Coordinator, the District Police Authority and/or to the Vice Chancellor for Student Services. Community members who take action in accordance with this paragraph will be supported by the College and protected from retaliation.

VII. Reporting/Confidentiality Obligations of College Officers/Employees

The obligation to report a complaint of sex discrimination or sexual misconduct depends on whether employees are classified as: (1) "confidential" employees, who have an obligation to maintain a complainant's confidentiality regarding the incident(s); (2) "responsible employees," who are required to report the incident(s) to the Title IX Coordinator; and (3) all other employees, who are strongly encouraged, but not required, to report the incident(s).

A. Confidential Employees

There are no employees of WCCCD designated as "confidential employees."

B. Responsible Employees

Certain "responsible employees" have a duty to report incidents or complaints of sex discrimination and sexual misconduct to the Title IX Coordinator. These employees are not permitted to maintain a complainant's confidentiality.

Before a complainant reveals any information to a responsible employee, the responsible employee shall advise the complainant of his/her mandatory reporting obligations as well as the student's option to request that the College maintain his/her confidentiality, which the College will consider, and the complainant's ability to share the information on a confidential basis outside resources.

WCCCD has designated the following individuals as "responsible employees":

- i. Title IX Coordinator
- ii. Vice Chancellor of Student Services
- iii. The Chancellor
- iv. College Presidents and Provosts
- v. Athletic Director
- vi. Department Chairpersons
- vii. Faculty members
- viii. District Police Authority

C. All Other Employees

All other employees are not required to report any possible sex discrimination or sexual misconduct; however, they are encouraged by WCCCD to make such a report.

VIII. Supportive Measures

The College will take immediate steps to protect the complainant and other affected parties, as well as the college community at large, following an allegation of sexual misconduct. In general, when taking such supportive measures, the College will seek to minimize the adverse impact on the complainant. Supportive measures may include, among other things:

- i. Making all necessary accommodations and changes to academic programs, including a change in class schedule, making appropriate accommodations to permit the complainant to take an incomplete or drop a course or courses without penalty, permitting the complainant to attend a class via skype or other alternative means where appropriate, providing an academic tutor, or extending deadlines for assignments;
- ii. Changing an employee's work assignment or schedule;
- iii. Providing the complainant with an escort to and from class or campus work location;
- iv. Arranging appropriate transportation services to ensure safety;
- v. Prohibiting contact between the complainant and the respondent ("no contact" or "cease and desist" orders);
- vi. Referring off-campus counseling services to the complainant, to the respondent, and, where appropriate, to witnesses;
- vii. Providing the complainant assistance in obtaining medical and other services, including access to rape crisis centers;
- viii. Providing the complainant assistance with filing a criminal complaint and seeking an order of protection;
- ix. Enforcing an order of protection (e.g., issuing a "No Trespass" letter).

IX. Investigating Complaints of Sex Discrimination, Sexual Misconduct and Retaliation

The College will conduct an investigation when it receives a formal complaint stating that sex discrimination, sexual misconduct, or retaliation may have been committed against a student, employee or visitor. For purposes of this Policy, a “formal complaint” is defined as “a document filed by a complainant⁶ or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.” At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the College’s education programs or activities.

A student/respondent may be placed on a suspension, and an employee/respondent may be placed on a leave of absence pending a full investigation.

A. The Investigation

The Title IX Coordinator is responsible for overseeing investigations and ensuring that they are conducted in a prompt, thorough, and impartial manner. The Title IX Coordinator is not required to assign an investigator or otherwise initiate an investigation of any report or complaint alleging facts that, if true, would not constitute a violation of this Policy. In all cases, the final decision on whether, how, and to what extent the College will conduct an investigation, and whether other measures will be taken in connection with any allegation of sexual misconduct or retaliation, rests exclusively with the Title IX Coordinator.

The Title IX Coordinator will coordinate investigative efforts with other College offices, and will designate another trained individual to conduct the investigation. The Title IX Coordinator will inform the respondent/accused in writing that an investigation is being commenced and shall inform the respondent/accused of the nature of the complaint. The Title IX Coordinator will also inform the respondent in writing that he/she is presumed innocent until determined to be guilty. A respondent cannot be summarily expelled unless he/she poses an immediate threat to the physical health or safety of the complainant (or anyone else).

