



# ALMA COLLEGE

## CIVIL RIGHTS GRIEVANCE POLICIES AND PROCEDURES FOR RESOLVING:

- DISCRIMINATION
- HARASSMENT, AND
- SEXUAL MISCONDUCT

# **POLICY AND PROCEDURES FOR ALL STUDENTS, FACULTY AND EMPLOYEES: Equal Opportunity, Harassment and Nondiscrimination**

Alma College affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. All policies below are subject to resolution using the Alma College's Equity Grievance Process, as detailed below. The Equity Grievance Process is applicable regardless of the status of the parties involved, who may be members or non-members of the campus community, students, student organizations, faculty, administrators and/or staff. The Alma College reserves the right to act on incidents occurring on-campus or off-campus, when the off-campus conduct could have an on-campus impact or impact on the educational mission of the Alma College.

Together, the Title IX Coordinator and Equity/AA Coordinator oversee implementation of the Alma College's Affirmative Action and Equal Opportunity plan, disability compliance and Alma College's policy on equal opportunity, harassment and nondiscrimination. Reports of discrimination, harassment and/or retaliation should be made to the Title IX Coordinator or Equity and Affirmative Action Coordinator or Director of Human Resources promptly, but there is no time limitation on the filing of a complaint, as long as the accused individual remains subject to Alma College's jurisdiction. All reports are acted upon promptly while every effort is made by the College to preserve the confidentiality of reports. Anonymous reports may also be filed online, using the reporting form posted at <https://www.alma.edu/civil-rights/file-a-report/anonymous-reporting-form/>. Reporting is addressed more specifically on pg. 11, Section 7, below. Reports of discrimination by the Title IX Coordinator or Equity/AA Coordinator should be reported to the College President (989) 463-7146.

This policy applies to behaviors that take place on the campus, at college-sponsored events, and may also apply off-campus and to actions online, when either the Title IX Coordinator or Equity/AA Coordinator determines that the off-campus conduct affects a substantial Alma College interest. A substantial Alma College interest is defined to include:

- a) Any action that constitutes criminal offense as defined by federal or Michigan state law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the municipality where Alma College is located;
- b) Any situation where it appears that the accused individual may present a danger or threat to the health or safety of self or others;

- c) Any situation that significantly impinges upon the rights, property, or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- d) Any situation that is detrimental to the educational interests of Alma College.
- e) Any online postings or other electronic communication by students -- including cyber-bullying, cyber-stalking, cyber-harassment, etc.-- occurring completely outside of the Alma College's control (e.g. not on Alma College networks, websites or between Alma College email accounts) will only be subject to this policy when those online behaviors can be shown to cause a substantial on-campus disruption.
- f) Off-campus discriminatory or harassing speech by employees may be regulated by Alma College only when such speech is made in an employee's official or work-related capacity.

Inquiries about this policy and procedure may be made internally to:

Mrs. Lynn Krauss  
Title IX Coordinator  
Center for Student Opportunity  
(989) 463-7467  
Email: [kraussld@alma.edu](mailto:kraussld@alma.edu)

Mrs. Ann Hall  
Equity/AA Coordinator  
Vice President for Planning and Communication  
Equity/AA Coordinator  
Reid/Knox Administration Building  
(989) 463-7411  
Email: [hall@alma.edu](mailto:hall@alma.edu)

Mr. Ken Borgman  
Director of Human Resources  
Centennial House  
(989) 463-7314  
Email: [borgman@alma.edu](mailto:borgman@alma.edu)

Inquiries may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

Equal Employment Opportunity Commission (EEOC)  
Contact: <http://www.eeoc.gov/contact/>

## **1. Alma College Policy on Nondiscrimination**

Alma College adheres to all federal and state civil rights laws banning discrimination in private institutions of higher education. Alma College will not discriminate against any employee or applicant for employment, student or applicant for admission on the basis of race, color, sex, religion, national or ethnic origin, physical or mental disability, age, height, weight, marital status, sexual orientation, gender, gender identity, 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.

This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment, residential and/or social access, benefits and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above, is in violation of Alma College policy on nondiscrimination. When brought to the attention of Alma College, any such discrimination will be appropriately remedied by Alma College according to the procedures below.

## **2. Alma College Policy on Accommodation of Disabilities**

Alma College is committed to full compliance with the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and

state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

The Vice President for Planning and Communication has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any grievance alleging noncompliance.

a. Students with Disabilities

Alma College is committed to providing qualified students with disabilities, with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the Alma College.

All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Assistant Director of the Center for Student Opportunity (CSO) for Academic Support and Disability Services, who coordinates services for students with disabilities. The director reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate to the student's particular needs and academic programs.

b. Employees with Disabilities

Pursuant to the ADA, Alma College will provide reasonable accommodation(s) to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship.

An employee with a disability is responsible for requesting an accommodation in writing to the director of Human Resources and providing appropriate documentation. The Director of Human Resources will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

**3. Alma College Statement on Relationships:**

It is a violation of Alma College policy to pursue a sexual or amorous relationship in situations where professional power differentials are inherent. Alma College will investigate all allegations or reports of sexual misconduct. The findings that result from the college's investigation may lead to charges of violating campus policies, which may be grounds for dismissal or other sanctions. If you are aware of a relationship which you believe violates

college policy, please contact the Alma College Title IX officer immediately. See <https://www.alma.edu/civil-rights/>.

