



# ALMA COLLEGE

## POLICIES AND PROCEDURES FOR RESOLVING:

- DISCRIMINATION
- HARASSMENT, AND
- SEXUAL MISCONDUCT

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# **POLICY AND PROCEDURES FOR ALL STUDENTS, FACULTY AND EMPLOYEES:**

## **Policy on 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 Resolution Process, as detailed below. The Equity Resolution 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.

The Civil Rights/Title IX Coordinator oversees 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 Civil Rights/Title IX 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/anonymouse-reporting-form/>. Reporting is addressed more specifically on pg. 11, Section 7, below. Reports of discrimination by the Civil Rights/Title IX 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 the Civil Rights/Title IX 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;
- 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 or when it violates the college's harassment policy.
- f) Off-campus discriminatory or harassing speech by employees may be regulated by Alma College when such speech is made in an employee's official or work-related capacity or when it violates the college's harassment policy.

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

Mr. Kevin Carmody  
Civil Rights/Title IX Coordinator  
Tyler-VanDusen  
(989) 463-7467  
Email: [carmodykd@alma.edu](mailto:carmodykd@alma.edu)

Mr. Dave Blandford  
Director of Student Affairs Information Systems & Assessment  
Tyler-VanDusen  
(989) 463-7251  
Email: [blandford@alma.edu](mailto:blandford@alma.edu)

Ms. Amanda Duval  
Director of Human Resources  
Centennial House  
(989) 463-7255  
Email: [duvalal@alma.edu](mailto:duvalal@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 resolution 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 Civil Rights/Title IX Coordinator has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any report 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 considering timing and cost of the accommodations.

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.

c. Guests with Disabilities

Guests with disabilities may contact the organizer of the event they are attending to request appropriate accommodations for each event.

### **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 Civil Rights/Title IX Coordinator 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.

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

Students, staff, 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<sup>1</sup> 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>2</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.

Violations include:

b. Sexual Harassment

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<sup>1</sup> Potential instances of discriminatory or harassing behavior include, yet are not limited to:

- Belittling or degrading remarks, verbal abuse, or other hostile behavior such as insulting, teasing, mocking, degrading, or ridiculing another person's race, religion, ethnicity, culture, or other protected identities;
- Racial slurs, derogatory remarks about a person's accent, or displaying objectively offensive symbols;
- Displays or electronic transmission of derogatory, demeaning or hostile materials;
- Inappropriate attention to one's race, religion, ethnicity, or national origin, or abilities, such as asking an individual to speak for all who have a shared identity
- Providing only examples of positive behaviors by those of a dominant identity and negative behavior by those of a marginalized identity.

<sup>2</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>.

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>3</sup>

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

(1) Anyone on Alma College's campus who conditions the provision of aid, benefit, or service on an individual's participation in unwelcome sexual conduct;

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Alma College's education program or activity; or

(3) Sexual assault, dating violence, domestic violence or stalking as defined below..<sup>4</sup> Anyone experiencing sexual harassment in any Alma College program is encouraged to report it immediately to the College's Title IX Coordinator.

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<sup>3</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)

<sup>4</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 student spies on someone else while showering or while they are engaging in sexual behavior without their consent.
- A professor engages students in his/her class or in an advising session 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.

State law defines various violent and/or non-consensual sexual acts as crimes. Generally speaking, Alma College considers Sexual Assault 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 harassment 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 report. Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved.

c. Sexual Assault

Sexual assault is defined as any sexual act directed against another person, without consent, including instances where the person(s) is incapable of giving consent. This behavior includes:

a. 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.

b. Non-Consensual Sexual Contact<sup>5</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.

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<sup>5</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 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.

c. Consent<sup>6</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 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

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<sup>6</sup> The state definition of consent, found within MCO 750.520 and found at [http://www.legislature.mi.gov/\(S\(vze4ko55xovsd5551wvpubrd\)\)/mileg.aspx?page=getobject&objectname=mcl-750-520a](http://www.legislature.mi.gov/(S(vze4ko55xovsd5551wvpubrd))/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.

