



SEXUAL MISCONDUCT & SEXUAL HARASSMENT POLICY

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1. NOTICE OF NON-DISCRIMINATION

When Adrian College was established in 1859, its founders declared that it should be open to people of all sexes, races, and nationalities. Because of this mission, the College has always opened its campus to a wide variety of students. It attempts, through orientation, academic and social programming, affirmative action and the training of professional and student staff, to create an environment where difference is not only tolerated but celebrated.

In order to maintain this openness and variety, it is the policy of Adrian College that all students, faculty, staff, officials and guests be free from discrimination and discriminatory harassment based on race, religion, creed, ethnicity, national origin, sex, sexual orientation, age, handicap or physical characteristics. Discrimination is wrong and will not be tolerated.

Adrian College adheres to all federal and state civil rights laws banning discrimination in institutions of higher education, including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972 ("Title IX"), The Age Discrimination in Employment Act, The Americans with Disabilities Act and ADA Amendments Act, The Equal Pay Act, and the [Elliot-Larsen Civil Rights Act](#). Adrian College does not discriminate against an employee, applicant for employment, student or applicant for admission on the basis of age, color, disability, ethnicity, familial status, genetic information, height, national origin, race, religion, sex, gender, gender identity, pregnancy, sexual orientation, veteran status, weight or any other legally protected attribute, status or characteristic, except in the event of a bona fide occupational qualification. To view Adrian College's full statement on non-discrimination, see the [Adrian College Student Handbook](#).

This Policy covers nondiscrimination in the forms of Sex Discrimination, Sexual Harassment, and Sexual Misconduct in the College's education programs and activities, including employment, admissions, and access to educational opportunities. When brought to the attention of Adrian College, Sexual Harassment and Sexual Misconduct will be promptly and fairly addressed by the College according to applicable grievance process described below.

TITLE IX COMPLIANCE

Adrian College is required to comply with Title IX of the Education Amendments of 1972 ("Title IX"), which prohibits discrimination based on sex — including sexual harassment — in education programs and activities that receive federal financial assistance. Adrian College is committed to the principles of equal opportunity and seeks to establish and maintain an environment which ensures equal access to education for all College community members including students, applicants for admission, employees, applicants for employment, guests, and visitors. Adrian College does not discriminate on the basis of sex in any education program or activity operated by the College including, but not limited to, admissions, employment, recruitment, compensation, and athletics as well as access to housing and facilities, classes and schools, counseling, employment assistance to students, health and insurance benefits and services, and fringe benefits. Adrian College is required by Title IX and the Regulations thereunder not to discriminate in such a manner.

For additional information or inquiries about the application of Title IX and the regulations thereunder, contact Adrian College's Title IX Coordinator and/or the Assistant Secretary of the United States Department of Education.

The following individual has been designated as the Title IX Coordinator at the College:

For incidents involving students:

Ethan Powell
Assistant Dean of Students & Title IX Co-Coordinator
110 S. Madison St, Adrian, MI 49221
Phone: (517) 264-3963
Email: epowell@adrian.edu

For incidents involving employees:

Thomas Doney
Dean of Students & Title IX Co-Coordinator
110 S. Madison Street, Adrian, MI 49221
Phone: (517) 265-5161 ext. 3142
Email: tdoney@adrian.edu

The United States Department of Education, Office for Civil Rights office contact information is as follows:

Office for Civil Rights (OCR)
U.S. Department of Education 400 Maryland Avenue, SW Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
TDD#: (877) 521-2172
Email: OCR@ed.gov Web: ed.gov/ocr

The regional Office of Civil Rights can be contacted at:

Office for Civil Rights (Cleveland Office), U.S. Department of Education
1350 Euclid Avenue, Suite 325
Cleveland, OH 44115-1812
216-522-4970

Equal Employment Opportunity Commission (EEOC)

Contact: <http://www.eeoc.gov/contact/>

The local EEOC office can be contacted at:

EEOC – Detroit Field Office
Patrick V. McNamara Building 477
Michigan Avenue, Room 865
Detroit, MI 48226
Phone: 1-800-669-4000
Fax: 313-226-4610
TTY: 1-800-669-6820
ASL Video Phone: 844-234-5122
Web: <https://www.eeoc.gov/field-office/detroit/location>

Complaints with the Office for Civil Rights must be filed within one hundred eighty (180) days of the last act that the Complainant believes was discriminatory. There is no time limit for making a report to Adrian College.

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

2. SCOPE OF POLICY

The purpose of this Policy is the prohibition of Sex Discrimination, Sexual Harassment, and Sexual Misconduct. Adrian College provides the following information on how to report sex discrimination, sexual misconduct, and sexual harassment to Adrian College and outlines the College's response to such reports. Discrimination involves exclusion from, being denied the benefits of, or otherwise being subjected to discrimination under any Adrian College academic, extracurricular, research, occupational training, or other education program or activity. Discrimination can also take the form of Harassment, Title IX Sexual Harassment, Sexual Misconduct, and Retaliation, collectively referred to as "[Prohibited Conduct](#)" in this Policy. When an alleged violation of this Policy is reported, the allegations are subject to resolution using Adrian College's Complaint Resolution Procedures ([See Section 10.](#)).

The Adrian College community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers.

Any person may experience Prohibited Conduct, irrespective of the identity of the Complainant or Respondent, and is encouraged to report such incidents to Adrian College. Any person, regardless of whether or not the person reporting the alleged incident is the person alleged to be victimized by the incident, may report conduct that may constitute Prohibited Conduct to the Title IX Coordinator or any Adrian College Mandated Reporter. For all Reporting Options, see Section 6. of this Policy.

While there is no time limit for reporting allegations of Prohibited Conduct, the College strongly encourages the prompt reporting of such conduct to allow the College to respond promptly and effectively. The applicable grievance procedures will depend upon the form of Prohibited Conduct and status of the Complainant and Respondent at the College.

JURISDICTION OF POLICY

Any person may experience Sex Discrimination, Sexual Harassment, or Sexual Misconduct anywhere. Therefore, any individual may report any incident to the Coordinator. However, in accordance with federal law, the College's response to such incidents is dependent upon the location of the alleged incident.

This Policy applies to all Prohibited Conduct, as defined in [Section 5](#), that occurs within an Adrian College Education Program or Activity as defined below.

Adrian College Education Programs and Activities: Locations, events, or circumstances within the geographical boundaries of the United States over which the College exercises substantial control over both: 1) the Respondent; and 2) the context in which the alleged Prohibited Conduct occurs. This includes, but is not limited to:

- Conduct that occurs on campus
- Conduct that occurs in any building owned or controlled by a student organization that is officially recognized by the College, such as fraternity and sorority buildings¹
- Conduct that occurs in off-campus settings that are operated or overseen by the College such as field trips, online classes, and athletic programs
- Conduct that takes place via school-sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of, the College, including AI technologies. Factual circumstances of electronic, digital, and online Prohibited Conduct will be analyzed on a case-by-case basis to determine the context in which the incident occurred
- Conduct that occurs during training programs sponsored by the College at another location
- Conduct subject to the College's disciplinary authority that occurs off campus

This is not an exhaustive list of conduct or scenarios that may fall under this Policy. Additional forms of conduct or scenarios may fall under this Policy, depending on the facts. Therefore, the application of this Policy will rely upon a fact-based analysis to determine if the College has disciplinary authority over the Respondent's conduct in the context in which the alleged conduct occurred.

Conduct that Occurs Outside an Adrian College Education Program or Activity: Prohibited Conduct that occurs outside an Adrian College Education Program or Activity (including outside the United States) but still effectively deprives someone of access to Adrian College's educational programs or activities and/or the Title IX Coordinator determines that the conduct affects a substantial Adrian College interest may be addressed under the College's Student Code of Conduct or Employee Handbook. Substantial Adrian College interest is defined in the [Relevant Terms](#).

¹ Irrespective of whether the building is on or off campus and irrespective of whether Adrian College exercises substantial control over the Respondent and the context of the conduct other than the fact that the College officially recognizes the fraternity or sorority that owns or controls the building. Therefore, Title IX requires Adrian College to investigate Formal Complaints alleging sexual harassment that occurred in a fraternity or sorority building (located on or off campus) owned by a fraternity or sorority that is officially recognized by Adrian College as a Greek life organization.

Applicable Procedures: The College's procedures for the different form of Prohibited Conduct differ, however. A summary of the College's applicable procedures is below:

Form of Prohibited Conduct	Location of Incident	Complaint Resolution Procedures
Title IX Sexual Harassment	In an Adrian College Education Program or Activity, including within the geographic boundaries of the United States	Section 10. Complaint Resolution Procedures
Title IX Sexual Harassment	Outside an Adrian College Education Program or Activity or outside of the United States ²	Adrian College Student Code of Conduct or Employee Handbook
Sex Discrimination Sexual Misconduct Retaliation	In or outside an Adrian College Education Program or Activity	Adrian College Student Code of Conduct or Employee Handbook

Non-Community Member Respondents: If the reported Respondent is unknown, not a member of the College community, or is no longer associated with the College at the time of the report or grievance process is initiated, the College may be unable to conduct an investigation or take disciplinary action. However, the Coordinator will assist the Complainant in identifying appropriate campus and local resources, Supportive Measures and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Other Conduct: Reported incidents that do not fall under this Policy may be addressed under other institutional policies, such as the Adrian College Student Code of Conduct or Employee Handbook.

PRIVACY & CONFIDENTIAL RESOURCES

Every effort is made by Adrian College to preserve the privacy of reports. The College will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Adrian College reserves the right to designate which College officials have a legitimate educational interest in being informed about incidents that fall within this Policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

² The Title IX Coordinator will evaluate incidents on a case-by-case basis to determine the College's response. Supportive Measures will be available to the Complainant regardless of where the incident occurred.

Privacy generally means that information related to a report will only be shared with a limited circle of individuals, including individuals who “need to know” in order to assist in the evaluation, investigation, or resolution of the report or to deliver resources or Supportive Measures. Such individuals could include, but is not limited to: Investigators, Decision-Makers, witnesses, Parties, Advisors, and College Police. While not bound by confidentiality or privilege, these individuals will be discreet and respect the privacy of all individuals involved in the process. All participants in an investigation under this Policy, including Advisors and witnesses, will be informed that privacy helps enhance the integrity of the investigation and protect the privacy interests of the Parties and will be asked to keep any information learned in an investigation meeting or hearing confidential, to the extent consistent with applicable law.

Confidential Resources: Certain individuals are designated as having confidentiality. For reports made to employees designated as having confidentiality, Adrian College will respect the reporting Party’s expectations of privacy to the extent permissible by law while still ensuring compliance with other reporting obligations. For example, complaints involving minors are subject to mandatory reporting requirements. Confidential resources can provide information about the College and off-campus resources, support services and other options

Confidential Resources are required to maintain near complete confidentiality; talking to a Confidential Resource is sometimes called a privileged communication (e.g. Counselor). This means that confidential resources will not share other information with the Coordinator or any other employee of the College without the express permission of the disclosing party. Individuals defined as Confidential Resources only have privileged communication when serving in their Confidential role on campus. For example, if a Campus Chaplain is providing ministerial care to a student in the Campus Ministry Office, that conversation is considered confidential. However, if a student is visiting with a Campus Chaplain in the hallways after class, that communication is not considered privileged or confidential. Additionally, only the individuals with legally recognized privilege or named confidential by title are Confidential Resources (e.g., Campus Chaplains, Health Center providers, counseling and psychological services, etc.). Employees working alongside Confidential Resources in the same office or workspace (e.g., Campus Ministries staff, Health Center staff, etc.) are not Confidential Resources but rather Mandated Reporters. For a list of Confidential Resources, see [Section 6](#). of this Policy.

As noted above, because of the confidential nature of these employees, disclosing information to or seeking advice from a Confidential Resources does not constitute a report or Formal Complaint to the College and will not result in a response or intervention by the College. A person consulting with a Confidential Resources may later decide to make a report or Formal Complaint to the College and/or law enforcement.

Community members wishing to seek completely confidential assistance may also speak with off-campus counselors, health service providers or rape crisis resources, who will maintain confidentiality.

Privilege: Communication with certain individuals, such as counselors, may be privileged by operation of law and reports made to these individuals will not be shared with the Coordinator or law enforcement except in very limited situations, such as when failure to disclose the information would result in imminent danger to the individual or to others or as otherwise required by law.

Privileged communications cannot legally be disclosed to another person without the consent of the individual who originally provided the information, except under very limited circumstances

such as allegations involving the physical or sexual abuse of a child or vulnerable adult or an imminent threat to the life of any person.