If there is a written complaint, the respondent shall be provided with a copy of the complaint unless circumstances warrant otherwise. A respondent employee who is covered by a collective bargaining agreement may consult with and have a union representative present at any interview conducted as part of such investigation. The Title IX Coordinator shall take prompt and effective steps reasonably calculated to end any sex discrimination, sexual misconduct or retaliation, including: (i) adopting supportive measures; (ii) preventing retaliation; (iii) providing the complainant and the respondent with periodic status updates of the investigation and written notice of outcome of the investigation; (iv) informing the complainant of her/his right to file a criminal complaint in certain circumstances; (v) coordinating with law enforcement agencies, as appropriate, after consultation with campus police; (vi) preparing and/or reviewing a written investigative report; (vii) preparing a summary report of findings and recommendations; and (viii) maintaining all documents regarding the investigation.

⁶ “Document filed by complainant” is defined as a document or electronic submission containing the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

The investigator's findings regarding the commission of a Title IX violation will be made using the preponderance of the evidence standard. This standard requires that the information supporting a finding of sex discrimination, sexual misconduct, or retaliation must be more convincing than the information in opposition to it (i.e., "more likely than not"). Under this standard, individuals are presumed not to have engaged in sex discrimination, sexual misconduct or retaliation unless a preponderance of the evidence supports a finding that sexual misconduct or retaliation occurred.

The investigator will provide all parties an equal opportunity to examine the evidence gathered during the investigation that is directly related to the allegations. Both complainants and respondents will have the ability to select an advisor of their choosing (who may be an attorney) and present witnesses and evidence. A copy of the evidence directly related to the allegations, as well as an investigative report summarizing all relevant evidence, will be provided to complainants, respondents, and their advisors. They will have ten days to respond to any evidence/report provided should they choose to do so.

B. Live Hearings

WCCCD will provide for live hearings when it has received a formal complaint. At these hearings, advisors for the complainant and respondent may ask the other party and any witnesses relevant questions, including those challenging credibility. This cross-examination must be conducted directly, orally, and in real time. At the request of either party, the live hearing may occur with the parties located in separate rooms. In this instance, technology allowing the Title IX Coordinator and parties to simultaneously see and hear the individual answering questions must be utilized.

Only relevant questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a question, the Title IX Coordinator must first determine whether the question is relevant and explain any decision to exclude a question if irrelevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless they are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if they concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party does not have an advisor present at the live hearing, an advisor of WCCCD's choice will be provided to him/her. This advisor may be, though is not required to be, an attorney.

If a party or witness does not submit to cross-examination at the live hearing, the Title IX Coordinator must not rely on any statement of that party or witness in reaching a determination regarding responsibility. However, the Title IX Coordinator cannot draw an inference about responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer questions.

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

C. Conflicts

If any administrator designated by this Policy to conduct an investigation or otherwise participate in the resolution of a complaint (including but not limited to the Title IX Coordinator) is the respondent/accused, the Chancellor will retain the services of an independent investigator who is trained in conducting Title IX investigations. If the Chancellor is the respondent, the investigation will be handled by the Board of Trustees, which will retain the services of an independent investigator trained in conducting Title IX investigations.

D. Timing

The College shall make every reasonable effort to ensure that the investigation and resolution of a complaint are carried out in a timely and efficient manner. It is the goal of the College to complete the investigation of any Title IX matter within ninety (90) calendar days of the receipt of the complaint. If there is a delay in completing the investigation, the Title IX Coordinator shall notify the complainant and the respondent in writing of an anticipated date of completion.

E. Appeal of Title IX Coordinator's Decision

The complainant or respondent may appeal the determination of the Title IX in limited circumstances. These are:

1. A material deviation from the procedures affected the outcome of the case;
2. Evidence of bias by either the Title IX Coordinator or by the independent investigator;
3. There is new and relevant information that was unavailable at the time the investigation was conducted that could reasonably affect the investigation findings;
4. The recommended sanctions, interventions and/or remedies are inappropriate or disproportionate to the determined violation(s); or
5. A review of all available and relevant information indicates that the evidence clearly does not support the finding(s) and provides substantial support for modifying the original finding(s).

A written notice of appeal shall be filed with the Title IX Coordinator within thirty (30) calendar days of the date of the Title IX Coordinator's decision is received by the complainant and respondent. The notice of appeal shall state with specificity why the Title IX Coordinator's decision should not be implemented.

Upon receipt of a timely filed notice of appeal, the Title IX Coordinator shall inform an independent third-party "Evaluator" of the appeal and notify the complainant (if participating) and respondent of the date by which the appeal will be decided. The date by which the appeal will be decided may be adjourned for good cause.