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.

d. Intimate Partner Violence

Intimate partner violence is defined as acts of physical or emotional violence<sup>7</sup> between individuals involved in an intimate or sexual relationship. This includes acts of domestic violence<sup>8</sup> or dating violence as defined below:

- a. Domestic Violence includes violence committed by
  - i. a current or former spouse or intimate partner of the victim,
  - ii. by a person with whom the victim shares a child in common,
  - iii. by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
  - iv. by a person similarly situated to a spouse of the victim, or
  - v. any other case as defined by Michigan state law\_
- b. Dating Violence includes violence committed by
  - i. a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - ii. where the existence of such a relationship shall be determined based on a consideration of the following factors:
    1. The length of the relationship
    2. The type of relationship
    3. The frequency of interaction between persons involved in the relationship

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<sup>7</sup> Physical violence includes, but is not limited to, pushing, punching, hitting, slapping, biting, threatening or restraining. Unwelcome play fighting may also constitute physical violence. Emotional violence includes name-calling, controlling behavior, photographing or video recording sex or intimate acts without the consent of the partner, or sharing photos or videos of intimate acts without the consent of the partner.

<sup>8</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\(vze4ko55xovsd5551wvpubrd\)\)/mileg.aspx?page=getobject&objectname=mcl-750-81](http://www.legislature.mi.gov/(S(vze4ko55xovsd5551wvpubrd))/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.

e. Stalking<sup>9</sup>

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to feel fear for their safety or the safety of others; or suffer substantial emotional distress.<sup>10</sup>

## **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.
- Any other Alma College rules, when a violation is motivated by the actual or perceived membership of the reporting party on the basis of sex or gender or in a protected class, may be pursued using this policy and process.

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<sup>9</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>10</sup> Examples

- Jamie recently ended an intimate relationship with Morgan. For the past three weeks, Morgan has been sending Jamie multiple text messages per day and waits by Jamie's car at the end of each day to beg and plead to take them back. When Jamie refuses, Morgan makes threatening gestures, and tells Jamie that they will regret this. Jamie indicates she is fearful of what Morgan 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.

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 reporting misconduct, 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 Civil Rights/Title IX 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. Corrective Action**

Alma College will implement initial corrective 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 medical 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 corrective 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 reports 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**

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 them. 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 refer individuals to resources 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 reporting misconduct are encouraged to speak to Alma College officials, such as the Civil Rights/Title IX Coordinator, to make formal reports of incidents covered by this policy. The party reporting misconduct has the right, and can expect, to have reports 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 reporting misconduct. Additionally, safe and anonymous reports, which likely do not trigger investigations, can be made by those impacted and/or third parties using the online reporting form posted at <https://www.alma.edu/civil-rights/file-a-report/anonymous-reporting-form/>.

## **9. Timely Warning Obligations**

Those who experience 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 names and other identifying information are not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

# **EQUITY RESOLUTION PROCESS FOR RESOLVING REPORTS OF HARASSMENT, SEXUAL MISCONDUCT AND OTHER FORMS OF DISCRIMINATION**

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

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

## **1. Deputy Coordinators**

The Civil Rights/Title IX Coordinator is supported by two college administrators who serve as Deputy Coordinators. Each Deputy Coordinator is knowledgeable and trained in state and federal laws that apply to matters of sexual misconduct, as well as this Policy and the complaint resolution procedures. The Deputy Coordinators assist the Civil Rights/Title IX Coordinator with carrying out the responsibilities described in this Policy. The current Deputy Coordinators are:

Dave Blandford  
[blandford@alma.edu](mailto:blandford@alma.edu)  
(989) 463-7251

Amanda Duval  
[duvalal@alma.edu](mailto:duvalal@alma.edu)  
(989) 463-7255

## **2. Case Management Team**

Members of the Case Management Team 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 Case Management Team is completed. Members of the Case Management Team are trained in all aspects of the resolution process, and can serve in any of the following roles, at the direction of the Civil Rights/Title IX Coordinator:

- To provide sensitive intake and initial advice pertaining to allegations
- To serve in a mediation role or restorative justice in conflict resolution.
- To investigate reports of misconduct.
- To act as advisors to those involved in the resolution process.
- To serve on hearing panels for allegations.
- To serve on appeal panels for allegations.