Release of Information: Pursuant to the Clery Act, anonymous statistical information must be shared with Campus Safety or the Compliance Office where required by the Clery Act. Annual Clery reporting to the U.S. Department of Education is required by educational institutions for certain offenses that have been reported at campus locations. The information contained in the Clery report tracks the number of Clery reportable offenses occurring at campus locations and does not include the names or any other identifying information about the persons involved in the incident.

Adrian College may share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions.

3. TITLE IX COORDINATOR CONTACT INFORMATION

In this Policy, the term “Title IX Coordinator” is used to refer to the Adrian College employee(s) responsible for overseeing the College’s compliance with Title IX. The Title IX Coordinator has discretion to delegate specific responsibilities to Co- or Deputy Title IX Coordinators and/or designees. Therefore, references to “Title IX Coordinator” or “Coordinator” throughout this Policy may also encompass a designee of the Coordinator for specific tasks.

The Title IX Coordinator has the primary responsibility for responding to reports and Formal Complaints of Prohibited Conduct on behalf of the College. They also coordinate the College’s efforts related to the intake, investigation, resolution, and implementation of Supportive Measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this Policy.

When notified of Prohibited Conduct set forth under this Policy, the Title IX Coordinator or designee will evaluate the alleged conduct to determine the applicable grievance procedures and notify the Parties of the grievance procedures and informal resolution options, if available and appropriate. Overall, they will treat Complainants and Respondents equitably and offer and coordinate Supportive Measures.

Reports or notice of alleged Policy violations, or inquiries about or concerns regarding this Policy and procedures, may be made internally to:

For incidents involving students:

Ethan Powell
Assistant Dean of Students & Title IX Co-Coordinator
110 S. Madison St, Adrian, MI 49221
Phone: (517) 264-3963
Email: epowell@adrian.edu

For incidents involving employees:

Thomas Doney
Dean of Students & Title IX Co-Coordinator
110 S. Madison Street, Adrian, MI 49221

Phone: (517) 265-5161 ext. 3142
Email: tdoney@adrian.edu

4. MANDATED REPORTER RESPONSIBILITIES

All Adrian College employees (faculty, staff, administrators, student employees, and Residential Advisors), with the exception of those who are designated as Confidential Resources, are considered “Mandated Reporters.” Mandated Reporters are required to notify the Coordinator if they have information about conduct that may reasonably constitute Prohibited Conduct, including sexual harassment. Mandated Reporters are expected to share such information with the Coordinator within 24 hours of receipt and are to include all details of an incident, including the identities of the reporting party, Complainant, and Respondent, if known.

Mandated Reports are responsible for sharing with the Coordinator both reports made to them in the course of their employment as well as behaviors they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Failure of a Mandated Reporter to report an incident of Prohibited Conduct of which they become aware is a violation of this Policy and can be subject to disciplinary action for failure to comply. However, a Mandated Reporter who is themselves a target of harassment or other Prohibited Conduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

5. PROHIBITED CONDUCT

Adrian College prohibits a broad spectrum of sex-based discriminatory behavior. The sections below describe the specific forms of legally prohibited discrimination and harassment that are also prohibited under College Policy. A single incident may fall under more than one of the definitions provided in this section.

Certain conduct, including forms of Sexual Misconduct or Title IX Sexual Harassment may also encompass criminal conduct under state and/or federal law. Additionally, conduct prohibited under this Policy may result in civil and/or administrative legal consequences.

SEX DISCRIMINATION

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

Discrimination includes actions that deprive or limit access to education, employment, benefits, or other opportunities and/or treat an individual differently on the basis of that person’s sex, gender, gender identity, or sexual orientation.

TITLE IX SEXUAL HARASSMENT

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

1. Quid pro quo harassment

An Adrian College employee conditioning provision of an aid, benefit or service of Adrian College on an individual's participation in unwelcome sexual conduct.

For example, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational or employment progress, development or performance. This includes when submission to such conduct would be a condition for access to receiving the benefits of or opportunities in any educational or employment program.

Quid pro quo harassment does not need to be severe and pervasive as required under Item III.2 below, because the abuse of authority in the form of even a single instance is inherently offensive and serious enough to jeopardize equal educational access.

2. Title IX Hostile Environment Harassment

Unwelcome conduct determined by a reasonable person to be so **severe, pervasive and objectively offensive** that it effectively denies a person equal access to Adrian College's education program or activity.

Signs of enduring *unequal* educational access due to severe, pervasive, and objectively offensive sexual harassment may include withdrawing from a class to avoid a harasser, a decline in a student's grade point average, or having difficulty concentrating in class. However, no concrete injury is required to conclude that serious harassment would deprive a reasonable person in the Complainant's position of the ability to access Adrian College's education program or activity on an equal basis with persons who are not suffering such harassment.

Typically, the following factors are considered when determining whether Sexual Harassment has occurred: (1) The degree to which the conduct affected the person's ability to access the institution's education program or activity; (2) The type, frequency, and duration of the conduct; (3) The Parties' ages, roles within the College's education program or activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct; (4) The location of the conduct and the context in which the conduct occurred; and (5) Other sexual harassment in the College's education program or activity.

3. Sexual Assault

Forcible or non-forcible sex offenses under the FBI's Uniform Crime Reporting program (U.C.R.). Various forms of sexual assault include:

Sex Offenses, Forcible: Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

- (1) **Rape:** (Except Statutory Rape) Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
- (2) **Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity. Sodomy is considered a form of rape.
- (3) **Sexual Assault with an Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity. Sexual assault with an object is considered a form of rape.
- (4) **Fondling:**³ The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

The forced touching by the victim of the other individual's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

This includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

Sex Offenses, Nonforcible: (Except Prostitution Offenses) Unlawful, nonforcible sexual intercourse.

- (1) **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees where marriage is prohibited by law.
- (2) **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent. In the state of Michigan, the age of consent is 16 years old.

4. Dating Violence and Domestic Violence

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall

³ The FBI's Uniform Crime Reporting Manual (2025) defines this type of behavior as "Criminal Sexual Contact" rather than "Fondling." (<https://le.fbi.gov/file-repository/nibrs-user-manual-2025-0-062625.pdf/view>). Under this policy, such behavior is considered a form of sexual harassment and policy violation. It does not lead to or implicate either Party in a criminal or otherwise legal proceeding. Therefore, the term "fondling" is used in this policy to maintain clarity. Information about reporting incidents of sexual misconduct and sexual harassment to law enforcement is contained in Section 6. of this policy.

be determined based on a consideration of the following factors: (1) The length of the relationship; (2) The type of relationship; and (3) The frequency of interaction between the persons involved in the relationship.

Domestic Violence: Felony or misdemeanor crimes of violence committed by: (1) A current or former spouse or intimate partner of the victim; (2) A person with whom the victim shares a child in common; (3) A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (4) A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies; or (5) Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

5. Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) Fear for the person's safety or the safety of others; or (2) Suffer substantial emotional distress.

For the purposes of this definition: 1) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; 2) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant; and 3) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Note that any report of sexual assault, dating violence, domestic violence, or stalking is not subject to the elements referenced in the second prong of definitions of Title IX Sexual Harassment, which consider whether the incident was "severe, pervasive, and objectively offensive." A single act of sexual assault, dating violence, domestic violence, and stalking does not need to demonstrate severity, pervasiveness, objective offensiveness, or denial of equal access to education because denial of equal access is assumed. Therefore, Complainants can feel confident reporting such incidents to the College and receive Supportive Measures without wondering whether sexual assault is 'bad enough' to report.

Adrian College is required under Federal Title IX regulations to respond to incidents of sexual harassment as stated above. Additionally, conduct outlined in the above definitions of Sexual Harassment may be considered a violation of state law and subject to mandatory reporting and/or criminal investigation.

SEXUAL MISCONDUCT

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

The following behaviors are also considered Sexual Misconduct and prohibited:

- Persistent, unwelcome flirtation, advances and/or propositions of sexual nature;
- Repeated insults, “wolf-whistling,” humor, jokes and/or anecdotes that belittle or demean an individual’s or a group’s sexuality or sex;
- Repeated, unwelcome comments of sexual nature about an individual’s body or clothing;
- Unwarranted displays of sexually suggestive objects or pictures;
- Inappropriate touching, such as patting, pinching, hugging, or repeated brushing against an individual’s body.
- Pressure for sexual favors
- Obscene communications, or bullying based on gender or sexual orientation
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
- Touching of a non-private body part with the person’s own private body part
- Attempting or inciting another to commit sexual contact with another member of the College community without that person’s consent, including but not limited to, rape and other forms of sexual assault.
- Taking images or audio recording another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent), including the making or posting of revenge pornography
- Showing intimate sexual or nude images of oneself to others without seeking prior consent to do so
- Conduct that may be considered Title IX Sexual Harassment but occurred outside of the geographical boundaries of the United States and/or an Adrian College Education Program or Activity but affect a substantial College interest.⁴
- Other sex-based activity that could be charged as a crime in the state of Michigan

RETALIATION

Adrian College prohibits any person from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX and its implementing regulations.

This retaliation provision may apply to any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator

⁴ See [Section 2](#), to learn more about Adrian College Education Programs and Activities as well as the College’s jurisdiction outside of College Programs and Activities.

of sex discrimination, any Respondent, any witness, or any other individuals who participate (or refuse to participate) in any manner in an investigation, proceeding, or hearing of Adrian College's Title IX grievance process. This policy includes protecting the Complainant, Respondent, and witnesses from being coerced, intimidated, threatened, or otherwise discriminated against based on their participation or refusal to participate in the Title IX grievance process.

Retaliation includes Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or report or Formal Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations.

Charging an individual with a Code of Conduct violation for making a materially false statement in bad faith in the course of the grievance process does not constitute retaliation. However, a determination regarding responsibility alone is not sufficient to conclude that an individual made a materially false statement in bad faith. A Complainant's allegations may not have been false even where the ultimate determination is that the Respondent is not responsible and/or that the Complainant may not have acted subjectively in bad faith (and conversely, that a Respondent may not have made false, or subjectively bad faith, denials even where the Respondent is found responsible).

Exercising rights protected under the First Amendment does not constitute retaliation.

The parties have the right to discuss the allegations under investigation, but this right does not preclude Adrian College from warning the parties not to discuss or disseminate the allegations in a manner that constitutes retaliation or unlawful tortious conduct. It is unacceptable for any person to leak or disseminate information to retaliate against another person.

Complaints alleging retaliation may be filed with Adrian College Title IX Coordinator, which will be handled using the prompt and equitable grievance procedures available for non-sexual harassment sex discrimination complaints by students and employees, as referenced in Adrian College's Code of Conduct. Also, the perpetrator or others may be subject to the laws of Michigan if they try to coerce or intimidate the victim into not reporting the crime.

6. REPORTING OPTIONS

Individuals may report potentially Prohibited Conduct, as defined above, to a variety of individuals at Adrian College. Information about reporting is outlined below.

REPORTING TO THE TITLE IX COORDINATOR

Any person may report an incident(s) of Prohibited Conduct to the Coordinator. The reporting party may be the person who is alleged to have been subjected to conduct that could constitute Prohibited Conduct (referred to as "Complainant") or a third party.

Reports may be written or verbal and may be made at any time (including non-business hours) in person, by using the telephone number or email address, or by mail to the office address, of the Title IX Coordinator or by using the [Incident Report Form](#).

REPORTING TO MANDATED REPORTERS

All Adrian College employees (faculty, staff, administrators, and Residential Advisors), with the exception of those who are designated as Confidential Resources, are considered “Mandated Reporters.” Mandated Reporters are required to notify the Title IX Coordinator if they have information about conduct that may reasonably constitute Prohibited Conduct, including sexual harassment. Such information includes all details of an incident, including the identities of the reporting party, Complainant, and Respondent, if known. This includes reports made to them in the course of their employment as well as behaviors they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Therefore, talking with any non-confidential school employee constitutes a report to the College and will therefore be shared with the Coordinator. Please note, however, that reporting an incident to a Mandated Reporter does not constitute a Formal Complaint. As discussed in [Section 9](#), A Formal Complaint must be filed to initiate the [Complaint Resolution Procedures](#) under this Policy.

Generally, disclosures in climate surveys, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the College.

REPORTING TO LOCAL LAW ENFORCEMENT

Adrian College encourages anyone who has experienced Prohibited Conduct to pursue criminal action for incidents that may also be crimes under applicable criminal statutes. Law enforcement officers are trained in handling sexual assault and other cases involving harassment. Reporting to law enforcement does not require prosecution of the offense and the reporting party’s wishes will be taken into account by law enforcement. The police report and any supporting evidence may be turned over to the appropriate District Attorney’s Office, which decides whether there is sufficient evidence to prosecute. Information about the law enforcement process of reporting, the investigation, arrests, filing of charges, hearings, the trial and sentencing will be explained at the time of the report.

