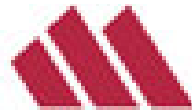


Monroe County Community
College
Title IX
August 14, 2020



MONROE COUNTY
COMMUNITY COLLEGE

enriching lives

What is Title IX?

Title IX

The U.S. Department of Education's [Office for Civil Rights](#) (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Scope of Title IX

Title IX applies to institutions that receive federal financial assistance from ED, including state and local educational agencies. These agencies include approximately 16,500 local school districts, 7,000 postsecondary institutions, as well as charter schools, for-profit schools, libraries, and museums. Also included are vocational rehabilitation agencies and education agencies of 50 states, the District of Columbia, and territories and possessions of the United States. [Monroe County Community College](#) receives federal financial assistance for the Department of Education.

Educational programs and activities that receive ED funds must operate in a nondiscriminatory manner. Some key issue areas in which recipients have Title IX obligations are: recruitment, admissions, and counseling; financial assistance; athletics; sex-based harassment; treatment of pregnant and parenting students; discipline; single-sex education; and employment. Also, a recipient may not retaliate against any person for opposing an unlawful educational practice or policy, or made charges, testified or participated in any complaint action under Title IX. For a recipient to retaliate in any way is considered a violation of Title IX. The [ED Title IX regulations](#) (Volume 34, Code of Federal Regulations, Part 106) provide additional information about the forms of discrimination prohibited by Title IX.

DEFINITIONS:

The definition of sexual harassment is more narrow than previous guidance. It is defined as “any unwelcome conduct that a reasonable person would find so severe, pervasive and objectively offensive that it denies a person equal educational access.” Reports of sexual assault, dating violence, domestic violence and stalking do not need to meet the description of “severe, pervasive and objectively offensive.”

SEXUAL HARASSMENT (unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature)

SEXUAL MISCONDUCT (rape, sexual assault, sexual battery, sexual exploitation and other forms of non-consensual sexual activity)

STALKING (repeatedly following, harassing, threatening or intimidating including by telephone, mail, electronic communication or social media)

DATING VIOLENCE (including emotional, verbal, and economic abuse without the presence of physical abuse)

DOMESTIC VIOLENCE (including emotional, verbal and economic abuse without the presence of physical abuse)

RETALIATION (adverse employment, academic or other actions against anyone reporting or participating in an investigation of Title IX allegations)

MCCC encourages individuals to report incidents involving [Prohibited Conduct](#) and other potential violations of this policy. MCCC does not limit the timeframe for reporting an incident regardless of when the incident occurred. However, the College encourages individuals to report as soon as practical, as memories may fade and evidence may be lost over time.

Individuals may also notify one of the Title IX Coordinators if they believe someone else may have experienced conduct that would be a violation of this Policy.

Reports of potential violations of this Policy may be made to the Title IX Coordinator, Linda Torbet at LTorbet@monroeccc.edu (734-384-4245) or to the Vice President of Enrollment Management and Student Success (734-384-4224). Reports to the Title IX Coordinator of potential violations of this policy will be kept private to the extent possible for the College to respond to the report, but reports made to the Title IX Coordinator are not confidential.

Upon being notified of a report the Title IX Coordinator shall reach out to the Complainant to schedule an Intake Interview and will also provide Complainant information regarding resources, rights, [Supportive Measures](#), and reporting options, and will explain that Supportive Measures are available without filing a [Formal Complaint](#).

Changes to Title IX Effective August 14, 2020

- 1) Colleges will now be required to allow cross-examination of the complaining and responding parties, as well as any witnesses, during a live hearing led by the a college official. Cross-Examination will be conducted by advisors for parties, including legal counsel, but not the parties themselves.
- 2) Colleges are only obligated to respond to reports of sexual harassment that occurred off-campus if the location is in use by the college.
- 3) Colleges will have an option to determine whether to use a “preponderance of the evidence” or “clear and convincing “ standard as the burden of proof. MCCC will use the “preponderance of the evidence standard”.
- 4) Stalking, domestic violence and dating violence are now officially considered examples of sexual harassment under Title IX.
- 5) The definition of sexual harassment is more narrow than previously. It is defined as “any unwelcome conduct that a reasonable person would find so severe, pervasive and objectively offensive that it denies a person equal educational access.” Reports of sexual assault, dating violence, domestic violence and stalking do not need to meet the description of “severe, pervasive and objectively offensive.”
- 6) Colleges are not obligated to handle complaints of sexual harassment that occurs outside the United States.
- 7) If a Title IX Coordinator receives multiple informal complaints of harassment against a single respondent, they will not be required to begin a formal complaint process.