Case Management Team members also recommend policies and serve in an educative role for the community. The President, in consultation with the Civil Rights/Title IX Coordinator, appoints the panel, which reports to the Civil Rights/Title IX Coordinator. Case Management Team members receive annual training organized by the Civil Rights/Title IX Coordinator, including a review of Alma College policies and procedures, so that they are able to provide accurate information to members of the community. All Case Management Team members are required to attend this annual training.

The Case Management Team includes:

- Two Deputy Coordinators who are typically assigned to adjudicate cases, to serve as Chairs of panel hearings, or to assist the Civil Rights/Title IX Coordinator.
- At least 1 representative from each sector of campus (Academic Affairs, Admissions, Advancement, Athletics, Finance and Administration, and Student Affairs)
- At least 4 other staff or faculty members, representative of the campus community

Because of the need for significant training and a high level of expertise, team members are appointed to continuing terms, for a minimum of three years. Appointments to the Case Management Team 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 Case Management Team are encouraged to contact the Civil Rights/Title IX

Coordinator.

### **3. Reporting Misconduct**

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 Civil Rights/Title IX Coordinator, the Director of Human Resources, or a member of the Case Management Team. It is also possible for employees to notify a supervisor, or for students to notify a staff or faculty member. These individuals will in turn notify the Civil Rights/Title IX Coordinator. The Alma College website also includes a 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 Civil Rights/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 allegations received by any party will be reported to the Civil Rights/Title IX 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. In all cases, Alma College will give consideration to the reporting party, with respect to how the reported misconduct is pursued; but reserves the right, when necessary, to protect the community, to investigate and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process.

### **4. Intake**

Following receipt of notice or a report of misconduct, the Civil Rights/Title IX Coordinator<sup>11</sup>, or Deputy Coordinator, will engage in a preliminary inquiry to determine if there is reasonable cause to believe this policy has been violated. 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 allegation does not appear to allege a policy violation or if conflict resolution is desired by the reporting party; and appears appropriate given the nature of the alleged behavior, then the allegation does not proceed to investigation.

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<sup>11</sup> If circumstances require, the President or Civil Rights/Title IX Coordinator may designate another person to oversee the process below, should an allegation be made against the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

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. Alma College is committed to resolving all investigations in a timely manner, with notice to the parties by the Civil Rights/Title IX Coordinator of any extensions and their rationale.

## **5. Supportive Measures**

The Civil Rights/Title IX 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 reporting party and the community, and to prevent further violations. These remedies may include, but are not limited to:

- 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 reporting party, if desired)
- Altering work arrangements for employees
- Providing campus escorts
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.
- Increased security and monitoring of certain areas of campus

Alma College may interim suspend a student, employee, or organization pending the completion of the Case Management Team investigation and procedures. The process is detailed as follows:

- The Civil Rights/Title IX Coordinator, or designee, will engage in an individualized safety and risk analysis to determine if there is an immediate threat to the health or safety of anyone within the campus community.
- 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, Civil Rights/Title IX Coordinator, or designee, this restriction includes classes and/or all other Alma College activities or privileges for which the student might otherwise be eligible.
- 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 Civil Rights/Title IX Coordinator, or designee, prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented.

- For allegations involving responding parties who are students at Alma College: the Vice President for Student Affairs has sole discretion to implement or stay an interim suspension, and to determine its conditions and duration.
- At the discretion of the Provost, or designee, alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student.
- For allegations involving responding parties who are employees of Alma College: the Senior Vice President and Chief Operating Officer (COO) has sole discretion to implement or stay an interim suspension, and to determine its conditions and duration.
- Violation of an interim suspension under this policy will be grounds for expulsion or termination.

## **6. Formal Complaint**

At an intake meeting, via mail, e-mail, or using an electronic form, Reporting Parties will be asked to sign a formal complaint. To sign a formal complaint, a reporting party must be participating in, or attempting to engage in Alma College's educational programs.<sup>12</sup> A Reporting Party does not have to identify a Responding Party to file a formal complaint. While a formal complaint is not required for someone to access Supportive Measures from Alma College, this formal complaint is required in order for the College to pursue a formal investigation or an informal resolution. The Civil Rights/Title IX Coordinator may also sign a formal complaint in some cases.

