

## **ADRIAN COLLEGE SEXUAL MISCONDUCT & SEXUAL HARASSMENT POLICY (TITLE IX) SUMMARY**

Adrian College adheres to all federal and state civil rights laws banning discrimination in institutions of higher education, including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972 (“Title IX”), The Age Discrimination in Employment Act, The Americans with Disabilities Act and ADA Amendments Act, The Equal Pay Act, and the [Elliot-Larsen Civil Rights Act](#). Adrian College does not discriminate against an employee, applicant for employment, student or applicant for admission on the basis of race, religion, color, sex, pregnancy, ethnicity, national identity, citizenship status, disability, age, sexual orientation, gender, gender identity, veteran or military status, predisposing genetic characteristics or any other protected category under applicable local, state, or federal law. To view Adrian College’s full statement on non-discrimination, see [Adrian College Student Handbook](#).

Adrian College also complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, as amended by the Violence Against Women Act (VAWA). Title IX prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. VAWA imposes additional duties on universities and colleges to investigate and respond to reports of sexual assault, stalking, and dating or domestic violence, and to publish policies and procedures related to the way these reports are handled. Adrian college has designated the Title IX Co- Coordinators to coordinate Adrian College’s compliance with Title IX and VAWA, respond to reports of violations, and coordinate Adrian College’s compliance with the Clery reporting related VAWA requirements.

Adrian College is committed to the principles of equal opportunity and seeks to establish and maintain an environment which ensures equal access to education for all Adrian College community members including students, applicants for admission, employees, applicants for employment, guests, and visitors. Adrian College does not discriminate on the basis of sex in any education program or activity operated by the College including, but not limited to, admissions, employment, recruitment, compensation, and athletics as well as access to housing and facilities, classes and schools, counseling, employment assistance to students, health and insurance benefits and services, and fringe benefits. Adrian College is required by Title IX and the regulations thereunder not to discriminate in such a manner.

Any person may experience sex discrimination, sexual misconduct, or sexual harassment, irrespective of the identity of the complainant or respondent, and is encouraged to report such incidents to Adrian College. Any person, regardless of whether or not the person reporting the alleged incident is the person alleged to be victimized by the incident, may report sex discrimination, sexual misconduct, or sexual harassment to the Title IX Coordinator. Reports may be made at any time, including during non-business hours, in person, by mail to the office address listed for the Title IX Coordinator, by telephone, by email, or any other means that result in the Title IX Coordinator receiving a person’s written or verbal report.

Adrian College Title IX Co-Coordinators are:

For incidents involving students:

Thomas Doney  
Student Life Coordinator & Title IX Co-Coordinator  
1325 Williams St. Adrian, MI 49221  
Phone: (517) 264-3142  
Email: [tdoney@adrian.edu](mailto:tdoney@adrian.edu)

For incidents involving employees:

Christina Corson  
Director of Human Resources & Title IX Co-Coordinator  
Office of Business Affairs  
110 S. Madison Street, Adrian, MI 49221  
Phone: (517) 264-3999  
Email: [ccorson@adrian.edu](mailto:ccorson@adrian.edu)

Adrian College encourages anyone who has experienced sexual misconduct or sexual harassment to pursue criminal action for incidents that may also be crimes under applicable criminal statutes. Law enforcement officers are trained in handling sexual assault and other cases involving sexual misconduct and harassment. Reporting to law enforcement does not require prosecution of the offense and the reporting party's wishes will be taken into account by law enforcement. The police report and any supporting evidence may be turned over to the State's Attorney's Office, which decides whether there is sufficient evidence to prosecute. Information about the law enforcement process of reporting, the investigation, arrests, filing of charges, hearings, the trial and sentencing will be explained at the time of the report. Adrian College employees will assist the reporting party in contacting local law enforcement, if explicitly requested by the reporting party. However, reporting an incident of sexual misconduct or sexual harassment to Adrian College does not in any way equate to reporting the incident to local law enforcement. An individual may decide to report an incident exclusively to Adrian College, exclusively to local law enforcement, or to both Adrian College and local law enforcement.

## **PROHIBITED CONDUCT**

The following conduct is prohibited under the Adrian College Sexual Misconduct & Sexual Harassment Policy. Prohibited conduct is defined below and includes sex discrimination, sexual misconduct, and sexual harassment under Title IX.