Alma College acknowledges its responsibility to provide clear direction to the College community about the professional risks associated with amorous and/or sexual relationships in which a power differential between the parties exists.

A professional power differential exists in any situation where one individual has authority over another individual's employment, grades, career, academic or other college-sponsored opportunities, particularly when professional supervision and evaluation are part of the relationship. While not an exhaustive list, a few examples include:

- Faculty and students,
- Teaching assistants and students in their class,
- Coaches and student athletes,
- Department directors and employees in their sector (for instance, a Hall Director dating an RA)
- Supervisors and individuals who report to them

Alma College is committed to fostering the development of learning and work environments in which behavior is professional, ethical and free of discrimination. Amorous/sexual relationships which might be appropriate in other circumstances are inappropriate when they occur between any faculty, staff member, or student of the College (hereafter named supervisor) and any student or supervisee for whom he or she has professional (i.e., evaluative or supervisory) responsibility, for the following three reasons:

- a. Questionable Voluntary Consent. There are inherent risks in any amorous or sexual relationship between individuals in unequal positions (such as faculty or staff and student, or supervisor and supervisee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to an amorous or sexual involvement, this past consent does not remove grounds for a later charge of a violation of applicable sections of this or other Alma College policy.

When a supervisor uses threats to coerce his or her student or supervisee into a relationship, overt sexual harassment has occurred. However, even when the relationship appears to be consensual, fear of retaliation by the supervisor may be one of the factors that motivate the student or supervisee to allow the relationship to begin or continue. In such circumstances, the relationship would not be fully consensual.

- b. Adverse Impact on Educational Climate. The impact of an amorous and/or sexual relationship between any supervisor and any student or supervisee for whom he or she has professional responsibility may extend beyond the individuals in a relationship. If students, supervisees, or others are made aware of such relationships, perceptions of

unfairness may arise. The dynamics of the learning or work climate may be disrupted, leading to a hostile work or learning environment.

- c. Conflict of Interest. Conflicts of interest may arise in connection with consensual amorous and/or sexual relationships between supervisors and students or supervisees for whom they have professional responsibility. When a decision is made or altered on the basis of the relationship rather than an objective standard of performance, a conflict of interest exists. Much like the potential adverse impact of a relationship on the educational climate, even the appearance of a conflict of interest can create perceptions of unfairness that lead to a hostile work or learning environment for others.

Pre-existing employee relationships. Supervisors must also take steps to ensure that issues described above do not arise from any amorous and/or sexual relationship in which they are already involved. Thus, for instance, job performance evaluations of a partner in a relationship should be delegated to a suitable colleague; and a partner should take a course from someone other than the instructor with whom she or he is involved. When this is impossible, supervising and/or grading responsibility must be delegated to a suitable colleague. Failure to promptly self-report such relationships to a supervisor when professional power differentials may result in disciplinary action for an employee.

Important note: All members of the Alma College community are advised of the Office of Civil Rights Comments on Adult Employee-Student Relationships:

“With respect to sexual activity in particular, ...In cases involving a student who meets the legal age of consent in his or her state, there will still be a strong presumption that sexual activity between an adult school employee and a student is unwelcome and nonconsensual.”

(Department of Education - Office of Civil Rights, Questions and Answers on Title IX and Sexual Violence, April 29, 2014)

#### **4. Alma College Policy on Discriminatory Harassment**

Students, staff, administrators, and faculty are entitled to a working environment and educational environment free of discriminatory harassment. Alma College’s harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under Alma College policy.

a. Discriminatory and Bias-Related Harassment

Harassment constitutes a form of discrimination that is prohibited by law. Alma College will remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, the college may also impose sanctions on the harasser. Alma College's harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community.

A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent/pervasive, and objectively offensive that it interferes with, limits, or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits, or opportunities.<sup>1</sup>

Offensive conduct and/or harassment that does not rise to the level of discrimination or that is of a generic nature not on the basis of a protected status may not result in the imposition of discipline under College policy, but will be addressed through civil confrontation, remedial actions, education, and/or effective conflict resolution mechanisms. For assistance with conflict resolution techniques, employees should contact the Director of Human Resources and students should contact the Student Life Office for referral to the appropriate staff.

Alma College condemns and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of any status protected by college policy or law.

b. Sexual Harassment

Both the Equal Employment Opportunity Commission and the State of Michigan regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. Alma College has adopted the following definition of sexual harassment, in order to address the special environment of an academic community, which consists not only of employer and employees, but of students as well.<sup>2</sup>

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<sup>1</sup> This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: Department Of Education Office For Civil Rights, Racial Incidents And Harassment Against Students At Educational Institutions Investigative Guidance. The document is available at <http://www.ed.gov/about/offices/list/ocr/docs/race394.html>.

<sup>2</sup> Also of relevance is the Office of Civil Rights 2001 statement on sexual harassment, "Revised Sexual Harassment Guidance: Harassment Of Students By School Employees, Other Students, Or Third Parties, Title IX," which can be found at <https://www2.ed.gov/offices/OCR/archives/pdf/shguide.pdf>, as well as the April, 2011 Dear Colleague Letter on Campus Sexual Violence, which can be found at: [http://www.whitehouse.gov/sites/default/files/dear\\_colleague\\_sexual\\_violence.pdf](http://www.whitehouse.gov/sites/default/files/dear_colleague_sexual_violence.pdf)



Sexual harassment is unwelcome sexual or gender-based verbal, written or physical conduct.<sup>3</sup> Anyone experiencing sexual harassment in any Alma College program is encouraged to report it immediately to the College's Title IX Coordinator.