## **7. Investigation**

Once the decision is made to commence a formal investigation, the Civil Rights/Title IX Coordinator appoints Case Management Team members to conduct the investigation, usually within two (2) business days of determining that an investigation should proceed. Investigations are completed expeditiously, normally within thirty-five (35) days, though some investigations may take longer, depending on the nature, extent and complexity of the allegations, availability of witnesses, police involvement, etc.

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 typically 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;

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<sup>12</sup> Engaging or attempting to engage in educational programs may include being enrolled as a student, engaging in alumni programs and activities, someone who expresses a desire to re-enroll

they will entail interviews with all relevant parties and witnesses, obtaining available evidence, and identifying sources of expert information, if necessary.

## **8. Advisors**

Each party is allowed to have an advisor of their choice present with them for all meetings and proceedings, from intake through to final determination. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available, and usually not otherwise involved in the resolution process, such as serving as a witness. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is available and eligible. The parties may choose advisors from inside or outside the campus community. The Civil Rights/Title IX Coordinator will also assign a trained Case Management Team member to work as an advisor/advocate upon the request of any party.

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. Alma College cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, Alma College is not obligated to provide one.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to. The advisor may not make a presentation or represent the reporting party or the responding party during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or hearing panelists. During hearings, advisors are invited to conduct cross-examination toward parties and witnesses. Cross-examination involves asking relevant case-related questions, as approved by the Administrative Hearing Officer or Panel Chair (hereafter referred to as Hearing Authority). Advisors will ask a question aloud, and then the Hearing Authority will either advise the party or witness to answer the question, or provide a rationale for why the question is not permitted. The Hearing Authority's decision about a question's relevance is final. Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation.

Advisors are expected to refrain from interference with the investigation and resolution. Any advisor who steps out of their role will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. Subsequently, the Civil Rights/Title IX Coordinator will determine whether the advisor may be reinstated, or may be replaced by a different advisor.

Alma College expects an advisor to adjust their schedule to allow them to attend meetings when scheduled. Alma College does not typically change scheduled meetings to accommodate an advisor's inability to attend. Reasonable provisions will be made, however, to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

The parties must advise the investigators of the identity of their advisor at least one (1) day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). A party may elect to change advisors during the process, and is not locked into using the same advisor throughout. The parties must provide timely notice to investigators if they change advisors at any time.

### **9. Preliminary Investigative Report**

After the investigators have gathered all pertinent evidence, they will generate a preliminary report. The preliminary report will include all relevant evidence collected during the investigation. The preliminary report will not contain any findings. The parties will be provided with an opportunity to review the preliminary report and respond. Typically, the report will be provided to each party electronically. Parties are expected to maintain the privacy of this document and may not distribute this document. Unauthorized distribution of this document may result in referral to the appropriate office for disciplinary action.

The parties may each submit comments, feedback, additional documentary evidence, requests for additional steps in the investigation, names of additional witnesses, or any other information they deem relevant to the investigator(s), within five (5) calendar days after the preliminary report is made available for review. The Civil Rights/Title IX Coordinator or designee may, in their discretion, waive or adjust the time limit for the feedback. In the event new, relevant information is provided or identified by one of the parties, the information will be incorporated into the preliminary report and the parties will be provided a second and final opportunity to review and provide feedback regarding the new information before the investigators proceed with finalizing the report.

### **10. Resolution**

During or upon the completion of investigation, the investigators will meet with the Civil Rights/Title IX Coordinator. Based on that meeting, the Civil Rights/Title IX Coordinator will make a decision on whether there is reasonable cause to initiate a formal hearing. If the Civil Rights/Title IX 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 barring appeal from either party. The party requesting an appeal must submit in writing to the Civil Rights/Title IX Coordinator their explanation of



appeal of this decision within five (5) calendar days from receipt of this decision. If there is reasonable cause, the Civil Rights/Title IX Coordinator will direct the investigation to continue, or if there is a preponderance of evidence of a violation, then the Civil Rights/Title IX 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 Civil Rights/Title IX 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, a Case Management Team 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 Civil Rights/Title IX 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 reports 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 Civil Rights/Title IX Coordinator believe that it could be beneficial. It is not necessary to pursue conflict resolution first in order to pursue a formal resolution. 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 Civil Rights/Title IX Coordinator will provide written notification of an allegation to any member of Alma College community who is accused of an offense of harassment, discrimination, or retaliation.