Changes to Title IX Effective August 14, 2020 Continued

- 8) Colleges can no longer use a “single investigator model,” which has one official tasked with investigating, adjudicating and issuing disciplinary sanctions against respondents. The regulations instead require three separate officials to work through separate pieces of a single Title IX complaint process: a Title IX coordinator, who receives reports of sexual misconduct; an investigator, to gather facts and interview parties and witnesses; and a decision maker, to determine sanctions and remedies for parties.
- 9) Colleges must train all personnel involved in the Title IX process and publish training materials on their websites. Training was assigned to all MCCC employees from an outside vendor, Safe Colleges.
- 10) Title IX processes may be conducted virtually, and staff must be trained on relevant technology to conduct remote investigations and hearings. Live hearings will be recorded, by transcript or audio visually, and will be made available to parties and maintained in college records for at least seven years.
- 11) Colleges must provide evidence related to allegations to parties and advisers at least 10 days prior to requiring a response, and parties will not be prohibited from speaking about the allegations.
- 12) Colleges are required to have “reasonably prompt” periods for carrying out each step in the Title IX complaint process.

DEFINITIONS OF TERMS IN TITLE IX REGULATION:

Actual Knowledge: Notice of Prohibited Conduct allegations to the MCCC's [Title IX Coordinator or any MCCC Official with Authority to institute corrective measures on behalf of MCCC](#). Such officials are those in the following positions: President, Vice President of Administration, Vice President of Instruction, Vice President of Student Enrollment and Student Success, and Director of Human Resources. Any one of these individuals who receives a report of a potential violation in this Policy is required to inform the Title IX Coordinator about the information received.

Advisor: All persons who are a Complainant or a Respondent are permitted to bring an Advisor of their own choosing to any meeting or interview to provide support. The Advisor may be any person, including a family member or an attorney. The Advisor may accompany the student party to any and all portions of the grievance process.

Complainant: An individual who is the victim of, or alleged to be the victim of, conduct that may constitute Prohibited Conduct as defined in this Policy.

Confidentiality and Privacy: Confidentiality and Privacy have distinct meanings under this Policy. “**Confidentiality**” generally means that information shared with a licensed confidential resource cannot be revealed to any other person or office, unless written permission is granted by the individual to share their information,

Formal Complaint: The term “Formal Complaint” has a very specific definition within this Policy, and whether one is filed does not depend on the label applied, but instead on whether certain specific elements are met. A Formal Complaint is the act that initiates an investigation. A Formal Complaint must be filed and signed by a Complainant or signed by the Title IX Coordinator, alleging conduct which would constitute a violation of this Policy and requesting that MCCC investigate the allegations(s). Complaint form can be accessed on MCCC website under policies or contacting the Title IX Coordinator of Vice President of Enrollment Management and Student Success.

DEFINITIONS OF TERMS IN TITLE IX REGULATION:

Party: A Complainant or Respondent in a case.

Preponderance of Evidence: Means “more likely than not.” It is the standard of evidence used during the investigation to determine whether the alleged conduct occurred and/or this Policy was violated.

Respondent: An individual who is reported to have engaged in Prohibited Conduct.

Standard of Evidence: The decision regarding a Respondent’s responsibility will be determined by a preponderance of the evidence, meaning “more likely than not.”

Supportive Measures: Non-disciplinary, non-punitive, free of charge individualized services offered to a Complainant and/or the Respondent by MCCC as appropriate and reasonably available. Supportive measures are also available whether or not a [Formal Complaint](#) has been filed. Supportive measures may include, but are not limited to: academic support, class and work schedule changes, mutual ban on contact (no-contact directive), increased security, or other measures as determined on a case-by-case basis.

Title IX Coordinator: The College official(s) charged with ensuring the College’s overall compliance with Title IX and related College Policy and procedures. Title IX Coordinator, Linda Torbet at LTorbet@monroeccc.edu (734-384-4245) or to the Vice President of Student Enrollment and Student Success (734-384-4224).

Anonymous Reports: Any individual may make an anonymous report concerning an act of Prohibited Conduct. Depending on the extent of information available about the incident or the individuals involved, however, the College’s ability to respond to an anonymous report may be limited.

DEFINITIONS CONTINUED:

Responsibility to Report: The College encourages all members of the MCCC community to make the College a safe and supportive environment for everyone including calling 911 or campus police in an emergency situation or to report a crime or other incident that poses a risk of harm to the MCCC community. However, MCCC employees have a particular duty to report safety or security concerns and crimes or Policy violations, including potential violations of this Policy. *Any* College employee who is not a confidential resource under this Policy and who witnesses, is advised of or learns about an alleged violation of this Policy *must promptly notify* the Title IX Coordinator of the incident by email, or telephone. The employee must report to MCCC's Title IX Coordinator all relevant details about the alleged misconduct known to the employee or shared with them on a case-by-case basis.

COMMUNITY RESOURCES:

River Raisin Counseling 734-931-6151

Family Counseling & Shelter Services 734-241-0180

SOAP Project 614-216-1619

Michigan State Police 734-242-3500

Child Advocacy Network (CAN) 734-604-3384