Sexual harassment creates a hostile environment, and may be disciplined when it is:

- sufficiently severe, persistent/pervasive and objectively offensive that it,
- has the effect of unreasonably interfering with, denying or limiting employment opportunities or the ability to participate in or benefit from the college's educational, social and/or residential program, and is
- based on power differentials (*quid pro quo*), the creation of a hostile environment or retaliation.

c. Sexual Misconduct

State law defines various violent and/or non-consensual sexual acts as crimes.

Additionally, Alma College has defined categories of sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, Alma College considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, Alma College reserves the right to impose any level of sanction, ranging from a reprimand, up to and including suspension or expulsion/termination, for any act of sexual misconduct or other gender-based offenses, including intimate partner or relationship (dating and/or domestic) violence, non-consensual sexual contact, and stalking, based on the facts and circumstances of the particular grievance. Acts of sexual misconduct may be committed by any person upon

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<sup>3</sup> Some examples of possible Sexual Harassment include:

- A professor insists or suggest that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in a professor's office or on the exterior of a residence hall door
- Two supervisors frequently "rate" several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in his/her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. He/She probes for explicit details, and demands that students answer him/her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus.
- A male student grabbed a female student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved. Violations include:

1) Sexual Harassment (as defined in section b above)

2) Non-Consensual Sexual Intercourse

Defined as:

- any sexual penetration or intercourse (anal, oral, or vaginal),
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

3) Non-Consensual Sexual Contact<sup>4</sup>

Defined as:

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

4) Sexual Exploitation

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:

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<sup>4</sup> The state definition of sexual assault, defined as Criminal Sexual Conduct – MCL § 750.520 and found at [http://www.legislature.mi.gov/\(S\(vze4ko55xovsd555lwvpubrd\)\)/mileg.aspx?page=getobject&objectname=mcl-750-520a](http://www.legislature.mi.gov/(S(vze4ko55xovsd555lwvpubrd))/mileg.aspx?page=getobject&objectname=mcl-750-520a), is applicable to criminal prosecutions for Criminal Sexual Conduct in Michigan, but may differ from the definition used on campus to address policy violations.

- Sexual voyeurism (such as watching a person undressing, using the bathroom, or engaged in sexual acts without the consent of the person observed)
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent)
- Prostitution
- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent.

#### 5) Consent<sup>5</sup>

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.

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.

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

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<sup>5</sup> The state definition of consent, found within MCO 750.520 and found at [http://www.legislature.mi.gov/\(S\(vze4ko55xovsd555lwvpubrd\)\)/mileg.aspx?page=getobject&objectname=mcl-750-520a](http://www.legislature.mi.gov/(S(vze4ko55xovsd555lwvpubrd))/mileg.aspx?page=getobject&objectname=mcl-750-520a), is applicable to criminal prosecutions for sex offenses in Michigan, but may differ from the definition used on campus to address policy violations.

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.

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 crime, as well as a violation of this policy, even if the minor wanted to engage in the act.

## **5. Other Civil Rights Offenses, When the Act is Based Upon the Status of a Protected Class**

- Threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class.
- Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of their actual or perceived membership in a protected class.
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another, on the basis of actual or perceived membership in a protected class.
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within Alma College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the hazing policy) on the basis of actual or perceived membership in a protected class; hazing is also illegal under Michigan State law and prohibited by Alma College policy.
- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally, on the basis of actual or perceived membership in a protected class.
- Violence between those in an intimate relationship to each other on the basis of actual or perceived membership in a protected class (this includes romantic relationships, dating,

domestic<sup>6</sup> and/or relationship violence<sup>7</sup>)

- Stalking<sup>8</sup>, defined as a course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome and would cause a reasonable person to feel fear.<sup>9</sup>
- Any other Alma College rules, when a violation is motivated by the actual or perceived membership of the victim on the basis of sex or gender or in a protected class, may be pursued using this policy and process.

Sanctions for the above-listed “Other Civil Rights Behaviors” behaviors range from reprimand up through and including expulsion (students) or termination of employment.

## 6. Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity, because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a party bringing a grievance, or for assisting in providing information relevant to a claim of harassment, is a serious violation of Alma College policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX or

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<sup>6</sup> The state definition of domestic violence (which includes dating violence) MCL§ 750.81 and 750.81 (a), found at [http://www.legislature.mi.gov/\(S\(vze4ko55xovsd555lwvpubrd\)\)/mileg.aspx?page=getobject&objectname=mcl-750-81](http://www.legislature.mi.gov/(S(vze4ko55xovsd555lwvpubrd))/mileg.aspx?page=getobject&objectname=mcl-750-81) , is applicable to criminal prosecutions for domestic violence in Michigan, but may differ from the definition used on campus to address policy violations.

<sup>7</sup> Examples:

- Employee A has been in an intimate relationship with Employee B for over a year; Employee A punches Employee B in the face during an argument (Dating Violence).
- Student A has been in an intimate relationship with Student B for over a year; Students A & B live together. During an argument, Student A shoves Student B to the ground (Domestic Violence).