The Evaluator will use his or her best efforts to render a decision within thirty (30) calendar days of the date the notice of appeal is filed with the Title IX Coordinator. This time frame is intended as a guideline and may be extended by the Evaluator for good cause. The Evaluator may affirm,

modify or reverse the decision of the Title IX Coordinator, or remand the appeal to the Title IX Coordinator for additional investigation. The Evaluator may issue a final and unreviewable decision and make it available to the complainant (if participating), respondent (if participating), and the Title IX Coordinator in writing, simultaneously. That decision is not subject to further review or modification.

F. Report of Findings

Following the completion of the investigation and any appeal process regarding the Title IX Coordinator's findings and recommendations, the Title IX Coordinator shall forward his summary report and the findings of the Evaluator (if applicable) to the Chancellor, who shall review the complaint and investigation report, and, where a Title IX violation is found, authorize any such action as he deems necessary to remediate the violation.

G. Disciplinary Action

Following an investigation, the Title IX Coordinator may recommend to the Chancellor that disciplinary action be commenced against the respondent student or respondent employee consistent with institutional policies.

- i. **Discipline against students.** In cases where a student is found to have engaged in conduct in violation of Title IX, including retaliation, penalties range from a warning, withholding of transcripts or a degree, to suspension or expulsion from the College. Where the sanction is a suspension or expulsion, the matter shall be referred to the College's Office for Student Services. Under those circumstances, a student can file an appeal to the Student Conduct Review Committee and the appropriate action shall be taken in accordance with the WCCCD's Student Code of Conduct, which contains certain student disciplinary processes including a hearing before the Student Conduct Review Committee. However, the Title IX Coordinator's underlying findings as to whether a violation of Title IX occurred, as well as the findings by the Evaluator, are not subject to review by the Student Conduct Review Committee.
- ii. **Discipline against employees.** In cases where an employee is found to have engaged in conduct in violation of Title IX, including retaliation, the matter shall be referred for disciplinary action in accordance with the applicable WCCCD policies, rules and collective bargaining agreements. Penalties for employees include reprimand, suspension or termination of employment.
- iii. **Remedial action against third-parties and visitors.** In cases where the person found to have violated Title IX is a third-party or visitor, the College's ability to take remedial action may be limited. However, the College will take all appropriate actions within its control, such as canceling the services of a College vendor or contractor or restricting the visitor's access to campus. In addition, the matter shall be referred to local law enforcement for legal action where appropriate.

H. Informal Resolutions

Following its receipt of a formal complaint, WCCCD will offer informal resolution options to both complainants and respondents. These options are designed to replace the investigation and hearing process associated with a formal complaint. In order to proceed with an informal resolution, such as mediation, both the complainant and respondent must provide voluntary, informed, and written consent. Participation in informal resolution is not required and either party may withdraw at any time and proceed with an investigation/hearing.

I. False and Malicious Allegations

Any WCCCD employee or student who has made a false and malicious complaint of sexual harassment, gender-based harassment, or sexual violence, as opposed to complaints which, even if erroneous, were made in good faith, will be subject to disciplinary action.

J. Student Expectations and Rights

Certain student protections and expectations pertain to the process for resolving student sexual misconduct and retaliation allegations. Complainants and respondents participating in this process may expect the following:

a. No Guarantee of Privacy Regarding Investigatory Process

Information regarding reports of sex discrimination, sexual misconduct and retaliation, and any investigation or review of those reports, including any sanction determinations, may be shared by the College with external individuals or entities on a need-to-know basis and only as permitted under College policy and applicable law, including the Family Educational Rights and Privacy Act (“FERPA”), Title IX, the Clery Act and the Freedom of Information Act (“FOIA”).

b. Notice of Rights of Complainants and Respondents

Any student or employee who reports an incident of sexual misconduct, whether the incident occurred on or off campus, should review his/her rights and options delineated in this Policy, or confer with the Title IX Coordinator.

c. Participation in Process

With the exception of College employees and faculty members, complainants, respondents, and/or witnesses, may either choose or decline to participate in the investigation. However, even if a complainant or respondent refuses to participate, the College may continue its investigation and issue factual findings based on available evidence.

d. Protection from Retaliation and Assurance of Fair Treatment

The College will take all appropriate steps to ensure that a person who in good faith reports, complains about, or participates in a sexual misconduct investigation will not be subjected to retaliation by the respondent or by others with knowledge of the underlying report. Anyone who believes that he or she is experiencing retaliation or is otherwise subject to reprisal is urged to report that concern using the same procedure for reporting possible sexual misconduct under this Policy. A retaliation concern will be reviewed as a separate offense under this Policy; that is, a person can be found culpable of retaliation even if not found to be responsible for the underlying reported sexual misconduct.