### **I. Sex Discrimination**

Discrimination against an individual based on that person's sex, gender, gender identity or sexual orientation.

### **II. Sexual Misconduct**

Adrian College prohibits conduct which has the purpose or effect of unreasonably interfering with a person's employment or academic performance or creating an intimidating, hostile, or offensive working or educational environment. Such behavior constitutes sexual misconduct.

### **III. Sexual Harassment under Title IX**

Sexual Harassment is a form of sex discrimination. Title IX defines sexual harassment as conduct on the basis of sex that satisfies one or more of the following three types of behavior:

- 1. Quid pro quo harassment:** An Adrian College employee conditioning provision of an aid, benefit or service of Adrian College on an individual's participation in unwelcome sexual conduct.
- 2. Denial of Equal Educational Access due to Severe, Pervasive, and Objectively Offensive Conduct (Davis Standard)**
- 3. Sexual Assault, Dating Violence, Domestic Violence, and Stalking (as defined in the Adrian College Sexual Misconduct & Sexual Harassment Policy)**

### **ADDITIONAL INFORMATION**

#### **Amnesty Provision**

Sometimes students are reluctant to seek help after experiencing sex discrimination, sexual misconduct, or sexual harassment, or may be reluctant to help others who may have experienced sex discrimination, sexual misconduct, or sexual harassment, because they fear being held responsible by Adrian College or law enforcement for drug use or underage alcohol consumption. To better ensure that individuals who may be at medical risk as a result of alcohol intoxication or drug consumption will receive prompt and appropriate medical attention, the State of Michigan has adopted a medical amnesty law to remove perceived barriers to seeking help.

Michigan law includes exemption from prosecution for the following:

- A minor who voluntarily accesses a health facility or agency for treatment or observation after consuming alcohol or other drugs;
- Any minor who accompanies an individual who voluntarily accesses a health facility or agency for treatment or observation after consuming alcohol or other drugs; or consumption by others.

Similarly, Adrian College will not pursue misconduct charges (as listed under the Adrian College Student Code of Conduct) against any participant in an investigation under this Policy for potential violations of other Adrian College policy for personal consumption of alcohol or other drugs identified during an investigation, as long as any such violations did not and do not place the health or safety of any other person at risk. Adrian College may, however, initiate an assessment, education discussion or pursue other non-disciplinary options to address the alcohol or other drug use.

#### **Confidentiality**

Adrian College will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute or regulations, 20 U.S.C. 1232g and 34 CFR part 99, or required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

## **Supportive Measures**

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant and respondent without unreasonably burdening the other party.

Supportive measures are designed to:

- Restore or preserve equal access to the party's education at Adrian College;
- Protect the safety of all parties or the Adrian College educational environment; or
- Deter sexual harassment.

Adrian College Supportive measures include, but are not limited to:

- Counseling services
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between the parties
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- College or residence-hall suspension
- Other similar measures as necessary

Adrian College will offer supportive measures to every complainant when the Title IX Coordinator receives a report of an incident of sexual misconduct or sexual harassment. Examples of a report may include written or oral reports submitted by a complainant, anonymous reporting party, third-party reporter, or other Adrian College community member.

For more information about disciplinary sanctions, false accusations, jurisdiction, remedies, remedies, the right to an advisor, and supportive measures, see the full Sexual Misconduct & Sexual Harassment Policy.

## **FORMAL COMPLAINTS UNDER TITLE IX**

Upon receiving a report, complaint or formal complaint of an alleged incident of sex discrimination, sexual misconduct, or sexual harassment, the Title IX Coordinator will conduct a preliminary assessment to determine Adrian College's response using specific threshold criteria put forth in Title IX.

If the alleged incident does not meet all of the specific threshold criteria set forth in Title IX, the incident will be considered one or more of the following forms of conduct and addressed accordingly:

1. **Non-sexual harassment sex discrimination:** Adrian College grievance procedures for handling incidents of sex discrimination can be found in Adrian College's Student Code of Conduct or Employee Handbook.
2. **Sexual Misconduct:** Incidents of sexual misconduct will be addressed using the grievance procedures outlined in Adrian College's Student Code of Conduct or Employee Handbook.
3. **Non-actionable:** Complainant may request and Adrian College may provide supportive measures as appropriate

If the alleged incident does meet all of the specific threshold criteria set forth in Title IX, the incident may constitute sexual harassment under Title IX, and the complainant may file a formal complaint under Title IX to initiate an investigation and grievance process. Only complainants and the Title IX Coordinator have the ability to file a formal complaint for sexual harassment under Title IX.