<sup>8</sup> The state definition of stalking is MCL §750.411 (h-i), found at [http://www.legislature.mi.gov/\(S\(vze4ko55xovsd555lwvpubrd\)\)/mileg.aspx?page=getobject&objectname=mcl-750-81](http://www.legislature.mi.gov/(S(vze4ko55xovsd555lwvpubrd))/mileg.aspx?page=getobject&objectname=mcl-750-81) , is applicable to criminal prosecutions for stalking in Michigan, but may differ from the definition used on campus to address policy violations.

<sup>9</sup> Examples

- Employee A recently ended an intimate relationship with Employee B. For the past three weeks, B has been sending A 100 text messages per day and waits by A’s car at the end of each day to beg and plead with her to take him back. When she refuses, he loses control, makes threatening gestures, and tells her she will regret this. Employee A indicates she is fearful of what B might do to her (Stalking).
- Mark is a student on campus who has always been fascinated by women with blonde hair. One day, he notices MaryLou, whose hair is blonde. He follows her home to see where she lives, and begins to track her history, actions, and movements online. His fascination increases to the point where he follows her frequently on campus, takes pictures of her without her permission, and spies through her window at night with a long-range camera lens.

Equity/AA Coordinator or to the Director of Human Resources and will be promptly investigated. Alma College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

## **7. Remedial Action**

Alma College will implement initial remedial and responsive and/or protective actions upon notice of alleged harassment, retaliation, and/or discrimination. Such actions could include but are not limited to: no contact orders, providing counseling and/or medial services, academic support, living arrangement adjustments, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, referral to campus and community support resources.

Alma College will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest, or visitor who has been found to engage in harassing or discriminatory behavior or retaliation. Procedures for handling reported incidents are fully described below. Deliberately false and/or malicious accusations of harassment, as opposed to grievances which, even if erroneous, are made in good faith, are just as serious an offense as harassment and will be subject to appropriate disciplinary action.

## **8. Confidentiality and Reporting of Offenses Under This Policy**

Alma College officials, depending on their roles at Alma College, have varying reporting responsibilities and abilities to maintain confidentiality. In order to make informed choices, one should be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform an outside agency or individual unless you have requested information to be shared. Other resources exist for one to report crimes and policy violations, and these resources will take action when one reports victimization to him/her. The following describes the three reporting options at Alma College:

### **a. Confidential Reporting**

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with the Counseling Health and Wellness Center counselors, Wilcox health service providers, off-campus local rape crisis counselors, off-campus domestic violence resources, local or state assistance agencies, the campus Chaplain and Director of Spiritual Life, or off-campus clergy members who will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Campus counselors are available during normal business hours, in case of an emergency; students or employees may call Women's Aid Service at (989) 463-6014. The Employee Assistance Program (<https://www.alma.edu/offices/human-resources/current-employees/>) is available to help free of charge and can be seen on an

emergency basis 24 hours a day. These employees will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.

b. Private Reporting

Generally, there is no private reporting. However, students may seek to report misconduct or seek advice from Resident Assistants (RAs) who are not required to initially tell anyone else your private, personally identifiable information, unless there is a pattern of abuse, cause for fear for your safety or the safety of others. If a reporting party is unsure of someone's duties and ability to maintain privacy, ask them before talking to them. They will be able to explain and help a reporting party to make decisions about who is in the best position to help. RAs, are instructed to file incident reports. They may not initially share any personally identifiable information about the report unless the reporting party gives permission, except in the rare event that the incident reveals a need to protect the reporting party and/or other members of the community. If personally identifiable information is shared, it will be shared with as few people as possible; and all efforts will be made to protect privacy to the greatest possible extent.

c. Formal Reporting Options

Parties bringing grievances are encouraged to speak to Alma College officials, such as the Title IX Coordinator or Equity/AA Coordinator, to make formal reports of incidents covered by this policy. Party bringing a grievance has the right, and can expect, to have grievances taken seriously by Alma College when formally reported, and to have those incidents investigated and properly resolved through these procedures. Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will be shared, as necessary, with investigators, witnesses, and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a rights and privacy of the party bringing a grievance. Additionally, safe and anonymous reports, which do not trigger investigations, can be made by victims and/or third parties using the online reporting form posted at <https://www.alma.edu/civil-rights/file-a-report/anonymous-reporting-form/>.

## **9. Federal Timely Warning Obligations**

Victims of sexual misconduct should be aware that Alma College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. Alma College will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

# **EQUITY GRIEVANCE PROCESS<sup>10</sup> FOR RESOLVING GRIEVANCES OF HARASSMENT, SEXUAL MISCONDUCT AND OTHER FORMS OF DISCRIMINATION**

Alma College will act on any formal or informal grievance or notice of violation of the policy on Equal Opportunity, Harassment and Nondiscrimination, that is received by the Title IX Coordinator, Equity/AA Coordinator, or Director of Human Resources, or a member of the administration.

The procedures described below will apply to all grievances involving students, staff or faculty members. Redress and requests for responsive actions for grievances brought against non-members of the community are also covered by these procedures.

## **1. Grievance Panel**

Members of the Grievance Panel are announced in an annual distribution of this policy to campus, prospective students, their parents and prospective employees. The list of members and a description of the panel will be posted on the Alma College website when selection and training of the Grievance panel is completed, no later than September 1, 2015.