The Civil Rights/Title IX Coordinator 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 Civil Rights/Title IX 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 Civil Rights/Title IX Coordinator will recommend an appropriate sanction or responsive action, based on the sanction recommended by the Investigators.



If the sanction/responsive action is accepted by both the reporting party and the responding party, the Civil Rights/Title IX Coordinator will implement it and act promptly and effectively to remedy the effects of the admitted conduct, upon the reporting party and the community.

If either party rejects the sanction/responsive action, a Panel hearing will be held on the sanction/responsive action only, according to the Formal Hearing 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 Civil Rights/Title IX, based on the results of the investigation.

c. Formal Hearing

For any allegations that are not appropriate for conflict resolution and which are not resolved without a hearing, the Civil Rights/Title IX 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.

**11. Formal Hearing Procedure**

The Civil Rights/Title IX Coordinator will appoint either single Administrative Hearing Officer, or a three-person Hearing Panel selected from the Case Management Team to make a determination on responsibility and appropriate sanctions, if any. In the case of a hearing panel, the Civil Rights/Title IX Coordinator will appoint a Panel Chair to convene the hearing. Case Management Team members, who have served as investigators, will be witnesses in the hearing of the allegation 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 an allegation against a faculty member. The panel will meet at times determined by the Panel Chair.

a. Statement of Rights for the Reporting Party and the Responding Party

Both parties have many of the same rights under this process. Those rights include the right:

- To be treated with respect by Alma College officials.
- To have the allegation and its denial treated neutrally until sufficient evidence is gathered and weighed.
- 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 have a support person, process advisor, and/or legal counsel present during any meetings or hearings that may occur as part of this process
- To have legal counsel advise them whether or not to answer questions. (Please note, legal counsel is may only participate in the process as an advisor, outlined above.)

- To request reasonable interim remedies, and accommodations due to disability
- To refuse to have an allegation resolved through conflict resolution procedures.
- To have their matter handled in a forthright and timely manner
- To receive advance notice of any meetings in which they are entitled to participate and the purpose of those meetings
- To provide statements, evidence, and information as part of the investigation
- To know the specific charges being issued and the range of potential sanctions should a violation be found
- To review evidence and other information obtained during the investigation in order to prepare for the hearing
- To rebut written materials presented in a hearing
- To file a written appeal to the Civil Rights/Title IX Coordinator
- To be informed in writing of the outcome/resolution of the allegation, sanctions where permissible, and the rationale for the outcome where permissible.

b. Notification of Charges

At least ten days 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 Hearing Authority will send a letter to the parties, and their advisors 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.
- A link to access the finalized investigation report and supportive documents electronically.
- 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 Hearing Authority may reschedule the hearing.
- Advisors are not permitted to participate in this hearing without the presence of the party they are assisting.
- 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 goal for a timely resolution.

c. Hearing Procedures

Hearings will be convened, usually within one to two weeks of the completion of the investigation, and will be conducted in private. The parties will have equal access to the information being considered, and equal opportunity to present information before the

hearing authority. The Hearing Authority has authority to run the hearing in the manner they feel most appropriate to make a determination, and to protect the privacy and well-being of those involved. This may include meeting utilizing telephone or video conferencing, or other methods to manage the hearing.

The following is a guide as to how the hearing will typically be conducted:

- The hearing authority will welcome everyone and discuss expectations for the hearing
- The hearing authority will give a brief overview of the investigative report
- The hearing authority may ask the investigative team clarifying questions regarding the investigation at any point during the hearing
- The reporting party will be given an opportunity to respond to the investigative report
- The hearing authority will have an opportunity to ask the reporting party questions
- The responding party will be given an opportunity to respond to the investigative report
- The hearing authority will have an opportunity to ask the responding party questions
- Advisors of both reporting party and responding party will have the opportunity to cross-examine the other party involved. Cross-examination refers to relevant, case-specific questions as approved by the Hearing Authority.
- The Hearing Authority will then call witnesses (if any), one by one, and ask them questions
- Advisors for both reporting party and the responding party will have the opportunity to cross-examine witnesses as noted above.
- Both reporting party and responding party will be given the opportunity to make a summary statement, including an impact statement, if any, and any requested sanctioning considerations

Hearings will be recorded for purposes of review in the event of an appeal. Case Management Team 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 Civil Rights/Title IX Coordinator or designee. No person will be given or be allowed to make a copy of the recording without permission of the Civil Rights/Title IX 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 hearing authority will deliberate in closed session, to determine whether the responding party is responsible or not responsible for the violation(s) in question, based 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, the hearing authority will recommend appropriate sanctions to the Civil Rights/Title IX Coordinator.