## **GRIEVANCE PROCESS FOR FORMAL COMPLAINTS UNDER TITLE IX**

Adrian College Sexual Misconduct & Sexual Harassment Policy outlines a grievance process complies with 34 CFR § 106.45 of Title IX. All processes, provisions, and rules stated in that policy apply equally to both parties—complainants and respondents.

Adrian College aims to complete the Title IX grievance process, including appeals and informal resolution processes, in a reasonably prompt time frame. Generally, Adrian College will conclude the grievance process within ninety (90) days.

Adrian College reserves the right to allow for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of the party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

The grievance process is as follows:

- **Written Notice:** Upon receipt of a formal complaint, Adrian College will provide a written notice of allegations to both parties, if known, simultaneously.
- **Investigation:** Adrian College will provide written notice to a party who is invited and expected to participate in any investigative interviews, hearings, or other meetings. Upon completion of the investigation, the Title IX investigator will create an investigative report

that fairly summarizes relevant evidence. Each party and their advisors will have the opportunity to review and response to the investigative report.

- **Hearing Process:** Live hearings are a mandatory part of the Title IX grievance process. During the live hearing, the decision-maker will permit each party's advisor to ask the other party and any witnesses any relevant questions and follow-up questions, including questions which challenge credibility (cross-examination). Only relevant cross-examination and other questions may be asked of a party or witness. If a party does not have an advisor present at the live hearing, Adrian College will provide, without fee or charge to that party, an advisor of the College's choice to conduct cross-examination on behalf of that party. The advisor may be, but is not required to be, an attorney.
- **Determination Regarding Responsibility:** Following the live hearing, the decision-maker(s) will issue a written determination. To reach the determination, the decision-maker(s) will apply the clear and convincing standard of evidence.
- **Appeals:** Either complainant or respondent may file a written notice of appeal of a determination of dismissal of a formal complaint within five (5) days after receiving the written determination or notice of dismissal. A party may appeal from a) determination regarding responsibility, and b) Adrian College's dismissal of a formal complaint or any allegations therein, on the following bases:
  - Procedural irregularity that affected the outcome of the process;
  - New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the process; and
  - The Title IX Coordinator, investigator(s), or decision-maker(s) had 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 process.

**Informal Resolutions:** At any time following the filing of a formal complaint or prior to reaching a determination regarding responsibility, Adrian College offers complainants and respondents informal resolution options such as mediation, restorative justice, or other forms of alternative dispute resolution, which do not involve or require a full investigator and adjudication (hearing process).

## Confidential Resources, Medical Services, Counseling Services

All Adrian College Campus Safety Officers have received Sexual Assault Training and have signed a confidentiality agreement prior to beginning their employment. Other campus services are available at the Student Health Center. Staff are trained Sexual Assault Advocates that can help with a variety of needs, including support and assistance with health and counseling issues. For more information and assistance, please call:

517-265-5161

- Health Center, extension 4214
- Counseling Center, extension 4214
- Student Life, extension 3142
- Residence Life, extension 3836
- Director of Student Health Center & Nurse Practitioner: Dr. Emily Kist, [Ekistnp@adrian.edu](mailto:Ekistnp@adrian.edu)
- Director of Counseling Services: Kellie Berger, [kberger@adrian.edu](mailto:kberger@adrian.edu)

For off-campus services, call:

- Catherine Cobb Program, 517-264-5733
- 24 Hour Crisis Line, 517-265-6776
- Crime Victim Assistance – Legal Aid, 888-251-1598
- Lenawee Community Mental Health, 517-263-8905
- Self Esteem and Domestic Violence Support Group, 517-264-5733
- Promedica Hospital (5740 N. Adrian Highway; 517-577-0000)
- RAINN National Sexual Assault Hotline, 1-800-656-HOPE (4673)
  - Online chat option: <https://rainn.org/about-national-sexual-assault-online-hotline>