Members of the Grievance Panel are trained in all aspects of the grievance process, and can serve in any of the following roles, at the direction of the Title IX or Equity/AA Coordinators:

- To provide sensitive intake and initial counseling of grievances.
- To serve in a mediation role (restorative justice) in conflict resolution.
- To investigate grievances.
- To act as advisors to those involved in grievances.
- To serve on hearing panels for grievances.
- To serve on appeal panels for grievances.

Grievance Panel members also recommend policies and serve in an educative role for the community. The President, in consultation with the Title IX and Equity/AA Coordinators, appoints the panel, which reports to the Title IX and Equity/AA Coordinators. Grievance Panel members receive annual training organized by the Title IX and Equity/AA

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<sup>10</sup> For institutions with formal grievance processes for any student and/or employee to challenge institutional action, it is recommended that discrimination complaints be exempted from such grievance processes. Grievance proceedings are neither equitable (by definition), nor are they sufficiently prompt to satisfy Title IX.



Coordinators, including a review of Alma College policies and procedures, so that they are able to provide accurate information to members of the community. All Grievance Panel members are required to attend this annual training.

The Grievance Panel includes:

- 2 Co-chairs: one representative from HR and one from faculty,
- One Administrative Hearing Officer who is an *ex officio* member and serves as Chair of grievance panel hearings for grievances involving student responding parties.
- At least 2 members of academic affairs administrators,
- At least 2 faculty members,
- At least 2 members of the administration,
- At least 2 members of the staff,
- At least 1 representative from Athletics.

Because of the need for significant training and a high level of expertise, panel members are appointed to continuing terms, for a minimum of three years. Appointments to the Grievance Panel should be made with attention to representation of groups protected by the harassment and non-discrimination policy. Individuals who are interested in serving on the Grievance Panel are encouraged to contact the Title IX Coordinator or the President.

## **2. Filing a grievance**

Any member of the community, guest, or visitor who believes that the policy on Equal Opportunity, Harassment and Nondiscrimination has been violated, should contact the Title IX Coordinator or the Equity/AA Coordinator or the Director of Human Resources or a member of the Grievance Panel. It is also possible for employees to notify a supervisor, or for students to notify an administrator or faculty member. These individuals will in turn notify the Title IX or Equity/AA Coordinator. The Alma College website also includes a Grievance Reporting form at <https://www.alma.edu/civil-rights/file-a-report/formal-reporting-form/>, which may serve to initiate a complaint.

All employees receiving reports of a potential violation of Alma College policy are expected to promptly contact the Title IX Coordinator, within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with the maximum possible privacy: specific information on any grievances received by any party will be reported to the Title IX or Equity/AA Coordinator; but, subject to the College's obligation to redress violations, every effort will be made to maintain the privacy of those initiating a report of a grievance. In all cases, Alma College will give consideration to the party bringing a grievance, with respect to how the grievance is pursued; but reserves the right, when necessary, to protect the community, to investigate and pursue a resolution when an alleged victim chooses not to initiate or participate in a formal grievance.

### **3. Grievance Intake**

Following receipt of notice or a grievance, the Title IX or Equity Coordinator<sup>11</sup> will promptly assign a Grievance Panel member to work as advisor to the person who reported the grievance; or the party bringing a grievance may choose from the Grievance Panel pool or choose a non-trained advocate from outside the pool, if preferred, or proceed without an advocate. Normally, within two business days, an initial determination is made whether a policy violation may have occurred and/or whether conflict resolution might be appropriate. If the grievance does not appear to allege a policy violation or if conflict resolution is desired by the party bringing a grievance; and appears appropriate given the nature of the alleged behavior, then the grievance does not proceed to investigation.

A full investigation will necessarily be pursued if there is evidence of a pattern of misconduct or a perceived threat of further harm to the community or any of its members. The Alma College aims to complete all investigations within a 60 business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties.

### **4. Investigation**

If a party bringing a grievance wishes to pursue a formal grievance, or if Alma College, based on the alleged policy violation, wishes to pursue a formal grievance, then the Title IX Coordinator appoints Grievance Panel members to conduct the investigation, usually within two business days of determining that a grievance should proceed. Investigation of grievances brought directly by those alleging harm should be completed expeditiously. Investigation may take longer when initial grievances fail to provide direct first-hand information. Alma College may undertake a short delay (3-10 days, to allow evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. Alma College action will not be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. All investigations will be thorough, reliable, and impartial; they will entail interviews with all relevant parties and witnesses, obtaining available evidence, and identifying sources of expert information, if necessary.

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<sup>11</sup> If circumstances require, the President or Title IX or Equity/AA Coordinators may designate another person to oversee the process below, should a grievance be made against the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

## **5. Interim Remedies**

If, in the judgment of the Title IX Coordinator or Equity/AA Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on-campus of the accused individual or the ongoing activity of a student organization whose behavior is in question, the Title IX Coordinator or Equity/AA Coordinator (or designee) may provide interim remedies intended to address the short-term effects of harassment, discrimination, and/or retaliation, i.e., to redress harm to the alleged victim and the community, and to prevent further violations. These remedies may include referral to Counseling Health and Wellness Center or to the Employee Assistance Program, education to the community, altering the housing situation of an accused student or resident employee (or the alleged victim, if desired), altering work arrangements for employees, providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc.