The College will also take all appropriate steps to ensure that respondents accused of sexual misconduct or retaliation are treated fairly throughout the College’s review.⁷

K. Relationship of WCCCD's Investigation to the Actions of Outside Law Enforcement

In cases where the complainant has also filed a complaint with outside law enforcement authorities, the College shall determine what actions to take based on its own investigation. The College may coordinate with outside law enforcement authorities in order to avoid interfering with their activities and, where possible, to obtain information regarding their investigation. Neither a law enforcement determination whether to prosecute a respondent, nor the outcome of any criminal prosecution, is dispositive of whether the respondent has committed a violation of this Policy.

L. Filing External Complaints

A complainant has the right at any time to file a complaint with the Office for Civil Rights ("OCR") of the U.S. Department of Education, alleging violations of Title IX, and to file complaints with other appropriate agencies alleging violations of other federal, state or local laws. Contact information for Office of Civil Rights, U.S. Department of Education, 1350 Euclid Avenue, Suite 325, Cleveland, Ohio 44115.

X. College Obligations Under this Policy

In addition to addressing possible violations of this Policy, WCCCD has the following obligations:

A. Dissemination of Policies and Procedures

The Title IX Coordinator, in coordination with the Office for Student Services, the District Police Authority, Human Resources Department and other appropriate offices, is responsible for the

⁷ A student respondent alleged to have committed sexual misconduct or sexual violence has the right under the Family Educational Rights and Privacy Act (“FERPA”) to request to inspect and review information about the allegations if the information directly relates to the alleged student respondent and the information is maintained by the College school as an education record. In such a case, the College must either redact the complainant’s name and all identifying information before allowing the alleged respondent to inspect and review the sections of the complaint that relate to him or her, or must inform the alleged respondent of the specific information in the complaint that pertains to the alleged respondent. See 34 C.F.R. § 99.12(a). The College will also make complainants aware of this right and explain how it might affect the College’s ability to maintain complete confidentiality

campus wide dissemination of the following: (i) this Policy/procedures; (ii) the Title IX Coordinator's name, phone number, office location, and email address; and (iii) contact information for the District Police Authority. Such dissemination shall include posting the documents and information on the College website and including it in any student or employee handbooks.

B. Training and Educational Programming

The Title IX Coordinator, in coordination with other applicable offices, is responsible for training all employees who are required to report incidents of sex discrimination or sexual misconduct under this Policy, for ensuring that designated offices are offering and administering the appropriate educational programming to all incoming and transfer students, athletes, and/or any student groups which the College determines could benefit from education in the area of sex discrimination and sexual misconduct, and ensuring that designated offices promote awareness and prevention of sexual misconduct among all students and employees.

C. Assessing Campus Attitudes

The Title IX Coordinator and Vice Chancellor of Human Resources and Administration, the Vice Chancellor of Student Services, Campus Presidents, and/or such employees designated by the Chancellor, are responsible for obtaining current information regarding student concerns of sex discrimination, sexual harassment, gender-based harassment and sexual violence. Any survey or assessment instrument shall be structured to be in compliance with any requirements set forth in applicable law and shall be reviewed and approved in advance by the Title IX Coordinator.

XI. Immediate Assistance in Cases of Sexual Violence

A. Reporting to Law Enforcement

Students or employees who experience any form of sexual violence on or off campus (including on any WCCCD-sponsored trips and events) are strongly encouraged to immediately report the incident by calling 911, contacting their local police precinct, or contacting the District Police Authority, which is available 24 hours a day, 7 days a week. The District's police officers can also assist the complainant with filing a complaint both on and off campus, and in obtaining immediate medical attention, counseling, and other services.

B. Obtaining Immediate Medical Attention and Emotional Support

WCCCD is committed to assisting anyone who experiences sexual violence to seek comprehensive medical attention as soon as possible to treat injuries, obtain preventative treatment for sexually transmitted diseases, and preserve evidence, among other things. For rapes, in particular, immediate treatment and the preservation of evidence of the attack are important for many reasons, including facilitating a criminal investigation. In addition, individuals who have experienced or witnessed sexual violence are encouraged to seek emotional support as soon as possible.

For off-campus resources, WCCCD maintains a list of emergency contacts and resources, including rape crisis centers available near WCCCD’s campuses. This list includes a designation of local hospitals.