Adrian College employees will assist the reporting party in contacting local law enforcement, if explicitly requested by the reporting party. However, reporting an incident of Prohibited Conduct to the College does not in any way equate to reporting the incident to local law enforcement. An individual may decide to report an incident exclusively to the College, exclusively to local law enforcement, or to both Adrian College and local law enforcement.

Contact information for local police departments:

In case of emergency, call 911.

For non-emergencies, call:

- Campus Safety: (517) 265-5161 ext. 4333
- Adrian Police Department: (517) 264-4808
- Lenawee County Sheriff: (517) 263-0524

Should an individual report an incident of Prohibited Conduct to both Adrian College and local law enforcement, the College will comply with law enforcement requests for cooperation. Such cooperation may require the College to temporarily suspend its own investigation into the alleged incident while local law enforcement gathers evidence. During this time, Adrian College will continue to offer Supportive Measures to the Parties. As soon as local law enforcement or the College determines that a delay is no longer necessary, the College will promptly resume its Title IX or other internal investigation.

Adrian College policy, definitions, and standard of proof differ from state criminal law. Neither law enforcement's determination whether to prosecute a Respondent nor the outcome of any criminal prosecution will determine whether sex discrimination or sexual harassment has occurred under this Policy. Proceedings under this Policy may be carried out prior to, simultaneously with or following civil or criminal proceedings off campus.

In certain cases where an imminent ongoing threat is present, law enforcement may need to be notified against a Complainant's wishes.

In addition to the foregoing, all faculty and staff who become aware of or suspect sexual abuse of a minor (under the age of 16) must report that information to local law enforcement and/or the Coordinator who shall then inform local, state and/or federal law enforcement officials of such incident as required by law.

ANONYMOUS REPORTING

Adrian College permits anonymous parties to report alleged incidents of Prohibited Conduct by telephone, mail, email, or the Incident Report Form to the Title IX Office:

Anonymous reports will be investigated by Adrian College to the extent possible, both to assess the underlying allegation(s) and to determine if [Supportive Measures](#) can be provided. However, anonymous notice typically limits Adrian College's ability to investigate, respond, and provide Supportive Measures, depending on what information is shared.

If the anonymous report contains the identity of the Complainant, upon receipt of the report, the Coordinator will contact the Complainant to offer Supportive Measures and explain the process for making a Complaint. However, if the anonymous report does not contain the identity of the Complainant, the College will be unable to contact the Complainant to offer Supportive Measures. While the Coordinator will keep confidential Complainant's identity (unless disclosing the Complainant's identity is necessary to provide Supportive Measures for the Complainant, such as issuing no-contact orders), the Coordinator must know the identity of the Complainant to offer such Supportive Measures.

REPORTING TO CONFIDENTIAL RESOURCES

If you wish to report a potential violation of this Policy but would like your information to remain confidential (and therefore not reported to the Coordinator), you may choose to report to a Confidential Resource.

Confidential Resources are Adrian College employees with whom an individual can have confidential communication. Most Adrian College Confidential Resources also have legally

recognized privilege. For more information about Confidential Resources and Privilege, see **Section 2**.

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

For more information and assistance, please call: **(517) 265-5161**

- Health Center: Extension 4214
- Counseling Center: Extension 4214
- Student Life: Extension 3963
- Residence Life: Extension 4094
- Director of Student Health Center & Nurse Practitioner: Holly Nicholson, hnichelson@adrian.edu; (517) 264-3111
- Director of Counseling Services: Kellie Berger, kberger@adrian.edu

Off-Campus Resources: The following resources are available off campus. Please note this is not a comprehensive list.

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

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

ADDITIONAL REPORTING INFORMATION

Time Limits on Reporting: There is no time limitation on reporting incidents to the Title IX Coordinator. However, if the Respondent is no longer subject to Adrian College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide Supportive Measures may be more limited or impossible.

False Allegations and Evidence: Adrian College prohibits parties, including Complainants, Respondents, and witnesses, from knowingly making false statements or knowingly submitting false information during the grievance process. (Adrian College Code of Conduct – Article III.B.1.b)

Adrian College reserves the right to charge an individual with a Code of Conduct violation for making a materially false statement in bad faith during the course of the grievance process. Such charges do not constitute retaliation on behalf of Adrian College against the individual as the individual has violated Adrian College's own policy.

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

Michigan law includes exemption from prosecution for the following:

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

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

7. SUPPORTIVE MEASURES

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant and Respondent without unreasonably burdening the other Party. Supportive measures are designed to: 1) restore or preserve equal access to the party's education at Adrian College; 2) protect the safety of all parties or the Adrian College educational environment; or 3) deter Prohibited Conduct.

Supportive Measures may vary depending on what Adrian College deems to be reasonably available. These measures may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between the parties
- Changes in work or housing locations
- Leaves of absence

- Increased security and monitoring of certain areas of the campus
- College or residence-hall suspension
- Other similar measures as necessary

Implementation: The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures. Although Supportive Measures may require collaboration with various Departments on campus, the Title IX Coordinator will serve as the point of contact for Complainants and Respondents.

The College will offer Supportive Measures to every Complainant when the Title IX Coordinator receives a report of an incident of Prohibited Conduct. Examples of a report may include written or oral reports submitted by a Complainant, anonymous reporting party, third-party reporter, or other Adrian College community member.

Upon receiving a report of an alleged incident of Prohibited Conduct, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures and explain the option for filing a Formal Complaint as well as the grievance process under Title IX and/or the process described in Adrian College Student Code of Conduct. The Complainant will have the opportunity to express what they would like in the form of Supportive Measures, and the Title IX Coordinator will take into account the Complainant's wishes in determining which Supportive Measures to offer. Supportive Measures will be available to Complainants regardless of whether or not they wish to file a Formal Complaint to initiate a grievance process.

Supportive measures remain available to the Complainant before and after filing a Formal Complaint of Prohibited Conduct as well as when no Formal Complaint has been filed. Additionally, Adrian College will provide Supportive Measures to Complainants even when the alleged incident does not constitute Prohibited Conduct under this Policy. For example, a Complainant may still seek Supportive Measures when an incident of Sexual Harassment occurs outside of Adrian College's Education Program or Activity or outside of the United States.

Supportive measures may remain in place throughout an appeal process.

Adrian College may, as appropriate, modify or terminate Supportive Measures at the conclusion of the Complaint Resolution Procedures ([Section 10.1](#)) or Informal Resolution Process ([Section 10.2](#)), or the College may continue them beyond that point. Therefore, if Adrian College determines that a Respondent is not responsible for violating Title IX or the Code of Conduct, Adrian College may continue providing Supportive Measures to a Complainant or Respondent to restore or preserve equal access to their education.

Adrian College adheres to Federal Title IX regulations, which require the equitable treatment of Complainants and Respondents. Equitable treatment under Title IX includes providing Supportive Measures and Remedies for Complainants and avoiding disciplinary action against Respondents until the formal grievance process as outlined in this policy is completed. While Respondents will be offered Supportive Measures, Title IX does not require equality or parity with respect to the Supportive Measures provided to Complainants and Respondents.

Confidentiality: Adrian College will keep confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the Supportive Measures. For example, where a no-contact order is appropriate, the Respondent would need to know the identity of the Complainant in order to comply or if campus security is informed to help enforce the terms of such order.

8. EVALUATION OF REPORTED INCIDENTS

Upon receiving a report or Formal Complaint of an alleged incident of Prohibited Conduct, the Title IX Coordinator will communicate with the Complainant and evaluate the report or Formal Complaint to determine the College's response. "Reported incidents" refers to alleged conduct shared with the Coordinator in a report or complaint.

Generally, reports and Formal Complaints will be evaluated within five (5) business days of the Coordinator's receipt.

COMMUNICATION WITH COMPLAINANT

When the Title IX Coordinator is notified of conduct that reasonably may constitute [Prohibited Conduct](#) they will promptly contact the Complainant to:

- (1) Discuss the availability of Supportive Measures, as defined in [Section 7. Supportive Measures](#);
- (2) Consider the Complainant's wishes with respect to Supportive Measures;
- (3) Inform the Complainant of the availability of Supportive Measures with or without filing a Formal Complaint; and
- (4) Explain to the Complainant the applicable grievance procedures as outlined under this Policy, the informal resolution process (if available and appropriate), and process for filing a Formal Complaint under this Policy
- (5) Explain the Complainant's right to an Advisor and identify campus advising resources

ASSESSMENT OF PROHIBITED CONDUCT

The Coordinator will conduct a fact-based analysis to determine the College's response to the reported conduct. The Coordinator will determine: 1) if the reported conduct may constitute **Title IX Sexual Harassment** as defined in this Policy, if proven; and 2) if the reported conduct occurred in an **Adrian College Education Program and Activity**, including within the geographical boundaries of the United States.

If the answer is "yes" to both of these questions, meaning the incident of reported conduct may constitute **Title IX Sexual Harassment** and occurred in an **Adrian College Education Program or Activity**, it will be addressed under **Section 10. Complaint Resolution Procedures** set forth in this Policy, which includes both the formal Complaint Resolution Process (**Section 10.1**) and the Informal Resolution Process (**Section 10.2**).

If the answer is "no" to either of these questions, the reported incident may be considered one or more of the following forms of conduct and addressed accordingly:

1. Sex Discrimination, Sexual Misconduct,⁵ and Retaliation incidents will be addressed using the grievance procedures outlined in Adrian College Student Code of Conduct (for incidents involving students) or the Employee Handbook (for incidents involving employees).
2. Other misconduct not specifically implicated under this Policy may be addressed using other applicable institutional policies such as the Student Code of Conduct (for incidents involving students) or the Employee Handbook (for incidents involving employees).
3. Non-actionable Reports are those for which action cannot be taken under any existing policy, though the Complainant may request, and the College may provide, Supportive Measures as appropriate.

After conducting the assessment, the Title IX Coordinator will notify the Complainant of the applicable policy and procedures, if available and appropriate. If a Formal Complaint is filed, the Coordinator will also notify the Respondent of the applicable Complaint Resolution Procedures and Informal Resolution Process, if available and appropriate.

If the conduct alleged in a report may constitute Title IX Sexual Harassment under this Policy, but the Complainant does not wish to proceed with filing a Formal Complaint and therefore initiate an investigation into the alleged incident(s), the Complainant has the right not to proceed. In certain instances, the Coordinator may still consider it necessary to investigate the allegations. For information about situations where the Coordinator may initiate the Formal Complaint, see [Section 9](#).

Please note that if a Formal Complaint contains allegations of Title IX Sexual Harassment in addition to allegations that are considered Prohibited Conduct under this Policy but not Title IX Sexual Harassment, all allegations contained within that Formal Complaint may be addressed under [Section 10. Complaint Resolution Procedures](#).

Regardless of whether an alleged incident is determined to constitute Title IX Sexual Harassment or another form of Prohibited Conduct, and regardless of whether or not the Complainant files a Formal Complaint under Title IX, Adrian College will provide Supportive Measures to the Complainant. For more information about Supportive Measures, see [Section 7](#).

EMERGENCY REMOVAL

Adrian College reserves the right to remove a Respondent from an Adrian College education program or activity without undergoing a grievance process on an emergency basis in the event that the College undertakes an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

In the event of emergency removal, Adrian College will provide the Respondent with post-removal notice and the opportunity to challenge the decision immediately following the removal.

⁵ As noted in Section 5. Prohibited Conduct, Sexual Misconduct includes incidents that may constitute Title IX Sexual Harassment but occurred outside of the geographical boundaries of the United States and/or an Adrian College Education Program or Activity but affect a substantial College interest.

ADMINISTRATIVE LEAVE

Adrian College reserves the right to place a non-student employee Respondent on administrative leave during the pendency of a grievance process outlined in this policy.

9. FORMAL COMPLAINTS

To initiate the [Complaint Resolution Procedures](#) under this Policy, a Complainant must file a Formal Complaint.

FILING A FORMAL COMPLAINT

What is a Formal Complaint? A Formal Complaint alleges Title IX Sexual Harassment under this Policy against a Respondent and requests that Adrian College investigate the documented allegation(s). Therefore, submitting a Formal Complaint indicates an intentional decision on behalf of the Complainant to initiate the applicable grievance process.

The Formal Complaint may be a document or electronic submission (such as email or online form) and must contain the Complainant's physical or digital signature or otherwise indicates that the Complainant is the person filing the complaint.

Who can file a Formal Complaint? The Complainant or Title IX Coordinator must file the Formal Complaint.