Alma College may interim suspend a student, employee, or organization pending the completion of Grievance Panel investigation and procedures. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the opportunity to meet with the Title IX Coordinator or Equity/AA Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator or Equity/AA Coordinator has sole discretion to implement or stay an interim suspension under the policy on Equal Opportunity, Harassment and Nondiscrimination, and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to Alma College housing and/or the Alma College campus/facilities/events. As determined by the appropriate administrative officer, Title IX or Equity/ AA Coordinator, or designee, this restriction includes classes and/or all other Alma College activities or privileges for which the student might otherwise be eligible. At the discretion of the appropriate administrative officer, Title IX or Equity or AA Coordinator, or designee, alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student.

## **6. Grievance Resolution**

During or upon the completion of investigation, the investigators will meet with the Title IX Coordinator or Equity/AA Coordinator. Based on that meeting, the Title IX Coordinator or Equity/AA Coordinator will make a decision on whether there is reasonable cause to proceed with the grievance. If the Title IX Coordinator or Equity/AA Coordinator decides that no policy violation has occurred or that the preponderance of evidence (i.e., whether it

is more likely than not that the accused individual committed each alleged violation) does not support a finding of a policy violation, then the process will end unless the party bringing a grievance requests that the Title IX Coordinator or Equity/AA Coordinator makes an extraordinary determination to re-open the investigation or to forward the matter for a hearing. This decision lies in the sole discretion of the Title IX Coordinator or Equity/AA Coordinator or Equity/AA Coordinator. If there is reasonable cause, the Title IX Coordinator or Equity/AA Coordinator will direct the investigation to continue, or if there is a preponderance of evidence of a violation, then the Title IX Coordinator or Equity/AA Coordinator may recommend conflict resolution, a resolution without a hearing or a formal hearing, based on the below criteria.

a. Conflict Resolution

Conflict resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal hearing process to resolve conflicts. The Title IX Coordinator or Equity/AA Coordinator will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, an Grievance Panel member will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Title IX Coordinator or Equity/AA Coordinator will keep records of any resolution that is reached and failure to abide by the accord can result in appropriate responsive actions.

Conflict resolution will not be the primary resolution mechanism used to address grievances of sexual misconduct or violent behavior of any kind or in other cases of serious violations of policy; though it may be made available after the formal process is completed, should the parties and the Title IX Coordinator or Equity/AA Coordinator believe that it could be beneficial. It is not necessary to pursue conflict resolution first in order to make a formal Grievance Panel grievance; anyone participating in conflict resolution can stop that process at any time and request a formal hearing.

b. Resolution Without a Hearing

Resolution without a hearing can be pursued for any behavior that falls within the policy on Equal Opportunity, Harassment and Nondiscrimination, at any time during the process. The Title IX Coordinator or Equity/AA Coordinator will provide written notification of a grievance to any member of Alma College community who is accused of an offense of harassment, discrimination, or retaliation. The Title IX Coordinator or Equity/AA Coordinator, together with the investigator(s), will meet with the responding individual to explain the finding(s) of the investigation. Once informed, the responding party may choose to admit responsibility for all or part of the alleged policy violations, at any point in the process. If so, the Title IX Coordinator or Equity/AA Coordinator will

render a finding that the individual is in violation of Alma College policy for the admitted conduct, and will normally proceed to convene a formal hearing on any remaining disputed violations. For admitted violations, the appropriate Co-chair of the Grievance Panel will recommend an appropriate sanction or responsive action. If the sanction/responsive action is accepted by both the party bringing a grievance and the responding party, the Title IX Coordinator or Equity/AA Coordinator will implement it and act promptly and effectively to remedy the effects of the admitted conduct, upon the victim and the community. If either party rejects the sanction/responsive action, an Grievance Panel hearing will be held on the sanction/responsive action only, according to the Grievance Panel procedures below, except in the case of at-will employees for whom findings and responsive actions will be determined by the sector Vice President in consultation with the Director of Human Resources and the Title IX or Equity/AA Coordinator, based on the results of the investigation.

c. Formal Hearing

For any grievances that are not appropriate for conflict resolution and which are not resolved without a hearing, the Title IX Coordinator or Equity/AA Coordinator will initiate a formal hearing or for employees for whom no hearing process is available, will refer his/her findings to the Director of Human Resources for implementation [again, this may simply reside with the Title IX/Equity/AA Coordinator to resolve with involvement of HR, depending on institutional structure].

