

MCCC Interim Post 8/1/24 Title IX Procedure

Policy Type: District Policy

Title: Title IX

Who Does This Procedure Affect: All Staff and Students at MCCC and Third-Party Contractors

Purpose:

The U.S. Department of Education's Title IX prohibits sex discrimination in education programs and activities that receive Federal financial assistance. Title IX obligates all recipients to comply with Title IX and the Department's Title IX regulations, with some limited exceptions in the statute and regulations. When "Title IX" is referenced in this Procedure, the term refers to Title IX and the regulations.

I. Purpose and Scope

The purpose of Procedure 1.63(b) is to demonstrate that Monroe County Community College (MCCC) is committed to fostering a fair and equitable environment for individuals to study, learn, and work and a prompt and equitable process for investigation and resolution of complaints covered by Title IX. This Procedure ensures a clear and transparent process regarding how the acts on notices, complaints or knowledge of violations of prohibited Sex and Gender-based Discrimination, Harassment, and Sexual Misconduct. This procedure applies to students, faculty, and staff who are (1) employed by, attending, or affiliated with MCCC; (2) participating in, or attempting to participate in, any MCCC program or activity; and/or (3) visiting MCCC's campus (es) or any property owned or leased by MCCC. This Procedure also covers acts of Prohibited Conduct committed by third parties, including visitors, guests, vendors, and contractors who are affiliated with the College or accessing, or attempting to access, a College program or activity; complaints against such third parties may be handled in accordance with existing contracts and agreements, and third parties may not be eligible for procedural protections.

The procedures are in accordance with the Department of Education's Title IX Regulations, published in the 2024 amendments.

The College shall have the discretion to refer complaints of misconduct not covered by this procedure to any other appropriate office for handling under any other applicable College policy or code.

II. Prohibited Conduct

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity. Title IX regulations prohibit all forms of sex discrimination. Sex Discrimination includes sex-based harassment, sexual assault, dating violence, domestic violence, and stalking. This prohibition includes discrimination against pregnant and parenting students. Prohibited Conduct as used throughout this Procedure is defined to include any of the following acts when they occur in the United States and, either on campus, in a building controlled by an officially recognized College organization, and/or in a College program or activity.

- 1. Dating Violence:** Violence committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For this definition, dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

- 2. Domestic Violence:** Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Michigan, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Michigan. Allegations of child abuse under Michigan law shall also be referred to Children's Protective Services or local law enforcement.
- 3. Sexual Harassment:** The final regulations also provide greater clarity regarding the definition of "sex-based harassment"; and the scope of sex discrimination, including colleges' obligations not to discriminate based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; and schools' obligations to provide an educational environment free from discrimination on the basis of sex.
- A. Any instance of quid pro quo harassment by an MCCC employee, agent, or anyone authorized to provide a service under one of the school's educational programs or activities.
 - B. Any offensive, unwelcome sex-based conduct that is severe or pervasive enough to deprive or limit a person's participation in an academic activity or program and that a reasonable person would find objectively offensive
 - C. Any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act).

The College recognizes community members' right to the free expression of ideas, including those that may be controversial or unpopular. Nothing in this definition is intended to conflict with an individual's First Amendment rights. As a result, any conduct covered by those protections does not meet this definition of sexual harassment.

4. Sexual Assault, Includes any of the Following:

- A. **Sexual Offenses, Forcible:** Any sexual act directed against another person without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent:
 - i. 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, without the consent of the Complainant.
 - ii. Oral or anal sexual intercourse with another person, forcibly and/or against that person's will (non-consensual), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - iii. The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. Sex Offenses, Non-forcible, Includes Any of the Following:

- iv. **Incest:** Non-forcible sexual intercourse between persons who are related to each other, within the degrees wherein marriage is prohibited by Michigan Law.
 - v. **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent of 16 years of age.
5. **Sex-Based Stalking:** Engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to fear for the person’s safety, or the safety of others, or suffer substantial emotional distress.