Third parties cannot file Formal Complaints. Additionally, fundamental fairness and due process principles require that a Respondent be informed of the details of the allegations made against them, to the extent that the details are known, to provide an adequate opportunity for the Respondent to respond. Therefore, a Complainant cannot remain anonymous and file a Formal Complaint. However, the Title IX Coordinator will keep confidential the identities of the Complainant and Respondent (and witnesses) from anyone not involved in the grievance process, except as permitted by FERPA, required by law, or as necessary to conduct the grievance process. For more information about confidentiality, see [Section 2. Scope of Policy](#).

While a Formal Complaint requires the Complainant's identity, Title IX does not require a Complainant to identify the Respondent in a Formal Complaint. If a Complainant does not know the Respondent's identity and files a Formal Complaint, Adrian College is still required to investigate the Formal Complaint because an investigation may reveal the Respondent's identity. If the Respondent's identity becomes known, Adrian College will send both Parties the written Notice of Allegations, follow the grievance process under this policy, and may impose Disciplinary Sanctions against the Respondent at the conclusion of the grievance process. However, if a Respondent's identity remains unknown, Adrian College will be unable to comply with the required grievance process outlined in this Policy and therefore unable to impose Disciplinary Sanctions against the Respondent.

How to file a Formal Complaint: Complainants may submit a Formal Complaint to the Coordinator in person, by mail, or by email by using the contact information provided in [Section 3. Title IX Coordinator Contact Information](#). They may also download and complete Adrian College's [Formal Complaint](#) form. Formal complaints cannot be filed verbally because they require the Complainant's physical or digital signature or otherwise indicate that the Complainant

is the person filing the complaint. Reports are distinguished from Formal Complaints in [Relevant Terms](#).

When can a Formal Complaint be filed? There is no time limit on a Complainant's decision to file a Formal Complaint, so the decision to sign and file a Formal Complaint does not need to occur in the immediate aftermath of an alleged incident or reporting an incident.

However, at the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in an Adrian College Education Program or Activity. This requirement does not exclude a Complainant who has graduated or is on a leave of absence if the Complainant intends to apply to a different Adrian College program, intends to remain involved in the College alumni programs and activities, or may intend to re-apply after a leave of absence.

If a report is submitted but does not meet the requirements for a Formal Complaint, the Title IX Coordinator will contact the Complainant to explain the process for filing a Formal Complaint to ensure that it is filed correctly.

COMPLAINT WITHDRAWALS

Complainants may voluntarily withdraw any or all allegations in the Formal Complaint. Such withdrawals must be submitted to the Title IX Coordinator in writing.

COMPLAINTS INITIATED BY THE TITLE IX COORDINATOR

Under certain circumstances, the Title IX Coordinator may determine that an investigation is necessary, even when the identity of the Complainant is unknown or the Complainant does not want an investigation. In this case, the Title IX Coordinator may choose to sign a Formal Complaint and initiate the grievance process. When this occurs, the Title IX Coordinator is not a Complainant or otherwise considered a Party included in the grievance process. The impacted party will remain the Complainant and be treated as a Party in the grievance process but is not required to participate. When the grievance proceeds in this way, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. Respondents are also not required to participate in the grievance process.

When deciding whether to sign a Formal Complaint, the Title IX Coordinator may consider, at a minimum, the following factors:

(1) The Complainant's request not to proceed with initiation of a Formal Complaint; (2) The Complainant's reasonable safety concerns regarding initiation of a Formal Complaint; (3) The risk that additional acts of Prohibited Conduct would occur if a Formal Complaint is not initiated; (4) The severity of the alleged Prohibited Conduct, including whether the discrimination or harassment, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence; (5) The age and relationship of the Parties, including whether the Respondent is an employee of the institution; (6) The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing discrimination or harassment, or discrimination or harassment alleged to have impacted multiple individuals; (7) The availability of evidence to assist a Decision-Maker in determining whether Prohibited Conduct occurred; and (8) Whether the College could end the alleged conduct and prevent its recurrence without initiating grievance procedures.

If initiating a Formal Complaint as outlined in this section, the Title IX Coordinator will notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures.

DISMISSAL OF A FORMAL COMPLAINT

Adrian College will investigate the allegations in a Formal Complaint. However, the investigation of the conduct alleged in the Formal Complaint may uncover new information about the incident, and there may be circumstances in which the College may dismiss the Formal Complaint.

Title IX requires that Adrian College must dismiss Formal Complaints of Title IX Sexual Harassment or one or more of the allegations listed in the Formal Complaint, if at any point during the investigation or hearing process it is determined that the conduct alleged in the Formal Complaint: 1) Would not constitute Title IX Sexual Harassment as defined in this Policy, even if proven; 2) Did not occur in an Adrian College Education Program or Activity; or 3) Did not occur against a person in the United States.

Adrian College may dismiss a Formal Complaint of Title IX Sexual Harassment or one or more allegations instead in the Formal Complaint, if at any time during the investigation or hearing: 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations within in; 2) The Respondent is no longer enrolled or employed by Adrian College; or 3) Specific circumstances prevent Adrian College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations within it.

Upon Dismissal: Adrian College will promptly send a written notice of dismissal and the reason(s) for the dismissal simultaneously to both Parties. The College will also notify the Parties that a dismissal may be appealed. The bases for appeal and Appeal Procedures can be found in [Section 10. Complaint Resolution Procedures.](#)

For all Formal Complaints of Title IX Sexual Harassment, a dismissal does not indicate that a Adrian College Policy violation may not have occurred. Such allegations may be considered as another form of Prohibited Conduct under this Policy, or they may be addressed under other applicable institutional policies. For example, if an incident of sexual assault occurs while Adrian College students are on a College-facilitated study abroad program, the allegations may be dismissed under Title IX and not considered Title IX Sexual Harassment under this Policy because the incident occurred outside of the United States. However, the allegations may still be addressed using the Student Handbook complaint procedures.

CONSOLIDATION OF FORMAL COMPLAINTS

Adrian College may consolidate Formal Complaints as to allegations of Title IX Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this Policy to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

10. COMPLAINT RESOLUTION PROCEDURES: GENERAL INFORMATION

Adrian College will respond to any notice, report, or Formal Complaint of a violation of this Policy that is received by the Coordinator, Mandated Reporter, or any other Official with Authority. When a Formal Complaint is filed, the procedures outlined in this Section will be applied. These procedures are referenced as the “Complaint Resolution Procedures” or, generally speaking, the “grievance process.” All processes, provisions, and rules stated in this Policy apply equally to both Parties—Complainants and Respondents.

Adrian College will treat Complainants and Respondents equitably throughout the grievance process. The College will treat Parties equitably by providing Supportive Measures throughout the grievance process, following the grievance process before imposing any Disciplinary Sanctions (or other actions that are not Supportive Measures) against a Respondent, and providing remedies to a Complainant where a determination of responsibility for Title IX Sexual Harassment has been made against a Respondent.

Determination of a Party’s credibility will not be based on a person’s status as a Complainant, Respondent, or witness. Adrian College presumes that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility at the conclusion of the grievance process.

The role of the Title IX Investigator, Decision-Maker, Appeal Decision-Makers, and/or Informal Resolution Facilitator may be filled by appropriate College personnel and/or external parties. All Adrian College employee and external parties have received the appropriate training to participate in the Title IX grievance process, and training materials have been made publicly available on the Adrian College website.

If a Complainant or Respondent considers Adrian College’s treatment of a Formal Complaint of Title IX Sexual Harassment may constitute discrimination on the basis of sex under Title IX, they may file a report of sex discrimination with the Title IX Coordinator.

Throughout the Complaint Resolution Procedures, notice 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(es) of the Parties as indicated in official Adrian College records, or emailed to the Parties’ Adrian College-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

CONFLICTS OF INTEREST

Adrian College employees participating in the Title IX grievance process including the Title IX Coordinator, Investigators, Decision-Makers, and Informal Resolution Facilitators as well as external parties employed by Adrian College to complete Title IX investigation and adjudication functions (hearings, appeals, and informal resolution options) are prohibited from having a conflict of interest or bias for or against Complainants or Respondents generally or as an individual Complainant or Respondent.

In an effort to avoid potential conflicts of interest, Adrian College may provide the names and titles of internal and external Title IX investigators and adjudicators to the parties at the initiation of the investigation, informal resolution process, or hearing. Such information will be provided no less than five (5) business days before any meeting or hearing between the party and the investigator

or adjudicator. The Complainant or Respondent may request the removal of an investigator or adjudicator on the grounds of personal bias or other conflicts of interest by submitting a written statement to the Title IX Coordinator setting forth the basis for the request no more than three (3) business days after receiving notice of the identity of the individual involved in the Title IX grievance process. The Title IX Coordinator will review the written statement and make a determination if there is a conflict of interest. Appropriate steps will be taken to ensure that no conflict of interest exists on the part of anyone involved in the Title IX investigation, hearing, appeals, or informal resolution processes. If a conflict of interest exists, another individual will be assigned to the appropriate role. If a conflict of interest exists between the Complainant or Respondent and the Title IX Coordinator, reports should be directed to the Adrian College President.

RELEVANT & NOT RELEVANT EVIDENCE

Adrian College's Complaint Resolution Procedures rely upon an objective evaluation of all relevant and not otherwise impermissible evidence—including both inculpatory and exculpatory evidence. Inculpatory evidence is that which tends to connect or assign responsibility to an individual, while exculpatory evidence tends to mitigate or exonerate an individual from responsibility

Relevant evidence is considered to be evidence related to the allegations under investigation as part of the grievance procedures under this Policy. Questions are relevant when they seek evidence that may aid in showing whether the alleged conduct occurred, and evidence is relevant when it may aid a Decision-Maker in determining whether the alleged conduct occurred. Relevant evidence may include an individual's prior misconduct history as well as evidence indicating a pattern of misconduct.

Certain evidence and questions seeking such evidence are never considered relevant:

- Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sexual harassment or prevent a determination that sexual harassment occurred.

- Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the College obtains the Party's or witnesses' voluntary, written consent for use

in the applicable grievance procedures. Adrian College cannot access, consider, disclose, or otherwise use such records without such voluntary, written consent.

STANDARD OF PROOF

Adrian College uses the clear and convincing standard of proof, which means that the evidence is highly and substantially more likely to be true than untrue. Adrian College applies the same standard of evidence for Formal Complaints against students and employees, including faculty, and applies the same standard of evidence to all Formal Complaints of Title IX Sexual Harassment.

RIGHT TO AN ADVISOR

Advisor: All parties are entitled to one (1) Advisor of their choosing to assist them throughout the Complaint Resolution Procedures ([Section 10.](#)). The Advisor may be a friend, counselor, faculty member, family member, attorney or any other individual a Party chooses to advise them who is eligible and available to serve during the grievance process. Administrators who have an active role in the matter, a supervisor who must monitor or implement sanctions, or any person who may be called as a witness may not serve as an Advisor.

Parties are entitled to be accompanied by their Advisor in all meetings, interviews, hearings, and appeals at which the party is entitled to be present during the grievance process. Parties are required to have an Advisor present at the live hearing. If a Party does not have an Advisor available to be present at the live hearing, Adrian College will provide the Party with an Advisor of the College's choice in the College's sole discretion, who may or may not be an attorney.

Adrian College cannot guarantee equal Advisory rights. Consequently, if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Adrian College is not obligated to provide an attorney or other Advisor, except at the hearing. Adrian College is not required to provide an attorney as an Advisor at the hearing.

To locate an Advisor, Parties may wish to contact the Office of Student Life for a current list of Campus Advocates.

Support Person: In addition to an Advisor, each Party may have one (1) Support Person of their choice accompany them to any meeting under the Complaint Resolution Procedures. These individuals may be a family member, friend, advocate, disabilities services representative, or interpreter. Administrators who have an active role in the matter, a supervisor who must monitor or implement sanctions, or any person who may be called as a witness may not serve as a Support Person. A Party is not required to have a Support Person present at any meeting, including the live hearing, and the College may not provide a Party with a Support Person unless it is considered a necessary accommodation for a Party.

Guidelines for Participation: All Advisors and Support Persons are subject to the same Adrian College rules whether they are attorneys or not. Advisors and Support Persons may not present on behalf of their advisee in a meeting or interview unless stated otherwise by the Title IX Coordinator, Investigator, Decision-Maker, or Informal Resolution Facilitator. Advisors and Support Persons may not actively participate in the investigation or informal process.

Advisors must conduct all cross-examination of the other Party and all witnesses in a live hearing even in the event that the advisee is not present at the live hearing. Support Persons are not permitted to conduct cross-examination during the live hearing.

Advisors may request or wait for a break in the interview, hearing, or meeting if they wish to interact with Adrian College Title IX personnel. Advisors may confer quietly with their advisees 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.

Accommodations, including the scheduling of meetings, interviews or hearings, will not be made for Advisors and/or Support Persons if they delay the process unreasonably. No audio or video recording of any kind, other than as required by institutional procedure, is permitted during meetings with College officials and during any part of the Investigative and/or Grievance process.