## **7. Formal Grievance Panel Procedure**

a. Hearing Panels

The Title IX Coordinator or Equity/AA Coordinator will appoint a non-voting panel Chair, either one of the Grievance co-chairs or the Administrative Hearing Officer, depending on whether the responding party is a faculty member, other employee, or student, and three members of the Grievance Panel to the hearing panel, none of whom have been previously involved with the grievance. Grievance Panel members, who have served as investigators, will be witnesses in the hearing of the grievance and therefore may not serve as hearing panel members on cases they have investigated. Hearing panels may include both faculty and non-faculty employees, with a least one faculty employee selected in a grievance against a faculty member. No member of the panel may be a practicing attorney. The panel will meet at times determined by the Chair.

b. Notification of Charges

At least one week prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled, with the consent of the parties, the Grievance Panel Co-chair will send a letter to the parties with the following information. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The letter will

contain:

- A description of the alleged violation(s), a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Co-chair may reschedule the hearing.
- The parties may have the assistance of an Advisor.
- Panel member, or other advisor, at the hearing. Typically, advisors are members of the campus community, but the Title IX Coordinator or Equity/AA Coordinator may grant permission for an outside advisor upon request. The advisor may not make a presentation or represent the party bringing a grievance or responding party during the hearing. The parties to the hearing are expected to ask and respond to questions on their own behalf, without representation by their advisor. The advisor may consult with the advisee quietly or in writing, or outside the hearing during breaks, but may not speak on behalf of the advisee to the panel.
- Hearings for possible violations that occur near or after the end of an academic term will be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by Alma College and remain within the 60-day goal for resolution.

c. Hearing Procedures

Grievance Panel Hearings will be convened, usually within one to two weeks of the completion of the investigation, and will be conducted in private. The Grievance Panel has the authority to hear all collateral misconduct, meaning that it hears all allegations of discrimination, harassment and retaliation, but also may hear any additional alleged policy violations that have occurred in concert with the discrimination, harassment, or retaliation, even though those collateral allegations may not specifically fall within Grievance Panel jurisdiction. Accordingly, investigations should be conducted with as wide a scope as necessary.

Participants will include the non-voting Chair, the three members of the panel, the investigator(s) who conducted the investigation on the grievance, the party bringing a grievance and responding party(ies) (or three organizational representatives in a case where an organization is charged), advisors to the parties and any called witnesses. The Chair will exchange the names of witnesses Alma College intends to call, all pertinent documentary evidence and any written findings from the investigators between the parties at least two business days prior to the hearing. In addition, the parties will be given a list of the names of each of the Grievance Panel members at least two business days in advance of the hearing. Should either (any) party object to any panelist, he/she must raise



all objections, in writing, to the Chair immediately. Panel members will only be unseated if the Chair concludes that their bias precludes an impartial hearing of the grievance. Additionally, any panelist or Chair who feels he/she cannot make an objective determination must recuse himself or herself from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing.

The Chair, in consultation with the parties and investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present, if their testimony can be adequately summarized by the investigator(s) during the hearing. All parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the parties. If alternative questioning mechanisms are desired (screens, Skype, questions directed through the Chair, etc.) the parties should request them from the Chair, at least two business days prior to the hearing.

Once the procedures are explained and the participants are introduced, the investigator will present the report of the investigation first, and be subject to questioning by the parties and the Grievance Panel. The investigator(s) will be present during the entire hearing process, but will only be present during deliberations at the request of the Chair. The findings of the investigation are not binding on the panel, though any undisputed conclusions of the investigation report will not be revisited, except as necessary to determine sanctions/responsive actions. Once the investigator(s) is/are questioned, the Grievance Panel will permit questioning of and by the parties, and of any present witness. Questions may be directed through the panel at the discretion of the Chair.

Formal rules of evidence will not apply. Any evidence that the panel believes is relevant and credible may be considered, including history and pattern evidence. The Chair will address any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence, and may ask the panel to disregard evidence lacking in credibility. The Chair will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on his/her own behalf.

Unless the Chair determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation, unless they show a pattern, or (2) the sexual history of or the character of the victim/party bringing a grievance.

There will be no observers in the hearing. The Chair may allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the panel or the parties involved. The panel does not hear from character

witnesses, but will accept up to two letters supporting the character of the individuals involved.

In hearings involving more than one accused individual or in which two parties bringing a grievance have accused the same individual of substantially similar conduct, the standard procedure will be to hear the grievances jointly; however, the Title IX Coordinator or Equity/AA Coordinator may permit the hearing pertinent to each responding party to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding party.

Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings, subject to Alma College consequences for failure to do so. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors.

Hearings are recorded for purposes of review in the event of an appeal. Grievance Panel members, the parties and/or the persons who initiated the action, and appropriate administrative officers of Alma College will be allowed to listen to the recording in a location determined by the Title IX or Equity/AA Coordinator or designee. No person will be given or be allowed to make a copy of the recording without permission of the Title IX or Equity/AA Coordinator. Persons given access to the recording will be required to sign an agreement confirming that they will protect the privacy of the information contained in the recording.

d. Decisions

The Grievance Panel will deliberate in closed session, to determine whether the responding party is responsible or not responsible for the violation(s) in question. The panel will base its determination on a preponderance of the evidence (i.e., whether it is more likely than not that the accused individual committed each alleged violation). If an individual responding party or organization is found responsible by a majority of the panel, the panel will recommend appropriate sanctions to the Title IX Coordinator or Equity/AA Coordinator.

The Chair will prepare a written deliberation report and deliver it to the Title IX Coordinator or Equity/AA Coordinator, detailing the finding, how each member voted, the information cited by the panel in support of its recommendation, and any information the hearing panel excluded from its consideration and why. The report should conclude with any recommended sanctions. This report should not exceed two pages in length and must be submitted to the Title IX Coordinator or Equity/AA Coordinator within two (2) days of the end of deliberations.