For the purposes of this definition, “course of conduct” means two or more acts, including, but not limited to:

- i. 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.
- ii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- iii. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

III. Definitions

1. **Advisor:** An advisor is a person chosen by a party or MCCC appointed who may accompany the student party to any and all portions of the grievance process. The Advisor may not participate directly in, represent, or interfere with the investigation. Although reasonable attempts will be made to schedule proceedings consistent with an Advisor’s availability, the process will not be delayed in scheduling the proceedings at the Advisor’s convenience. The Title IX Coordinator can remove the Advisor from investigation and hearing proceedings if the Advisor interferes.
2. **Complainant:** The Complainant is the target of the alleged misconduct: includes a student or employee of [ABC School] who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or a person other than a student or employee of [ABC School] who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in MCCC’s educational programming or sponsored activities. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or MCCC’s Title IX Coordinator(s).
3. **Complaint:** A complaint is a written or oral request to investigate an allegation college violation.
4. **Confidential Employee:** An employee whose communication with a Complainant or potential Complainant who has professional, confidential status in accordance with Federal or State law.
5. **Confidentiality and Privacy:** Confidentiality and Privacy have distinct meanings under this Procedure.

“**Confidentiality**” generally means that information shared with a licensed confidential resource cannot be revealed to any other person or office, unless the individual grants written permission to share their information,

“Privacy” generally means that information related to a report of Prohibited Conduct will only be shared with a limited circle of individuals who “need to know” to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined in the College’s FERPA Policy. The privacy of an individual’s medical and related records may be protected by the Health Insurance Portability and Accountability Act (“HIPAA”), except for health records protected by FERPA. Access to an employee’s personnel records may be restricted by applicable state and federal law.

While there are certain limitations on privacy, the College generally will not release the names of the Complainant or Respondent to the general public without express written consent or absent another exception consistent with the law. The release of names will be guided by applicable law, including the Family Educational Rights and Privacy Act (FERPA) and the Clery Act.

In addition, no information shall be released from a proceeding to enforce this Procedure except as required or permitted by law and College Policy.

6. **Consent:** A free and willing agreement to engage in a sexual act, provided without force or coercion, between individuals who are of sufficient age and are not mentally incapable, mentally disabled, mentally incapacitated or physically helpless, or incapacitated by drugs or alcohol. Consent is an unambiguous agreement, expressed outwardly through mutually understandable words or actions, to engage in a particular activity. Consent must be voluntarily given and cannot be obtained through coercion or force, and the person initiating a specific sexual activity is responsible for obtaining consent for that activity. Consent is not to be inferred from silence or a lack of resistance. Consent is not to be inferred from an existing or previous dating or sexual relationship. Consent to engage in one sexual activity at one time is not consent to engage in a different sexual activity or to engage in the same sexual activity on a later occasion. Any party can withdraw consent at any point. Once consent is withdrawn, the sexual activity must cease immediately. For purposes of this Procedure, in evaluating whether consent was freely sought and given, the issue is whether the Respondent knew, or reasonably should have known, that the activity in question was not consensual or that the Complainant was unable to consent due to incapacitation.
7. **Days:** Any reference to days within this Procedure shall be counted as College business days unless otherwise specified.

In the event that the Title IX Coordinator signs the Formal Complaint, this act does not make the Title IX Coordinator the “Complainant” for purposes of this Procedure.

8. **Education Program/Activity:** Any program or activity where MCCC exercises majority control.
9. **Final Determination:** A conclusion that the conduct in question did or did not violate MCCC Policy or Procedure.
10. **Hearing Advisor:** During a hearing, a Complainant and Respondent shall have a Hearing Advisor. The Hearing Advisor may be the same person who served as the Advisor throughout the investigation. This person may be of the Complainant’s or Respondent’s choosing. If a Complainant or Respondent does not have a Hearing Advisor who can be present for the hearing, MCCC will provide a Hearing Advisor for the purpose of asking questions of the other party, and witnesses. Other than asking questions at the hearing of the other party or of witnesses, the Hearing Advisor may not participate directly in, represent, impede or interfere with the hearing proceedings.

11. **Hostile Environment Harassment:** unwelcome sex-based conduct is offensive to the recipient **and** would be offensive to a reasonable person **and** which is so severe **or** pervasive that it limits someone's ability to participate in an educational activity or program.
12. **Incapacitation:** A state where an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand the who, what, when, where, why, or how of the sexual interaction) and/or is physically helpless. An individual, asleep or unconscious, is considered to be incapacitated and unable to consent to sexual activity. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to a mental or physical condition. Incapacitation may result from the use of alcohol, drugs, or other medication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation.