Violation of Adrian College Policy: Any Advisor or Support Person who fails to follow the guidelines established by Adrian College in the grievance process will be provided an oral warning. If the Advisor or Support Person continues to disrupt or otherwise fails to follow those guidelines, the Advisor or Support Person will be asked to leave the proceeding. If an Advisor or Support Person is asked to leave, the meeting, interview, hearing or other proceeding will be suspended until the Party Advisor or Support Person is reinstated; the Party secures another Advisor or Support Person to accompany them at that meeting, interview, hearing or proceeding; or Adrian College provides the Party with another Advisor for the hearing.

If an Advisor is asked to leave a proceeding, the Title IX Coordinator will determine whether the Advisor may be reinstated or must be replaced by a different Advisor for the remainder of the grievance process.

Notification to the Title IX Coordinator: The Parties must advise the Title IX Coordinator of the identity of their Advisor and/or Support Person at least two (2) business days before the date of their first meeting with Title IX Coordinator and scheduled hearing. A Party may elect to change Advisors and/or Support Persons during the grievance and is not obligated to use the same Advisor or Support Person throughout. In that instance, the Parties must provide subsequent timely notice to the Title IX Coordinator if they change Advisors or Support Persons at any time.

10.1 COMPLAINT RESOLUTION PROCEDURES: FORMAL PROCESS

All Formal Complaints of Title IX Sexual Harassment under this Policy will be addressed under the procedures provided in this Section, unless the parties agree to participate in the [Informal Resolution Process \(Section 10.2\)](#).

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

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

A. NOTICE OF ALLEGATIONS

Upon receipt of a Formal Complaint, Adrian College will provide a written Notice of Allegations to the Parties whose identities are known, simultaneously, typically within ten (10) business days of receiving a Formal Complaint. The notice includes the following information:

- (1) Notice of the allegation(s) potentially constituting Title IX Sexual Harassment under this Policy, containing sufficient details known at the time, including: Identities of the parties involved in the incident (if known); Conduct allegedly constituting a policy violation; and the Date and location of the alleged incident (if known).
- (2) Sufficient time for each party to prepare a response before any initial interview.
- (3) A statement that each Party has the right to an Advisor of their choice, who may be, but is not required to be, an attorney. The Advisor may participate during the grievance process, subject to limitations established by Adrian College.
- (4) A statement that Retaliation is prohibited.
- (5) A statement that the Parties are entitled to an equal opportunity to inspect and review all evidence gathered during the investigation and that determinations of responsibility are made at the conclusion of the process.
- (6) Reference to the sections of this Policy and the Adrian College Student Code of Conduct which prohibit knowingly making false statements or knowingly submitting false information during the grievance process.
- (7) A statement that the Respondent is presumed not to be responsible for the alleged conduct unless and until a determination of responsibility is final.
- (8) A copy of Adrian College's Policy on Sexual Misconduct & Sexual Harassment, which outlines the grievance process utilized to address alleged incidents of Title IX Sexual Harassment.
- (9) List of Supportive Measures

If, during the course of the investigation, Adrian College decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice provided to the parties, the College will provide written notice of the additional allegations to the parties whose identities are known.

Reasonable Delays: To the extent the institution has reasonable concerns for the safety of any person as a result of providing this Notice, the College may reasonably delay providing written Notice of the Allegations in order to address the safety concern appropriately. Reasonable concerns will be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

B. COMPLAINT INVESTIGATIONS

After the Notice of Allegations is issued, Adrian College will conduct a thorough and impartial investigation into the Formal Complaint within a reasonably prompt timeframe.

Role of the Investigator: A trained Investigator (or team of investigators) will be assigned to investigate the conduct alleged in the complaint. Typically, an Adrian College Investigator will conduct the investigation. However, an external Investigator may be assigned if deemed necessary by the Title IX Coordinator. Adrian College will inform the parties of the name and title of the assigned investigator in the written notices of investigative interview issued to the parties.

The investigation typically includes interviewing the Complainant, Respondent, and witnesses as well as gathering relevant evidence. The Title IX Coordinator or Investigator(s) will communicate with the Parties throughout the investigation process to provide notice of meetings and updates.

Burden of Proof and Evidence Collection: The burden to conduct an investigation that gathers relevant evidence sufficient to determine whether Title IX Sexual Harassment under this Policy occurred is upon Adrian College, not on the Parties. However, the Parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence to the Investigator during the Complaint Resolution Procedures. The Investigator may communicate with other campus offices to gather relevant evidence, if appropriate.

Adrian College will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

The Investigator will review all evidence gathered during the course of the investigation and determine what evidence is directly related, relevant and what evidence is impermissible, regardless of relevance, as outlined in [Section 10.](#) of this Policy.

Any Party may decide to participate or not participate in the investigation. However, witnesses (as distinguished from the Parties) who are faculty or staff of Adrian College are expected to cooperate with and participate in Adrian College's Complaint Resolution Procedures.

Notice of Interviews and Meetings: Adrian College will provide written notice to a Party whose participation is invited or expected in any investigative meeting or proceeding. The written notice will include the date, time, location, names of participants, and purpose of the meetings or proceedings. It will be provided not less than five (5) business days prior to the meeting, so that the Party has sufficient time to prepare to participate.

Participation in Interviews or Meetings: Parties have an equal opportunity to be accompanied to any meeting or proceeding by an Advisor of their choice, who may be, but is not required to be, an attorney. The College has established restrictions regarding the extent to which an Advisor may participate in the grievance process. Such restrictions apply equally to the Parties.

Parties may not attend interviews of any other party or witness or any meeting or hearing related to the investigation, unless invited and expected to participate by Adrian College.

Investigative interviews may be recorded by the Investigator with the consent of the Parties or witnesses.

Review of Preliminary Investigative Report and File: At the conclusion of the investigation but prior to the completion of the Final Investigative Report, each Party and their Advisor, if any, will have an equal opportunity to access, review, and respond to the Preliminary Investigative Report and Evidence (collectively referred to as the “Investigation File”). Each Party and their Advisor, if any, will have access to the Preliminary Investigation File in electronic or hard copy.

The Investigation File will contain any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence upon which Adrian College does not intend to rely in reaching a determination regarding responsibility and inculpatory and exculpatory evidence – whether obtained from a Party or other source – so that each Party can meaningfully respond to the evidence prior to the conclusion of the investigation. All such evidence to the Parties’ inspection and review will be made available at the live hearing to give each Party an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Adrian College may redact confidential portions of the Investigation File or require the Parties and their Advisors to execute a confidentiality agreement prior to release of the Preliminary Investigation File to the Parties and their Advisors.

The Parties and their Advisors will have **ten (10) business days** to review and submit a written response to the Preliminary Investigation File by email to the Investigator. Responses may be inserted as comments in the report, consolidated in a separate narrative document, or consolidated in an email. If a Party does not provide a written response within ten (10) business days, it will be assumed that the Party reviewed the information and chose not to respond.

The Parties’ responses to the Preliminary Investigation File may include requests for additional witness interviews, evidence collection, general comments, or responses deemed appropriate by the Party.

Creation of the Final Investigative Report and File: After the deadline to submit responses to the Preliminary Investigative File has passed, the Investigator will review and consider the Parties’ written responses before completing the Final Investigative Report that fairly summarizes relevant evidence and accompanying evidence (“Final Investigation File”). The Investigator has discretion to further investigate or revise the Investigation File at that point.

The Parties’ responses to the Preliminary Investigation File may include requests for additional witness interviews, evidence collection, general comments, or responses deemed appropriate by the Party.

Upon completion, the Investigator will share the Final Investigation File with each Party and their Advisor (if any) at least **ten (10) business days** prior to a scheduled hearing, in electronic format or hard copy.

Upon review, the Parties may submit a written response to the Title IX Coordinator not less than five (5) business days prior to the scheduled hearing, which the Title IX Coordinator will share with the other Party, their Advisor, and the Decision-Maker.

C. HEARING PROCESS

Live hearings are a mandatory part of the Title IX grievance process.

Role of the Decision-Maker: A trained Title IX Decision-Maker or panel of Decision-Makers will be assigned to facilitate the live hearing, question Parties and witnesses, assess credibility, and determine whether Title IX Sexual Harassment and other Prohibited Conduct under this Policy (if applicable) occurred. While a single Hearing Officer or panel of Hearing Officers may act as the Decision-Maker(s) at Adrian College Title IX hearings, generally the Decision-Maker will be the Dean of Students. The Decision-Maker must not be the same person as the Title IX Coordinator or Investigator.

Notice of Hearing: No less than **ten (10) business days before the hearing**, the Title IX Coordinator will issue a Notice of Hearing to the Parties and their Advisors.

The Notice of Hearing will contain the following:

- Summary of the Alleged Conduct and Potential Policy Violations
- Identification of Applicable Policies
- Access to the Final Investigation File (which may have been previously provided by the Investigator)
- Date, Time and Location of Pre-Hearing Meeting(s)
- Date, Time, and Location of the Hearing
- Name of the Assigned Decision-Maker(s)
- Names of the Pre-Hearing Meeting and Hearing Participants
- Information on Requesting Accommodations for a Documented Disability or a Translator
- Statement that Parties are expected to inform the Coordinator of the identity of their live hearing Advisor at least two (2) business days before the hearing
- Additional Information about Pre-Hearing Meeting and Hearing Procedures, as necessary

Pre-Hearing Meetings: After the Final Investigation File is shared with the Parties and their Advisors and before the live hearing, the Decision-Maker(s) may invite the Parties and their Advisors to participate in a pre-hearing meeting. Typically, the Complainant and their Advisor(s) and the Respondent and their Advisor meet separately with the Decision-Maker for their pre-hearing meetings.

The purpose of the Pre-Hearing Meeting is to discuss the hearing procedures, rules of conduct/behavior, and technology that will be used during the hearing; identify witnesses that will be asked to appear at the hearing; determine how to address any new evidence or new witnesses the Parties seek to offer at the hearing that was not previously available during the investigation, if any (see below), any issues of legal privilege; and to resolve any other matters that the Decision-Maker determines should be resolved before the hearing (at their discretion).

New evidence: Parties are encouraged to provide all relevant witnesses and evidence during the investigation. Parties asking that additional relevant and not otherwise impermissible evidence (including witness testimony) that was not previously provided to the Investigator(s) be considered may be asked to demonstrate why such evidence was not reasonably available to them at the time of the investigation. If any Party seeks to introduce such new evidence, the new evidence and/or a written summary of any evidence not contained in the Final Investigation File must be

provided to the Title IX Coordinator no less than five (5) business days prior to the hearing, and the Title IX Coordinator will promptly share such information with the Decision-Maker.

At that point, the Decision-Maker may, at their discretion: 1.) accept the new evidence as admissible, share it with all Parties and their Advisors (if any) prior to the hearing, and proceed with the scheduled hearing; 2.) postpone the hearing to allow sufficient time for all Parties and their Advisors (if any) to review and respond to such evidence; or 3.) take other measures as they deem appropriate.

Live Hearing Procedures: The hearing will take place no less than ten (10) business days after the Final Investigation File is shared with each Party and their Advisor.

Hearing participants typically include the Decision-Maker(s) (often referred to as the Hearing Chair and Hearing Panelists), the Parties, Advisors, Support Persons, called witnesses, the Hearing Facilitator and/or the Title IX Coordinator, and anyone providing authorized accommodations or assistive services. While the Parties and relevant witnesses will be invited to participate in the live hearing, such participation is not mandatory. Advisor attendance is required, however. (See below) The College will proceed with the live hearing in the absence of any Party or witness, and the Decision-Maker may reach a determination of responsibility in their absence. The Decision-Maker cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

The live hearing may be conducted with all hearing participants physically present in the same geographic location. In this instance, at the request of either Party, Adrian College will arrange for the live hearing to occur with the Parties located in separate rooms with technology enabling the Decision-Maker(s) and the Parties to simultaneously see and hear the party or witness answering the questions.

Adrian College also reserves the right to require or permit any or all Parties, witnesses and other hearing participants to appear at the live hearing virtually, with technology enabling participants to simultaneously see and hear the Party or the witness answering questions.

Adrian College will create an audio recording, audiovisual recording, or transcript of any live hearing, which will be made available to the Parties for inspection and review. Cell phones may not be used during the hearing unless approved by the Decision-Maker in advance.

Questioning of Parties and Witnesses: During the live hearing, the Decision-Maker has the right to ask the Complainant, Respondent, and witnesses questions to aid in evaluating allegations and assessing credibility. Each Party's Advisor will also have the opportunity to propose and ask relevant questions and follow-up questions of Parties and witnesses, including questions challenging credibility. This is referred to as "cross-examination." Cross-examination must be conducted directly, orally, and in real time by the Party's Advisor. Cross-examination will not be conducted by a Party personally. Advisors must conduct all questioning of the other Party and all witnesses in a live hearing even in the event that their Party is not present at the live hearing.