The Title IX/ Coordinator or Equity/AA Coordinator will inform the accused individual and the party bringing a grievance of the final determination within 3-4 business days of the hearing, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties, as indicated in official Alma College records; or emailed to the parties' Alma College-issued email account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

e. Sanctions

Sanctions or responsive actions will be determined by the Grievance Panel. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation.
- An individual's disciplinary history.
- Previous grievances or allegations involving similar conduct.
- Any other information deemed relevant by the GRIEVANCE PANEL.
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation.
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation.
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the victim and the community.

1.) Student Sanctions

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- *Warning:* A formal statement that the behavior was unacceptable and a warning that further infractions of any Alma College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Probation:* A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any Alma College policy, procedure, or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders, and/or other measures deemed appropriate.
- *Suspension:* Termination of student status for a definite period of time not to exceed one year, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at Alma College.

- *Expulsion*: Permanent termination of student status, revocation of rights to be on campus for any reason or attend Alma College-sponsored events.
- *Organizational Sanctions*. Deactivation, de-recognition, loss of all privileges (including College registration), for a specified period of time.
- *Other Actions*: In addition to, or in place of the above sanctions, Alma College may assign any other sanctions, as deemed appropriate.

## 2.) Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination and/or retaliation include warning, required counseling, demotion, suspension with pay, suspension without pay, and termination.

### f. Withdrawal or Resignation While Charges Pending

Students: Alma College does not permit a student to withdraw, if that student has a grievance pending for violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination, or for charges under the Code of Student Conduct. Should a student decide to leave and not participate in the investigation and/or hearing, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to Alma College, unless all sanctions have been satisfied.

Employees: Should an employee resign while charges are pending, the records of the Title IX or Equity/AA Coordinator will reflect that status, as will Alma College responses to any future inquiries regarding employment references for that individual. The Title IX Coordinator or Equity/AA Coordinator will act to promptly and effectively remedy the effects of the conduct upon the victim and the community.

### g. Appeals

All requests for appeal considerations must be submitted in writing to the Title IX Coordinator or Equity/AA Coordinator, within three business days of the delivery of the written finding of the Grievance Panel.

A three-member panel of the Grievance Panel designated by the Title IX Coordinator or Equity/AA Coordinator who was not involved in the grievance previously, will consider all appeal requests. Any party may appeal, but appeals are limited to the following:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.

- The sanctions fall outside the range of sanctions Alma College has designated for this offense.

The appeals panel of the Grievance Panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. When any party requests an appeal, the other party or parties will be notified and joined in the appeal. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately.

Where the Grievance Panel appeals panel finds that at least one of the grounds is met, and proceeds, additional principles governing the hearing of appeals include the following:

- Appeals decisions by the Grievance Panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings of the grievance. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal.
- Appeals granted based on new evidence should normally be remanded to the original hearing panel for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or Equity/AA Coordinator or heard by the three-member panel of the Grievance Panel.
- Sanctions imposed are implemented immediately unless the Title IX Coordinator or Equity/AA Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The Title IX Coordinator or Equity/AA Coordinator will normally, after conferring with the Grievance Panel appeals panel, render a written decision on the appeal to all parties within 2-3 business days from hearing of the appeal.
- All parties should be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.
- Once an appeal is decided, the outcome is final: further appeals are not permitted.

h. Failure to Complete Sanctions/Comply with Responsive Actions

All responding parties are expected to comply with conduct sanctions/responsive/corrective actions within the time frame specified by the Title IX Coordinator or Equity/AA Coordinator. Failure to follow through on conduct sanctions/responsive/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from Alma College. A suspension will

only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator or Equity/AA Coordinator.

i. Records

In implementing this policy, records of all grievances, resolutions, and hearings will be kept by the Title IX Coordinator indefinitely in the Title IX Coordinator or Equity/AA Coordinator database.

j. Statement of Party Bringing a Grievance's Rights

- To be treated with respect by Alma College officials.
- To take advantage of campus support resources (such as Counseling & Health and Wellness Center, the Chaplain and Director of Spiritual Life, or EAP services for employees).
- To experience a safe living, educational, and work environment.
- To have an advisor during this process.
- To refuse to have an allegation resolved through conflict resolution procedures.
- To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- To be free from retaliation.
- To have grievances heard in substantial accordance with these procedures.
- To full participation of the reporting party or parties in any GRIEVANCE PANEL process whether the reporting party or parties are serving as the party or parties bringing a grievance or Alma College is serving as party bringing a grievance.
- To be informed in writing of the outcome/resolution of the grievance, sanctions where permissible, and the rationale for the outcome where permissible.
- Refer to law enforcement and have assistance.
- Housing and living accommodations.
- No contacts.

k. Statement of Rights of the Responding Party

- To be treated with respect by Alma College officials.
- To take advantage of campus support resources (such as Counseling Health and Wellness Center, the Chaplain and Director of Spiritual Life, or Employee Assistance Program services for employees).
- To have an advisor during this process.
- To refuse to have an allegation resolved through conflict resolution procedures.
- To have grievances heard in substantial accordance with these procedures.
- To be informed of the outcome/resolution of the grievance and the rationale for the outcome, in writing.

## **8. Revision**

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. The Title IX Coordinator or Equity/AA Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. However, the Title IX Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will apply. Policy in effect at the time of the offense will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.

This policy and procedure was approved by the Alma College Executive Staff on March 10, 2015. This policy was reviewed and updated on September 6, 2017

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