The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's: (A) decision-making ability; (B) awareness of consequences; (C) ability to make informed judgments; or (D) capacity to appreciate the nature and the quality of the act.

It shall not be a valid excuse that the Respondent believed that the Complainant consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the Complainant was asleep or unconscious; (b) the Complainant was incapacitated due to the influence of drugs, alcohol, or medication so that the Complainant could not understand the fact, nature, or extent of the sexual activity; (c) the Complainant was unable to communicate due to a mental or physical condition.

Whether the Respondent reasonably should have known that the Reporting Party was incapacitated will be evaluated using an objectively reasonable person standard. The fact that the Respondent was unaware of the Complainant's incapacity is irrelevant to this analysis, particularly where the Respondent's failure to appreciate the Complainant's incapacitation resulted from the Respondent's failure to take reasonable steps to determine the Complainant's incapacitation or where the Respondent's incapacitation (from alcohol or drugs) caused the Respondent to misjudge the Complainant's incapacity.

It is the responsibility of the individual initiating the sexual activity to be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity.

13. **Informal Resolution:** A mutual and voluntary agreement between the parties and approved by the Title IX Coordinator.
14. **Investigation Report:** The investigator's formal summary of all relevant evidence.
15. **Investigator:** The investigator is responsible for gathering evidence about an alleged violation, assessing relevance and credibility, summarizing the facts, and compiling the information into the "Investigation Report."
16. **Mandatory Reporter:** Every MCCC employee is considered a Mandatory Reporter in that every employee who knows about a Title IX violation is **Required** to report that violation directly to a college Title IX Coordinator.
17. **Party:** A Complainant and the Respondent in a case.

- 18. Pregnancy or Related Condition:** “Pregnancy or related conditions” is defined as pregnancy, childbirth, termination of pregnancy, or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or recovery from pregnancy, childbirth, termination of pregnancy, lactation, or their related medical conditions.
- 19. Preponderance of Evidence:** Means “more likely than not.” It is the standard of evidence used during the investigation to determine whether the alleged conduct occurred and/or this Procedure was violated.
- 20. Protected Activity:** Exercising any right or privilege under this Procedure. Examples of protected activities include reporting (internally or externally) a complaint of Prohibited Conduct in good faith, assisting others in making such a report, participating in a grievance process, acting in good faith to oppose conduct that constitutes a violation of this Procedure, honestly participating as an investigator, witness, decision maker, or otherwise assisting in, an investigation or proceeding related to an alleged violation of this Procedure.
- 21. Quid Pro Quo:** “Something for Something.” Quid Pro Quo occurs when a college employee or agent of the college causes someone to believe that they
- A. have to submit to unwelcome sexual conduct to participate in a college program or activity.
 - B. Will make an educational decision based on whether the other person submits to unwelcomed sexual conduct.
- 22. Respondent:** An individual who is reported to have engaged in Prohibited Conduct. The respondent is the alleged perpetrator of the misconduct.
- 23. Sex: Sex Assigned at birth.**
- 24. Sexual Assault (as defined by the Clery Act)** includes rape, fondling, incant and statutory rape.
- 25. Standard of Evidence:** A preponderance of the evidence will determine the decision regarding a Respondent’s responsibility, meaning “more likely than not.”
- 26. Student:** Any person “admitted” to MCCC.
- 27. Supportive Measures:** Non-disciplinary, non-punitive, free-of-charge individualized services offered to a Complainant and/or the Respondent by MCCC as appropriate and reasonably available. Such measures are designed to restore or preserve equal access to MCCC’s education program or activity without unreasonably burdening the other party. Supportive measures are also available whether or not a formal complaint has been filed. Supportive measures may include, but are not limited to: academic support, class and work schedule changes, a mutual ban on contact (no-contact directive), increased security, or other measures as determined on a case-by-case basis. Link resources to 10
- Note: Any Supportive Measures implemented will be kept confidential, except to the extent that doing so impairs the institution’s ability to provide them.*
- 28. Third-Party Reporter:** Someone other than the Complainant who reports an incident or allegation of Prohibited Conduct.

- 29. Title IX Coordinator (TIXC):** The College official(s) charged with ensuring the College's overall compliance with Title IX and related College Policy and procedures.