Only relevant cross-examination and other questions may be asked of a Party or witness. Therefore, before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker must first determine whether the question is relevant. If a Decision-

Maker determines that a question is relevant, then the Party or witness may answer that question. The Decision-Maker must explain any decision to exclude a question as not relevant.

Questions that are unclear, harassing, or repetitive of the Party or witness being questioned are not permitted. If the Decision-Maker determines that a question is unclear or harassing, the Decision-Maker will give a Party an opportunity to clarify or revise the question. If a question is sufficiently clarified or revised, the question will be allowed.

Any Party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-Maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. If a Party or witness does not attend or does not submit to cross-examination at the hearing, the Decision-Maker may still rely on any relevant statement of that Party or witness in reaching a determination regarding responsibility.⁶ The Hearing Panel may not draw an inference on responsibility solely on the Party or witness's absence from the hearing or refusal to answer questions.

Additional rules of decorum and hearing procedures that apply equally to the Parties and their Advisors may be shared prior to the hearing. Typically, this information is shared at least five (5) business days prior to the hearing.

Advisors at the Hearing: Parties are required to have an Advisor present at the live hearing to ask questions of witnesses and the Other Party. If a Party does not have an Advisor present at the live hearing, the College will provide the Party with an Advisor of the College's choice, without charge to the Party, for the purpose of Advisor-conducted questioning. The Advisor will not be a Confidential Resource and may or may not be an attorney. The College cannot guarantee equal advisory rights. Consequently, if one Party selects an Advisor who is an attorney, but the other Party does not or cannot afford an attorney, the College is not obligated to provide an attorney or other Advisor, except at the hearing. The College is not required to provide an attorney as an Advisor at the hearing.

Apart from the Advisor's role in cross-examination, Adrian College reserves the right to restrict the extent to which Advisors may participate in the proceedings.

Adrian College will include details regarding the role of the Advisors in the hearing procedural rules provided to the Parties at least five (5) business days prior to the scheduled hearing.

D. DETERMINATION REGARDING RESPONSIBILITY (NOTICE OF OUTCOME)

Notice of Outcome: Following the investigation and live hearing, the Decision-Maker(s) will draft and issue a written determination regarding responsibility called the Notice of Outcome. To reach the determination, the Decision-Maker(s) will apply the clear and convincing standard of evidence, as defined in this Policy.

⁶ This provision is effective as to any determination regarding responsibility rendered by Decision Makers on or after August 24, 2021. It replaces a provision in prior versions of Title IX procedures that prohibited reliance on such statements. That provision was based on a regulatory requirement of the U.S. Department of Education that has since been vacated by a federal court and that is no longer enforced by the Office for Civil Rights. See Suzanne B. Goldberg, Acting Assistant Secretary for Civil Rights, U.S. Department of Education, "Letter to Students, Educators, and other Stakeholders re Victim Rights Law Center et al. v. Cardona," p.1 (August 24, 2021).

The Decision-Maker(s) will issue the Notice of Outcome to the Parties simultaneously, generally no more than ten (10) business days after the conclusion of the live hearing.

Elements of the Notice of Outcome: The Notice of Outcome will include the following elements:

- (1) Identification of the allegations potentially constituting Title IX Sexual Harassment under this Policy;
- (2) A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
- (3) Findings of fact supporting the determination;
- (4) Conclusions regarding the application of Adrian College's Code of Conduct and/or this Policy to the facts;
- (5) A statement of, and rationale for, the result as to each allegation, including:
 - a. A determination regarding responsibility
 - b. Any Disciplinary Sanctions to be imposed on the Respondent, and
 - c. Whether Remedies designed to restore or preserve equal access to Adrian College education program or activity will be provided by the College to the Complainant; and
- (6) Adrian College's procedures and permissible bases for the Complainant and Respondent to appeal.

The Notice of Outcome becomes final either on the date that Adrian College provides the Parties with the written determination of the result of any appeal, if an appeal was filed, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

DISCIPLINARY SANCTIONS

Respondents found responsible for Title IX Sexual Harassment may be subject to Disciplinary Sanctions at the conclusion of the grievance process. Disciplinary Sanctions range from warning to expulsion (student) or termination (employee) from the College, depending on the severity of the incident and taking into account any previous disciplinary violations. For more information about Disciplinary Sanctions, see the Adrian College Code of Conduct or Employee Handbook. The range of possible sanctions includes, but is not limited to:

- a. Admonition
- b. Official Warning
- c. Educational Sanctions
- d. Loss of Campus Privileges
- e. Disciplinary Probation
- f. Mandated Counseling
- g. Campus Housing Dismissal
- h. Deferred Suspension
- i. College Suspension

- j. Expulsion (students) or termination (employees)

REMEDIES

Following the conclusion of the Complaint Resolution Procedures, and in addition to any sanctions implemented, the Coordinator may implement Remedies with respect to the Parties and/or the campus community to stop the harassment, discrimination, and/or other Prohibited Conduct; remedy its effects; and prevent its reoccurrence. The Coordinator is responsible for the implementation of such Remedies.

The range of potential Remedies includes, but is not limited to:

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

Adrian College will maintain the privacy of any Remedies, provided privacy does not impair Adrian College's ability to provide these services.

E. APPEALS

Complainants and Respondents have the right to appeal the dismissal of a Formal Complaint and the Notice of Outcome and make a statement in support of, or challenging, the outcome.

Role of the Appeal Decision-Maker: Generally, the Appeal Decision-Maker will be the Vice President of Student Affairs (for incidents involving students) or the Vice President of Business Affairs (for incidents involving employees), though the College has the right to engage an external Appeal Decision-Maker. The Appeal Decision-Maker will be free of bias as well as conflict of interest and will not be the Title IX Coordinator, Investigator involved in the investigation, or Decision-Maker who reached the determination regarding responsibility or dismissal. The Appeal Decision-Maker will have received required training under Title IX.

Grounds for Appeal: The Parties may appeal the determination on the following grounds:

- (1) Procedural irregularity that affected the outcome of the process;
- (2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the process; and

(3) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the process

1. Request for Appeal

Any Party may file a written Request for Appeal to the Coordinator within five (5) business days of delivery of the Notice of Outcome or Notice of Dismissal.

The Request for Appeal will be forwarded to the Appeal Decision-Maker for consideration to determine if the Request meets the grounds for appeal (Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

If any of the grounds in the Request for Appeal do not meet the grounds set forth in this Policy, that Request will be denied by the Appeal Decision-Maker. The Parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-Maker will notify the other Party(ies), their Advisor(s), Coordinator, and, at the discretion of the Appeal Decision-Maker, the Investigator and/or the Decision-Maker.

2. Response to Appeal

The other Party(ies) and their Advisors (if any), Coordinator, and, if appropriate, the Investigator and/or the Decision-Maker will be provided the Request for Appeal with the approved grounds and will be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Appeal Decision-Maker to all Parties for review and comment.

The non-appealing Party (if any) may also choose to raise a new ground for appeal at this time. If so, that request will be reviewed for standing by the Appeal Decision-Maker and either denied or approved. If approved, it will be forwarded to the Party who initially requested an appeal, Coordinator, and the Investigator and/or Decision-Maker (as necessary), who will submit their responses within five (5) business days, which will be circulated for review and comment by all Parties.

Parties cannot submit any new Requests for Appeal after this time period.

No oral arguments will be held on the appeal unless so directed by the Appeal Decision-Maker, in which case both Parties' Advisors will be given an equal opportunity to present oral arguments.

3. Notice of Appeal Outcome

The Appeal Decision-Maker will collect any additional information needed and all documentation regarding the approved grounds and subsequent responses. The Appeal Decision-Maker will apply the clear and convincing standard.

The Notice of Appeal Outcome will be sent to all Parties and their Advisors (if any) simultaneously and will include the decision on each approved ground and rationale for each decision. The Notice

of Appeal Outcome may contain specific instructions for remand or reconsideration and any sanctions or measures that may result that the institution is permitted to share in accordance with state and federal law.

Generally, the Appeal Decision-Maker will then draft and issue a Notice of Appeal Outcome in no more than fourteen (14) business days after receiving all timely responses.

Sanctions Status during the Appeal: Sanctions imposed as a result of the hearing will not be in effect during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

Adrian College may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

10. 2 INFORMAL RESOLUTION PROCESS

Informal Resolution is a highly adaptable process that is based on the needs of the people involved and therefore can consist of a variety of approaches to resolving a Formal Complaint. It allows those involved to determine and shape their own process(es) and outcomes with the assistance of a professional facilitator. Informal Resolution can address harm and conflict at the individual and/or community level, depending on the Parties' needs.

Voluntary Participation: The Informal Resolution Process is voluntary and optional for all Parties. It is separate from the Complaint Resolution Procedures described in [Section 10.1](#). Prior to beginning the Informal Resolution Process, the Coordinator will obtain the Parties' voluntary, written consent to participate. Any participant may discontinue the process at any time.

Informal Resolution Facilitator: A neutral individual who will assist the Parties in identifying the process that fits their needs and interests as well as facilitate that process. The Facilitator for the Informal Resolution Process must not be the same person as the Investigator or the Decision-Maker in the grievance procedures. Any person designated by the College to facilitate an Informal Resolution Process must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. Any person facilitating informal resolution for allegations of Title IX Sexual Harassment must receive the required training under Title IX.

Initial Consultation: Before starting the Informal Resolution Process, Parties interested in the process will meet with the Title IX Coordinator or Informal Resolution Facilitator to determine whether the Informal Resolution Process may meet their needs. During this meeting, potential participants will explore their goals, questions, concerns, ideal outcomes, and preferred process without committing to participate. This initial consultation meeting is confidential.

Examples of Informal Resolution Process: Since the process is flexible and adapted to meet the Parties' needs in each case, the exact format, timing, and participants may vary. The process can, but does not have to, involve face-to-face interactions with other participants. Examples of common Informal Resolution Processes include:

- **Shuttle Negotiation:** The Parties meet separately with the Informal Resolution Facilitator to discuss their perspectives, experiences, and interests while working towards a negotiated agreement that meets their needs. This process does not require direct interaction between participants. It can occur simultaneously (e.g., with the Parties participating in the same time but in separate rooms on campus or virtually while the Facilitator shuttles between the rooms) or asynchronously (e.g., the Parties meet with the Facilitator separately and at different times, and the Facilitator shuttles between Parties over the course of days or weeks).
- **Facilitated Dialogue:** The Parties participate in a structured and facilitated conversation. They may work towards the development of a shared agreement including potential terms, but that is not always the goal of this process for the participants.
- **Restorative Circle Process:** Individuals who have experienced harm or conflict come together in this structured and facilitated process to engage in a dialogue about the harm and how it may be repaired. This process may include individuals who recognize their contribution to harm and take responsibility for repairing it. A circle can also include community members who may have experienced direct and indirect impact on the broader community. Parties must be in agreement on all who will participate.

Parties and the Informal Resolution Facilitator may determine that a one or a combination of these process, or other process, most fits their needs.

Informal Resolution Agreement: While the Informal Resolution Process is flexible, the outcome must include a written document called the Informal Resolution Agreement that indicates the Formal Complaint has been resolved and Informal Resolution Process has concluded. For example, in a shuttle negotiation, this Agreement could contain the terms that have been mutually agreed upon by the Parties (see Potential Terms below). In other processes, the Agreement may simply acknowledge that the process occurred. This Agreement is signed by the Coordinator, Informal Resolution Facilitator, Parties, Advisors, and other participants (as appropriate) prior to the finalization of the Informal Resolution Process.

Potential Terms: Categories of potential terms that may be included in an informal resolution agreement include, but are not limited to: (1) Restrictions on contact; (2) Restrictions on the Respondent's participation in one or more of the College's programs or activities or attendance at specific events, including restrictions the College could have imposed as Remedies or Disciplinary Sanctions had the College concluded the Complaint Resolution Procedures: Formal Process; (3) Educational assignments; (4) Acceptance of responsibility; (5) Acknowledgement of harm; or (6) Additional terms as mutually agreed upon by the Parties.

Timing: Informal Resolution may be considered by the Parties at any time following the filing of a Formal Complaint and prior to the College reaching a determination regarding responsibility under the Complaint Resolution Procedures. Informal Resolution will not be available if such a process would conflict with Federal, State or local law. Typically, the process concludes within two weeks.

College's Role: Adrian College has discretion to determine whether it is appropriate to facilitate an informal resolution process. Circumstances when the College may decline to allow informal resolution include, but are not limited to, when the College determines that the alleged conduct

could present a future risk of harm to others or to resolve allegations that an employee sexually harassed a student.