The Administrative Hearing Officer or Panel Chair will prepare a written deliberation report and deliver it to the Civil Rights/Title IX 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 Civil Rights/Title IX Coordinator within two (2) days of the end of deliberations.

The Civil Rights/Title IX Coordinator will simultaneously inform the accused individual and the reporting party of the final determination within 3-4 business days of the hearing, simultaneously. 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 hearing body. 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 reports or allegations involving similar conduct.
- Any other information deemed relevant by the hearing body.
- 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 reporting party 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:* 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.
- *Required counseling:* Requirement to attend a set number a sessions with a counselor of Alma College's choice.
- *Demotion:* An employee may be placed in a position with lesser responsibility. a decrease in pay will be associated with this.
- *Leave with pay:* An employee may be required not report to work for a specified number of days
- *Leave without pay:* An employee may be required not report to work for a specified number of days and may not use sick or vacation time for days away from work.
- *Termination:* Permanent termination from employment responsibilities, revocation of rights to be on campus for any reason or attend Alma College-sponsored events.
- *Other Actions:* In addition to, or in place of the above sanctions, Alma College may assign any other sanctions, as deemed appropriate.

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f. Withdrawal or Resignation While Charges Pending

Students: Alma College does not permit a student to withdraw, if that student has a report of misconduct 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 Civil Rights/Title IX Coordinator will reflect that status, as will Alma College responses to any future inquiries regarding employment references for that individual. The Civil Rights/Title IX Coordinator will act to promptly and effectively remedy the effects of the conduct upon the reporting party and the community.

g. Appeals

All requests for appeal considerations must be submitted in writing to the Civil Rights/Title IX Coordinator or Deputy Coordinator within three business days of the delivery of the written finding of the hearing body.

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.

Any appeal request that is not timely, and/or not pertaining to these grounds will not be considered. A three-member panel of the Case Management Team designated by the Civil Rights/Title IX Coordinator or Deputy Coordinator who was not involved in the resolution process previously, will consider all appeal requests. 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 Appeal 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 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 allegation. 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 body for reconsideration. Other appeals may be remanded at the discretion of the Civil Rights/Title IX Coordinator or heard by the three-member panel of the Case Management team.
- Sanctions imposed are implemented immediately unless the Civil Rights/Title IX Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The Civil Rights/Title IX Coordinator will normally, after conferring with the Appeal 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 Civil Rights/Title IX 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 Civil Rights/Title IX Coordinator.

i. Amnesty for Alcohol and Drugs

In an effort to encourage reporting of alleged sexual misconduct, relationship violence, and stalking violations, neither the reporting party, nor witnesses will face referrals for action under the Student Handbook if they personally engaged in the unlawful or prohibited use of alcohol or drugs during the incident when the alleged violation occurred. Additionally, accused students will not face additional referrals for action under the Student Handbook if they personally engaged in the unlawful or prohibited use of alcohol or drugs during the incident when the alleged violation occurred. Please note that amnesty applies only to the personal use of alcohol or drugs and does not extend to other potential violations of the Student Handbook that may have been committed, even if the

student may have been under the influence of alcohol or drugs at the time the alleged violations were committed.

j. Records

In implementing this policy, summary records of all allegations, resolutions, and hearings will be kept by the Civil Rights/Title IX Coordinator indefinitely in the College Civil Rights/ Title IX database.

**12. Revision**

These policies and procedures will be reviewed and updated annually, and/or as warranted by changes to federal guidance by the Civil Rights/ Title IX Coordinator. These recommendations will be submitted to the Policy and Planning Counsel for review and approval. The Civil Rights/Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. 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 was reviewed and updated by the President's Cabinet on August 10, 2020.