IV. Making a Report

MCCC encourages individuals to report incidents involving Prohibited Conduct and other potential violations of this Procedure in writing though incidents may also be reported verbally. MCCC does not limit the timeframe for reporting an incident, regardless of when the incident occurred. However, the College encourages individuals to report as soon as practical, as memories may fade and evidence may be lost over time.

Individuals may also notify one of the Title IX Coordinators if they believe someone else may have experienced conduct that would violate this Procedure.

Mandatory Reporting: All MCCC employees, with limited exceptions, are required to promptly provide knowledge of possible sex discrimination, including sex-based harassment, to a Title IX Coordinator in writing (email is acceptable, though the formal complaint form is preferred).

The college encourages MCCC employees who experience sex discrimination to bring their concerns to a Title IX Coordinator, though they are not required to do so.

Filing a Formal Complaint

An individual may choose to file a Formal Complaint. Under this Procedure, a formal complaint has a very specific definition and differs from solely making a report to the Title IX Coordinator. Unless it is dismissed as set forth below, filing a Formal Complaint will result in written notification to the Respondent and the commencement of the Resolution Process.

The Complainant must be an admitted student of the college at the time of filing a formal complaint. A Formal Complaint may not be filed anonymously. Anyone who wishes to discuss their options with the Title IX Coordinator before filing a Formal Complaint is encouraged to do so.

A Formal Complaint may be made by:

- a) Completing a Formal Complaint Form.
- b) by picking up a form from a Title IX Office and returning it (by US Mail, Email, or in person);
- c) by emailing a Title IX Coordinator;
- d) by calling a Title IX Coordinator;
- e) or by appointment with a Title IX Coordinator.

Reports to the Title IX Coordinator of potential violations of this Procedure will be kept private to the extent possible for the College to respond to the report. Still, reports made to the Title IX Coordinator are not confidential.

Upon being notified of a potential violation of this Procedure, the Title IX Coordinator shall contact the Complainant to schedule an Intake Interview and will also provide information regarding resources, rights, and reporting options.

Contents of A Formal Complaint should include:

- A. An allegation of Prohibited Conduct as defined under this Procedure. This may include:
 - i. Where the incident(s) occurred
 - ii. What incident(s) occurred
 - iii. When the incident(s) occurred
- B. Identity of Respondent, if known
- C. A request for an investigation

Formal Complaints may be made to a Title IX Coordinator:

Title IX Coordinator: Linda Torbet, Executive Director of Human Resources
Address: 1555 South Raisinville Rd, Monroe, MI 48161
Phone: (734) 384-4245
Email: ltorbet@monroeccc.edu

OR

Title IX Coordinator: Dr. Scott Behrens, Vice President of Enrollment Management and Student Success
Address: 1555 South Raisinville Rd, Monroe, MI 48161
Phone: (734) 384-4224
Email: sbehrens@monroeccc.edu

If a complaint is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to confirm the Complainant's intent to file a Formal Complaint.

Further, if the Formal Complaint does not provide sufficient information to determine whether the conduct alleged will fall under this Procedure, the Title IX Coordinator will contact the Complainant for clarification and any additional information needed.

Upon receipt of a Formal Complaint, the Title IX Coordinator will reach out to the Complainant to conduct an Intake Interview and to discuss and implement Supportive Measures. In the event that the Complainant declines to participate in an Intake Interview, and if the Formal Title IX Complaint contains an allegation meeting all of the jurisdictional elements of this Procedure, and the Formal Complaint is signed or includes an electronic submission from the Complainant, and requests an investigation, the Title IX Coordinator will, within 2 days, put the Respondent and Complainant on notice of the allegation and commence the investigation process.

Anonymous Reports: Any individual may make an anonymous report concerning an act of Prohibited Conduct. However, the College's ability to respond to an anonymous report may be limited depending on the extent of information available about the incident or the individuals involved. The Title IX Coordinator will receive the anonymous report and will determine any appropriate steps, including individual or community remedies as appropriate, and in compliance with all Clery Act or other legal obligations.

Please note that a Formal Complaint cannot be filed anonymously and is only considered to have been filed only when the complaint contains the Complainant's physical or digital signature, or otherwise, indicates that the Complainant is the person filing the Formal Complaint.