The College will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints as outlined in this Policy. The College will not require or pressure the Parties to participate in an Informal Resolution Process under this Policy. The College may not offer informal resolution for allegations of Title IX Sexual Harassment unless a Formal Complaint is filed.

Notice of Informal Resolution: Before initiation of an informal resolution process, the College will provide to the Parties written notice that explains:

- (1) The allegations
- (2) The requirements of the informal resolution process, including the circumstances under which it prohibits the Parties from resuming a Formal Complaint arising from the same allegations
- (3) That, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume the appropriate grievance procedures with respect to the Formal Complaint
- (4) That the Parties' agreement to a resolution at the conclusion of the informal resolution process would prohibit the Parties from initiating or resuming grievance procedures arising from the same allegations
- (5) The potential terms that could be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties (as applicable to the specific process used in the matter)
- (6) What information and records will be maintained or could be shared, and whether and how the College could disclose such information for use in Complaint Resolution Procedures (as applicable), if grievance procedures are initiated or resumed.

RELEVANT TERMS

The following terms are related to the *Adrian College Sexual Misconduct and Sexual Harassment Policy*.

Actual Knowledge: Notice of Title IX Sexual Harassment or allegations of Title IX Sexual Harassment delivered to Adrian College Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the institution. Such notice includes reports sent to the Title IX Coordinator in person, by mail, by telephone, by email, telephone call, in-person, or by any other means that result in the Title IX Coordinator receiving a person's written or verbal report.

This standard is not met when the only official of the recipient with actual knowledge is the Respondent.

The mere ability or obligation to report Title IX Sexual Harassment or to inform a student about how to report Title IX Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the recipient.

Advisor: An individual who provides support, guidance, and/or assistance to the Complainant or Respondent throughout the investigation, hearing, appeals, and/or informal resolution process. Complainants and Respondents have the right to select an Advisor of their choice. Advisors may be a friend, mentor, family member, attorney, or any other supporter a Party chooses to advise them who is both eligible and available. Advisors are required during the hearing process. If a Party does not have an Advisor present at the hearing process, Adrian College will provide the Party with an Advisor. Additional information about the role of Advisors can be found in Section 10. Complaint Resolution Procedures.

Coercion: Unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Complaint: A document that initiates the complaint procedures referenced in the Adrian College Student Code of Conduct or Employee Handbook against a Respondent alleging sexual misconduct. For more information about how to file a complaint, see Adrian College's Student or Employee Handbooks.

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment. A Complainant may, but is not required to be, a student, employee, or other Adrian College community member.

Consent: Verbal or non-verbal agreement to participate without the use of force, threat of force, or coercion to accomplish the sexual act. Consent has not been given if inflicted through force, threat of force, or coercion; or if inflicted upon a person who is unconscious or who otherwise reasonably appears to be without mental or physical capacity to consent. For example, sexual contact with a person whose judgment appears to be impaired by alcohol or other drugs may be considered "without consent".

Day: A business day when Adrian College is in normal operation.

Education Program or Activity. See **Section 2. Scope of Policy.**

Force: Use of physical violence and/or physical imposition to gain sexual access. Force includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.").

Formal Complaint: A document that initiates the Complaint Resolution Process contained within this Policy. The Formal Complaint must be filed by the Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that Adrian College investigate the documented allegation(s).

At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in an education program or activity at Adrian College.

A Formal Complaint may be a document delivered to the Title IX Coordinator's office or electronic submission sent via email which contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint. Individuals may download and submit the [Formal Complaint](#) form and submit it via email, mail, or in-person to the Title IX Coordinator.

Submission of a Formal Complaint to Adrian College is not equivalent to filing charges with local law enforcement and does not require a Complainant to file charges with local law enforcement. For more information about reporting incidents of sexual misconduct or sexual harassment to local law enforcement, contact the Title IX Coordinator, Department of Campus Safety, the Office of Student Life, or the local prosecuting attorney's office.

Mandated Reporter: An employee of Adrian College who is obligated by Policy to share knowledge, notice, and/or reports of Prohibited Conduct with the Coordinator. Mandated Reporters are not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.

Official with Authority (OWA): An employee of Adrian College explicitly vested with the responsibility to implement corrective measures for Prohibited Conduct on behalf of the College. This term includes the Title IX Coordinator, senior College officials, and all employees in supervisory positions.

Party or Parties: Complainant(s), the Respondent(s), or the Complainant(s) and the Respondent(s) collectively. Nothing in this Policy may be read in derogation of any legal right of a parent or guardian to act on behalf of their child.

Remedies: Measures designed and provided to a Complainant to restore or preserve equal access to the College's education program or activity after the College determines that Title IX Sexual Harassment as set forth in this Policy occurred. Remedies may include the same individualized services described in [Section 7. Supportive Measures](#). However, Remedies do not need to be non-disciplinary or non-punitive and may burden the Respondent.

Report: Notice, either written or oral, provided to the Title IX Coordinator of an alleged incident of Prohibited Conduct. Any person, regardless of whether or not the person reporting the alleged incident is the person alleged to be the victim the incident may report Prohibited Conduct. Reports may be made at any time, including during non-business hours, in person, by mail to the office address listed for the Title IX Coordinator, by telephone, by email, or by any other means that result in the Title IX Coordinator receiving a person's written or verbal report. Individuals may also download and submit an [Incident Report](#) by email, mail, or in person directly to one of the Title IX Co-Coordinators. A report is distinguished from a Formal Complaint or complaint as defined above.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Standard of Evidence (Clear and Convincing): The standard used to determine if a Title IX policy violation occurred. Adrian College uses a "clear and convincing" standard, which means that the evidence is highly and substantially more likely to be true than untrue. The decision-

maker (and/or the appeal decision-maker) must be convinced that the contention is highly probable.

Student: For the purpose of this Policy, Adrian College defines “student” as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with Adrian College.

Student with a Disability: A student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, 29 U.S.C. 705(9)(B), (20)(B), or a child with a disability as defined in the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3).

Substantial Adrian College Interest: Includes any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law; any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual; any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or any situation that is detrimental to the educational interests or mission of Adrian College.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to Adrian College’s education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Adrian College’s educational environment, or deter sexual harassment. Supportive measures are described in further detail on pages 19-20 of this policy.

Title IX: Title IX of the Education Amendments of 1972 (Pub. L. 92-318; 20 U.S.C. 1681, 1682, 1683, 1685, 1686, 1687, 1688, 1689), as amended. It is a law that protects against sex-based discrimination and provides for equal opportunity for students to pursue education and have equal and safe access to all of a school’s programs and facilities and protects these environments from becoming hostile environments. It is mandated through the Office of Civil Rights in the U.S. Department of Education that institutions receiving federal funds or providing federal financial aid to students must adhere to Title IX’s rules and provisions.

RECORDKEEPING

Adrian College will maintain for a period of seven years the records of the following:

- (1) Each sexual harassment investigation, including any determination regarding responsibility, the audio recording, audiovisual recording, or transcript of the hearing, any disciplinary sanctions imposed on the Respondent, as well as any remedies provided to the Complainant designed to restore or preserve equal access to Adrian College’s education program or activity;
- (2) Any appeal and the result therefrom;
- (3) Any informal resolution and the result therefrom; and

(4) All materials used to train Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators. Adrian College will make these training materials publicly available on its website.

For each response to a report or Formal Complaint of sexual harassment, Adrian College will create and maintain for a period of seven years, records of any actions, including any Supportive Measures taken. In each instance, Adrian College will document the basis for its conclusion that its response was not deliberately indifferent and document that it has taken measures designed to restore or preserve equal access to Adrian College's education program or activity. If Adrian College does not provide a Complainant with Supportive Measures, then Adrian College will document the reasons why such a response was not clearly unreasonable in light of the circumstances.

FEDERAL STATISTICAL REPORTING OBLIGATIONS

Mandated Reporters are also deemed Campus Security Authorities – meaning they have a duty to report all crimes they are made aware of to Campus Safety for federal statistical reporting purposes, as required by the Clery Act.

All personally identifiable information is kept private, but statistical information must be passed along to Campus Safety regarding the type of incident, the date and its general location for publication in the Annual Security Report and daily campus crime log. Issues of sexual assault and/or VAWA based crimes that are reported to the Title IX Coordinator will be shared with Campus Safety by that office.

REVISION

These policies and procedures will be reviewed and updated periodically by the Title IX Coordinator. Adrian College reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

The Coordinator may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any Party, such as to accommodate summer schedules. The Coordinator may also vary procedures materially with notice (on the Adrian College website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedure.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This Policy does not establish contractual rights, in whole or in part, between the College and any individuals, including students and employees.

This Policy and procedures are effective August 1, 2026.

**ADRIAN COLLEGE
SEX DISCRIMINATION, SEXUAL MISCONDUCT & SEXUAL HARASSMENT
INCIDENT REPORT FORM**

If this is an emergency, call 911.

Adrian College encourages individuals with knowledge or concerns of an incident of sex discrimination, sexual misconduct, or sexual harassment to report the incident to our Title IX Coordinator.

In accordance with the [Adrian College Sexual Misconduct & Sexual Harassment Policy](#), any person may report an incident(s) of sex discrimination, sexual misconduct, or sexual harassment to the Title IX Coordinator. The reporting party may be the person directly affected by the alleged incident or a third party. Detailed information about filing this report can be found in the section titled "[What Do I Need to Know About Filing an Incident Report](#)" in this document.

The following people have been designated as the Title IX Co-Coordinators at Adrian College:

For incidents involving students:

Ethan Powell
Assistant Dean of Students & Title IX Co-Coordinator
110 S. Madison St, Adrian, MI 49221
Phone: (517) 264-3963
Email: epowell@adrian.edu

For incidents involving employees:

Thomas Doney
Dean of Students & Title IX Co-Coordinator
110 S. Madison Street, Adrian, MI 49221
Phone: (517) 265-5161 ext. 3142
Email: tdoney@adrian.edu

In this form you will see the following terms:

Complainant: An individual who is alleged to be the victim of conduct that could constitute Prohibited Conduct under the Adrian College Sexual Misconduct and Sexual Harassment Policy.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct under the Adrian College Sexual Misconduct and Sexual Harassment Policy.

Once you have completed this report, please submit via email, mail, or deliver (or have a friend deliver if you wish to remain anonymous) to the office of the Title IX Coordinator.

Thank you for reaching out with this important information. You can find additional resources about Adrian College's policies and protocols regarding incidents of sex discrimination, sexual misconduct, and sexual harassment on our [website](#).

REPORTING PARTY & INCIDENT INFORMATION

Please provide your contact information and general information about the incident(s).

Your Name:

Adrian College ID #:

Email Address:

Phone Number:

Nature of Report:

☐ Report against Adrian College employee

☐ Report against Adrian College Student

☐ Report against Adrian College Community Member

☐ Report against Non-Adrian College Community Member ☐
Unknown

Date of Incident:

Time of Incident:

Location of Incident:

To your knowledge has this incident
been reported to the local Police
Department?

☐ Yes

☐ No

☐ Do Not Know

INVOLVED PARTIES

Please complete the following information to the best of your knowledge.

Upon receipt of this incident report, the Title IX Coordinator will contact the Complainant (if identified) to offer Supportive Measures, provide information about additional resources, and explain how to file a Formal Complaint.

If you are the reporting party and Complainant, you do not need to complete the fields already completed in the "Reporting Party & Incident Information" Section.

COMPLAINANT INFORMATION

Name:

Adrian College ID #:

Email Address:

Phone Number:

Status at Adrian
College:

- ☐ Student ☐ Faculty Member ☐ Staff Member
☐ Non-Community Member ☐ Other (please specify)

Gender:

- ☐ Male ☐ Female ☐ Gender Non-Conforming
☐ Organization ☐ Other (specify if desired) _____

RESPONDENT INFORMATION

Name:

Adrian College ID #:

Email Address:

Phone Number:

Status at Adrian
College:

- ☐ Student ☐ Faculty Member ☐ Staff Member
☐ Non-Community Member ☐ Other (please specify)

Gender:

- ☐ Male ☐ Female ☐ Gender Non-Conforming
☐ Organization ☐ Other (specify if desired) _____

DESCRIPTION OF THE INCIDENT

Please describe the incident. Include all relevant details and include the names and descriptions of the involved parties (Complainant, Respondent, and witnesses), if possible. If you need more space to describe the incident, you may attach an additional document to this report. (*required*)

WITNESS INFORMATION

If known, please provide the name and contact information of potential witnesses. Additional space for witness information is provided on the last page of this document.