XII. Resources and Emergency Support Services for Victims of Sexual Violence and Assault

If You Were Recently Sexually Assaulted

- and the incident occurred on-campus, call the District Police Authority or 911;
- and the incident occurred off-campus, call 911 or go to the local police department precinct. Contacting the police does not require an individual to file charges. An individual can also report the conduct to the District Police Authority.

Emergency Care Information

- **Seek medical attention as soon as possible.** The District Police Authority or the local police can help you get medical care or you can go on your own (or with a friend) to an emergency room.
- **Preserve evidence.** You do not need to decide immediately whether to take action against the person who assaulted you. However, if you might want to do this, it is important to preserve evidence of the assault.

A. EMERGENCY & CRISIS CONTACTS

Campus/Local Emergency Contacts

For all campuses District Police Authority 313-496-2800	<ul style="list-style-type: none"> • 911 (for emergencies)
For All Detroit campuses	<ul style="list-style-type: none"> • Wayne County Sheriff, 313-224-2222 • Detroit Police Department, Non-emergency – Telephone Crime Reporting (313) 267-4600
For Downriver Campus	<ul style="list-style-type: none"> • Taylor Police Department, (734) 374-1420
For West Campus	<ul style="list-style-type: none"> • Belleville Police Department, (734) 699-2710

Nearby Hospitals to Each Campus:

WCCCD LOCATION	NEARBY HOSPITAL	
<p>WCCCD Downriver Campus 21000 Northline Rd, Taylor, MI 48180</p>	<p>Beaumont Medical Center - Southgate 15777 Northline Rd, Southgate, MI 48195 (734) 246-8100 beaumont.org</p>	<p>Beaumont Taylor 10000 Telegraph Rd, Taylor, MI 48180 (313) 295-5000 beaumont.org</p>
<p>WCCCD Downtown Campus 1001 W Fort St, Detroit, MI 48226</p>	<p>Detroit Receiving Hospital 4201 St. Antoine, Detroit, MI 48201 (313) 745-3000 dmc.org</p>	<p>Henry Ford Medical Center Harbortown 3370 E Jefferson Ave, Detroit, MI 48207 (313) 656-1600 henryford.com</p>
<p>WCCCD Eastern Campus 5901 Conner St, Detroit, MI 48213</p>	<p>Henry Ford Health System 9100 Brombach St, Hamtramck, MI 48212 (313) 972-9000 henryford.com</p>	<p>Beaumont Hospital – Grosse Pointe 468 Cadieux Rd, Grosse Pointe, MI 48230 (313) 473-1000 beaumont.org</p>
<p>WCCCD Northwest Campus 8200 Outer Dr. W, Detroit, MI 48219</p>	<p>Henry Ford Medical Center - Detroit Northwest 7800 W Outer Dr. Detroit, MI 48235 (313) 543-6200 henryford.com</p>	<p>Providence-Providence Park Hospital, Southfield Campus 16001 W Nine Mile Rd, Southfield, MI 48075 (248) 849-3000 stjohnprovidence.org</p>
<p>WCCCD Mary Ellen Stempfle, University Center 19305 Vernier Rd, Harper Woods, MI 48225</p>	<p>Henry Ford Medical Center - East Jefferson 24725 Jefferson Ave, St Clair Shores, MI 48080 (586) 774-7800 henryford.com</p>	<p>Ascension St. John Hospital & Medical Center 22101 Moross Rd, Detroit, MI 48236 (313) 343-4000 stjohnprovidence.org</p>

Resources for Victims of Sexual Misconduct and Sexual Violence.

- **WCCCD Employee Assistance Program/Work-Life Program**
(For WCCCD Employees only)
1-800-847-7240
- **YWCA Interim House**
(313) 861-5300

- **Detroit Police Department Victims Assistance Program**
4707 St. Antoine, Ste. M-167
Detroit, MI 48201
Business Line: (313) 833-1660
Primary Crisis Line: (313) 833-1660

- **LA Vida**
Sexual assault services, domestic violence services
5635 W. Fort St.
Detroit, MI 48209
(313) 849-3920

- **Wayne County SAFE Program**
Business Line: (313)
Primary Crisis Line: (313) 430-8000

- **Common Ground Sanctuary**
24-hour crisis hotline
(248) 456-0909
(800) 231-1127

- **National Domestic Violence Helpline**
(800) 799-SAFE (toll free)
(800) 787-3224 TTY (toll free)

- **National Sexual Assault Hotline**
(800) 656-HOPE (4673)

- **Vulnerable Adult Abuse/Neglect**
Wayne County: (800) 966-6228 (toll free)