Reports of potential violations of this Procedure may be made to one of the Title IX Coordinators, Linda Torbet at LTorbet@monroeccc.edu or Dr. Scott Behrens at SBehrens@monroeccc.edu or by using the [online complaint form](#). Reports to the Title IX Coordinator of potential violations of this Procedure will be kept private to the extent possible for the College to respond to the report, but reports made to the Title IX Coordinator are not confidential.

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

- ✓ Availability of Supportive Measures
- ✓ How to file a [Formal Complaint](#).
- ✓ Right to notify law enforcement.
- ✓ Importance of preserving evidence.
- ✓ Right to an Advisor.
- ✓ Availability of the Informal Resolution process and grievance procedures.

If a Formal Complaint has not been filed, the Title IX Coordinator will explain options to the complainant, including

- a) the process of filing a Formal Complaint as well as the grievance process.
- b) the request for an informal resolution.

V. MANDATORY AND DISCRETIONARY DISMISSAL

The College has the discretion to dismiss a complaint and in some cases an obligation to dismiss a complaint as follows:

Mandatory Dismissal

At any time before the commencement of a hearing, any case proceeding under this Procedure will be dismissed if it is determined that the conduct at issue does not meet the definitional or jurisdictional requirements of this Procedure. If the alleged conduct would, if true, support a finding that another MCCC Policy or Code has been violated, MCCC may, in its sole authority, transfer the case for further handling under the appropriate Policy or Code. MCCC may use evidence already gathered during the Title IX process to handle the complaint further. Upon dismissal, both parties shall be notified in writing of the decision and the rationale for the decision. The decision to dismiss is subject to [appeal](#). Both parties will be notified in writing of any determination made following the appeal.

Discretionary Dismissal

At any time during an investigation or hearing, any case when: a) Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations within the Formal Complaint; b) the Respondent is no longer enrolled or employed at the College; or c) circumstances prevent the College from gathering evidence sufficient to reach a determination. If the alleged conduct would, if true, support a finding that another MCCC Policy or Code has been violated, MCCC may, in its sole authority, transfer the case for further handling under the appropriate Policy or Code. MCCC may use evidence already gathered during the Title IX process to handle the complaint further. Upon dismissal, both parties shall be notified in writing of the decision and the rationale for the decision. The decision to dismiss is subject to appeal. Both parties will be notified in writing of any determination made following the appeal.

Consolidation of Cases: In the event that the allegations under this Procedure also involve allegations of a violation of a separate policy, the Title IX Coordinator shall have sole discretion to consolidate those other allegations within one investigation and/or hearing. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this Procedure.

VI. Outreach and Initial Assessment

Intake Interview

Upon receipt of information alleging a potential violation of this Procedure, the Title IX Coordinator shall reach out to the Complainant to schedule an intake or informational interview and provide a copy of this Procedure and the following information:

- Availability of Supportive Measures with or without filing a Formal Complaint;
- How to file a Formal Complaint;
- Right to notify law enforcement and the right not to notify law enforcement;
- Importance of preserving evidence;
- Resources for counseling, health care, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other available services; and,
- Right to an Advisor of choice.

The Title IX Coordinator will discuss the Complainant's rights and options and assess for and provide appropriate Supportive Measures, which are available with or without the filing of a Formal Complaint. If a Formal Complaint has not already been filed, the Title IX Coordinator will explain to the Complainant the process for filing one.

A Complainant may choose to receive Supportive Measures only and not proceed with filing a Formal Complaint or any other resolution process. A Complainant may also request an informal resolution or an investigation and hearing. If a Complainant chooses to pursue an investigation and hearing, a Formal Complaint is required.

For those Complainants who wish to proceed with a resolution process, the Title IX Coordinator will also assess the facts as presented to determine whether the information provided suggests a potential violation of this Procedure.

In the event the allegation involves a sexual assault, dating or domestic violence, or stalking within Clery geography, the Title IX Coordinator will also notify the Clery Coordinator of the allegations. Complainants will also be provided with information about their right to file with law enforcement, their right to decline to do so, and, when applicable, about seeking a personal protection order from the local courts.

If the complaint does not meet the required definitions of this Procedure, then the Title IX Coordinator will not initiate the Resolution Process.

The Title IX Coordinator shall have the discretion to sign a Formal Complaint and initiate an investigation when a Complainant's allegations involve violence, use of weapons, serial predation, or similar factors. When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator does not become the "Complainant" for purposes of this Procedure.