Name:

Adrian College ID #:

Email Address:

Phone Number:

Status at Adrian
College:

- ☐ Student ☐ Faculty Member ☐ Staff Member
☐ Non-Community Member ☐ Other (please specify)

Gender:

- ☐ Male ☐ Female ☐ Gender Non-Conforming
☐ Organization ☐ Other (specify if desired) _____

ADDITIONAL INFORMATION

Please provide any additional information that you would like the Title IX Coordinator to know such as your reason for reporting this incident, immediate security concerns, or questions about next steps.

RELEVANT DOCUMENTS OR PHOTOS

Please attach to this report any documents or photos that may help the Title IX Coordinator better understand the incident.

WHAT DO I NEED TO KNOW ABOUT FILING AN INCIDENT REPORT?

Adrian College is committed to the principles of equal opportunity and seeks to establish and maintain an environment which ensures equal access to education for all Adrian College community members including students, applicants for admission, employees, applicants for employment, guests, and visitors. To foster this environment, Adrian College encourages individuals with knowledge or concerns of an incident of sex discrimination, sexual misconduct, or sexual harassment to report the incident to our Title IX Coordinator.

In accordance with the [Adrian College Sexual Misconduct & Sexual Harassment Policy](#), any person may report an incident(s) of sex discrimination, sexual misconduct, or sexual harassment to the Title IX Coordinator. Forms of sexual harassment include sexual assault, dating violence, domestic violence, and stalking. The reporting party may be the person directly affected by the alleged incident (referred to as “Complainant”) or a third party.

For more information about prohibited forms of conduct at Adrian College, Supportive Measures, and Adrian College’s response to incidents, refer to the [Sexual Misconduct & Sexual Harassment Policy](#). You may find additional resources on Adrian College’s [website](#).

Reports of sex discrimination, sexual misconduct, and sexual harassment may be written or verbal and may be made at any time (including non-business hours) in person, or by using the telephone number or email address, or by mail to the office address of the Title IX Coordinator. Individuals may also submit this Incident Report by email, mail, or in person directly to the Title IX Coordinator.

The following people have been designated as the Title IX Co-Coordinators at Adrian College:

For incidents involving students:

Ethan Powell
Assistant Dean of Students & Title IX Co-Coordinator
110 S. Madison St, Adrian, MI 49221
Phone: (517) 264-3963
Email: epowell@adrian.edu

For incidents involving employees:

Thomas Doney
Dean of Students & Title IX Co-Coordinator
110 S. Madison Street, Adrian, MI 49221
Phone: (517) 265-5161 ext. 3142
Email: tdoney@adrian.edu

WHAT HAPPENS AFTER I COMPLETE THE INCIDENT REPORT?

Once you have completed this report, please email, mail, or deliver to the Title IX Coordinator.

After submitting this incident report form, the Title IX Coordinator will contact the Complainant to discuss Supportive Measures and explain how to file a Formal Complaint and/or initiate the complaint procedures, if applicable and desired by the Complainant. Supportive Measures will be available to Complainants regardless of whether or not they wish to file a Formal Complaint to initiate a grievance process or a complaint to initiate other procedures at Adrian College.

See the [Sexual Misconduct & Sexual Harassment Policy](#) for more information about Adrian College's complaint procedures as well as the Title IX Formal Complaint and grievance process.

You or the Complainant may also contact [Counseling Services](#), if desired.

Reports submitted anonymously will be reviewed by the Title IX Coordinator and included in campus safety assessments. If a report is submitted by an unnamed third-party and contains the identity of the Complainant, the Title IX Coordinator will contact the Complainant to inquire about the incident, offer Supportive Measures, and explain the process for filing a Formal Complaint. If a report does not contain the identity of the Complainant, Adrian College will be unable to contact the Complainant and offer Supportive Measures. While the Title IX Coordinator will keep confidential the identity of the Complainant (unless disclosing the Complainant's identity is necessary to provide Supportive Measures such as no-contact orders), the Title IX Coordinator must know the identity of the Complainant to offer Supportive Measures.

INCIDENT REPORT VERSUS FORMAL COMPLAINT

This Incident Report provides community members with the opportunity to notify the Title IX Coordinator of prohibited conduct. However, this report form is not a Formal Complaint and does not initiate the formal grievance process outlined in the [Sexual Misconduct & Sexual Harassment Policy](#) or the complaint procedures outlined in Adrian College's Student Code of Conduct and Employee Handbook. Individuals who wish to file a Formal Complaint under Title IX may complete a [Formal Complaint](#) or discuss this option when contacted by the Title IX Coordinator.

As this is not a Formal Complaint, generally the Respondent will not be contacted without the consent of the Complainant. However, should Adrian College undertake an individualized safety and risk analysis and determine that the Respondent poses an immediate threat to the physical health or safety of any student or other individual based on the allegations contained in this report, Adrian College may remove the party from campus.

The Respondent may be contacted in the event that the Complainant requests specific Supportive Measures (i.e. no-contact orders) and will be contacted if a formal grievance or complaint resolution process is initiated.

Confidentiality: Adrian College will keep confidential the identity of any individual who reports sex discrimination, sexual misconduct, and/or sexual harassment. Adrian College will also keep confidential the identity of any Complainant (if not the reporting party), any individual who has been reported to be the perpetrator of Prohibited Conduct, any Respondent, and any witness, except as may be permitted by the FERPA statute or regulations, 20 U.S.C. 1232g and 34 CFR part 99, or required by law, or to carry out the purposes of 34 CFR part 106, including implementing Supportive Measures and the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

**ADRIAN COLLEGE
FORMAL COMPLAINT
TITLE IX SEXUAL HARASSMENT**

If this is an emergency, call 911.

Title IX is a federal law that prohibits discrimination on the basis of sex in education programs or activities receiving federal financial assistance. Title IX Sexual Harassment is a form of sex discrimination, and Title IX defines sexual harassment as conduct on the basis of sex that constitutes one or more of the following three types of behavior:

1. Quid Pro Quo harassment
2. Title IX Hostile Environment Harassment
3. Sexual Assault, Dating Violence, Domestic Violence, and Stalking

Title IX requires Adrian College to investigate Formal Complaints of Title IX Sexual Harassment and will treat parties equally and equitably throughout the grievance process. For more information about the definitions of Title IX Sexual Harassment, filing a Formal Complaint, and the Title IX investigation and grievance process, refer to the [Adrian College Sexual Misconduct & Sexual Harassment Policy](#).

IMPORTANT: ONLY THE INDIVIDUAL WHO IS THE ALLEGED VICTIM OF CONDUCT THAT COULD CONSTITUTE SEXUAL HARASSMENT (“COMPLAINANT”) MAY FILE A FORMAL COMPLAINT.

Filing a Formal Complaint will initiate the Title IX grievance process, which requires notifying the Respondent of the allegations and grievance process.

If you are a Complainant and would like to discuss Adrian College's policies and grievance procedures before filing a Formal Complaint, please complete the [Incident Report](#) rather than this form.

If you are a third-party reporter, you may report the incident using the [Incident Report](#) rather than this form.

If the Title IX Coordinator receives a Formal Complaint which does not meet the Title IX definition of sexual harassment, they will contact the Complainant to discuss available options.

If you have questions about filing a Formal Complaint, we encourage you to contact a Title IX Coordinator. The following people have been designated as the Title IX Co-Coordination at Adrian College:

For incidents involving students:

Ethan Powell
Assistant Dean of Students & Title IX Co-Coordinator
110 S. Madison St, Adrian, MI 49221
Phone: (517) 264-3963
Email: epowell@adrian.edu

For incidents involving employees:

Thomas Doney
Dean of Students & Title IX Co-Coordinator
110 S. Madison Street, Adrian, MI 49221
Phone: (517) 265-5161 ext. 3142
Email: tdoney@adrian.edu

In this document, you will see various terms. The definitions of these terms are below:

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment

Witness: An individual with first-hand knowledge of the alleged incident. This may include someone you told about the alleged incident after it occurred.

Once you have completed the Formal Complaint, please submit via email, mail, or deliver to the office of the Title IX Coordinator.

Thank you for filing a Formal Complaint of Title IX Sexual Harassment. You can find additional resources about Adrian College's policies and protocols regarding incidents of sex discrimination, sexual misconduct, and sexual harassment on our [website](#).

**TITLE IX SEXUAL HARASSMENT
FORMAL COMPLAINT**

NOTE: The fields with an asterisk (*) indicate information that must be completed to file a Formal Complaint under Title IX. If you are unable to complete the required fields or wish to remain anonymous, please complete an [Incident Report](#) rather than this Formal Complaint.

COMPLAINANT INFORMATION

*Your Full Name:

*Adrian College ID #:

*Email Address:

*Phone Number:

Nature of Complaint:

- ☐ Complaint against Adrian College employee
- ☐ Complaint against Adrian College Student
- ☐ Complaint against Adrian College Community Member
- ☐ Complaint against Non-Adrian College Community Member
- ☐ Unknown

*Date of Incident:

*Approximate Time of
Incident:

*Location of Incident
(be as specific as
possible):

Gender:

- ☐ Male ☐ Female ☐ Gender Non-Conforming
- ☐ Organization ☐ Other (specify if desired) _____

DOB (YYYY-MM-DD):

Address:

INVOLVED PARTIES

Please complete the following information to the best of your knowledge, including the name of the Respondent (if known) and the names of any witnesses. If you do not know the name of the Respondent, please type "Unknown Respondent" in the name field.

If you would like to list more than one witness, please fill out the fields on the last page of this document.

RESPONDENT INFORMATION

Name or
Organization:

Adrian College ID #:

Email Address:

Phone Number:

Status at Adrian
College:

☐ Student ☐ Faculty Member ☐ Staff Member
☐ Non-Community Member ☐ Other/Unknown (please
specify)_____

Gender:

☐ Male ☐ Female ☐ Gender Non-Conforming
☐ Organization ☐ Other (specify if desired) _____

DOB (YYYY-MM-
DD):

Address:

WITNESS INFORMATION

Name or
Organization:

Adrian College ID #:

Email Address:

Phone Number:

Status at Adrian
College:

☐ Student ☐ Faculty Member ☐ Staff Member

☐ Non-Community Member ☐ Other (please specify)

Gender:

☐ Male ☐ Female ☐ Gender Non-Conforming

☐ Organization ☐ Other (specify if desired) _____

DOB (YYYY-MM-
DD):

Address:

*DESCRIPTION OF THE INCIDENT

*Please describe the incident in detail, using specific, concise, and objective language to explain the who, what, where, when, why and how of the incident. If you need more space to describe the incident, you may attach an additional document to this report. *(required)*

FORM OF SEXUAL HARASSMENT

*I allege that the behavior described is considered to be the following form of sexual harassment as defined in the Adrian College Sexual Misconduct & Sexual Harassment Policy: *(required)*

- ☐ Quid Pro Quo Sexual Harassment
- ☐ Title IX Hostile Environment Harassment
- ☐ Sexual Assault
- ☐ Dating Violence
- ☐ Domestic Violence
- ☐ Stalking

ADDITIONAL INFORMATION

Please provide any additional information that you would like the Title IX Coordinator to know such as your reason for reporting this incident, immediate security concerns, or questions about next steps.

RELEVANT DOCUMENTS OR PHOTOS

Please attach to this report any documents, emails, photos, screenshots of relevant texts or social media posts/messages, or any other materials that may be relevant to your report. If you do not have access to these materials at this time, you will have additional opportunities to present them during the investigation.

AUTHORIZATION & SIGNATURE

*I understand that by submitting this Formal Complaint, I am knowingly initiating the formal grievance process (i.e. formal investigation) related to the allegations that have been described. *(required)*

☐ Yes, I understand

* I understand that upon receipt of this Formal Complaint, the Title IX Coordinator may contact me to gather additional information, if necessary. *(required)*

☐ Yes, I understand

* I understand that upon the Title IX Coordinator's review, Adrian College will dismiss the Formal Complaint if the alleged conduct:

1. Would not constitute sexual harassment as defined in the Sexual Misconduct & Sexual Harassment Policy if proven;
2. Did not occur in Adrian College's education program or activity;
3. Did not occur in the United States; or
4. Occurred prior to August 14, 2020.

I also understand that if the Formal Complaint is dismissed, the Title IX Coordinator will notify the Respondent and me of the dismissal. However, the behavior that does not meet the above criteria may still be addressed under different Adrian College policies. (If you are unsure if the alleged incident would meet the above criteria, we encourage you to use the [Incident Report](#) and/or contact the Title IX Coordinator with questions). *(required)*

☐ Yes, I understand

By signing my name below, I confirm that I am the Complainant making a Formal Complaint of Title IX Sexual Harassment. I also confirm that the information provided in this Formal Complaint is true to the best of my knowledge.

Signature: _____

Date: _____