Emergency Removal Provisions

If at any time MCCC determines that the conduct, as alleged, poses a risk of physical harm to one or more members of the MCCC community or to MCCC's educational environment, MCCC may instruct that a student Respondent be suspended, on an interim basis, from specific programs or activities. Any such assessment will be made case-by-case, based on an individualized safety and risk analysis. If MCCC determines that an immediate physical threat to the health or safety of students or others justifies removal from campus, then a Respondent may be suspended on an interim basis. The decision to do so will be provided to the Respondent in writing.

Further, MCCC shall have the authority to place any employee Respondent on an administrative leave of absence pending the outcome of an investigation and hearing.

The decision to place any Respondent on an interim suspension or administrative leave shall not be considered as evidence that any determination has been made regarding potential responsibility for violating this Procedure.

Opportunity to Challenge Decision to Suspend or Remove: A student Respondent shall have an opportunity to challenge the decision of suspension or removal. To challenge suspension or removal, the Respondent should contact the campus Vice President of Enrollment Management and Student Success within five days of the interim suspension, who will explain the College's process for challenging the emergency removal.

VII. Resolution Methods

A Formal Complaint not resolved through informal resolution will be resolved through the Formal Resolution Process.

Informal Resolution

Prior to a determination that sex discrimination occurred, the Complainant may request, in writing, to proceed with an Informal Resolution. Participation in the Informal Resolution process is voluntary for both the Complainant and Respondent, and both parties and the Title IX Coordinator must agree to the use of Informal Resolution to resolve the complaint. If an Informal Resolution option is preferred, the Title IX Coordinator will assess whether the complaint is suitable for Informal Resolution and will then take steps to determine if the Respondent is also willing to engage in Informal Resolution. Both parties must agree, in writing, to an Informal Resolution.

Allegations that an employee has engaged in Prohibited Conduct toward a student shall not be handled through the Informal Resolution process and instead be resolved only through the Investigation and Hearing process. When the Complainant requests an Informal Resolution, the Title IX Coordinator will provide the Complainant and Respondent written notice that includes:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The requirements of the Informal Resolution process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations;
- Any consequences resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared;

- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred and that the Respondent is presumed not responsible unless and until, after the formal investigation and adjudication processes, there is a determination of responsibility;
- An explanation that each party may be accompanied by an Advisor and a support person) of their choice, who may be a parent, friend, or attorney;
- The date and time of the initial meeting with the Title IX Coordinator, with a minimum of 2 days' notice;
- Information regarding Supportive Measures, which are available equally to the Respondent and to the Complainant.

If either party does not voluntarily agree in writing to pursue an Informal Resolution, or if the Complainant, Respondent, or Title IX Coordinator, at any time, determines that Informal Resolution is no longer appropriate, the Title IX Coordinator will promptly inform the Complainant and Respondent in writing that the complaint will proceed through the Investigation and Hearing Process.

Once the final terms of an Informal Resolution have been agreed upon by both parties in writing, the matter shall be considered closed, and no further action shall be taken.

The Informal Resolution process is generally expected to be completed within thirty (30) and may be extended for good cause by the Title IX Coordinator. Both parties will be notified, in writing, of any extension and the reason for the extension.

Records of any Informal Resolution will be maintained and can be shared with other offices as appropriate.

Formal Investigation Process

MCCC expects that all individuals who participate in the investigation process to do so truthfully and that all who have a responsibility for carrying out one or more aspects of the investigation and hearing process do so fairly and without prejudice or bias.

Prohibition on False Evidence Provided During Title IX Process

Each party and every witness is expected to provide truthful information to the investigator, Hearing Officer, and the Appeals Officer. The college will not discipline a party, witness, or other participant for making a false statement or engaging in consensual conduct based solely on the Hearing Officer's determination of whether sex discrimination occurred.

Notice of Investigation and Investigation Process

Within a reasonable period from the filing of a Formal Complaint and prior to the start of an investigation, the Respondent and Complainant shall be provided, in writing, with a Notice of Investigation. Such notice shall include:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The identity of the Complainant;
- The date and location (if known) of the conduct that is alleged to have occurred;
- A copy of this Procedure, which contains the process that will be followed, including an explanation that each party shall have the right to inspect and review all evidence prior to the completion of the investigation;
- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred and that the Respondent is presumed not responsible unless and until, after the process below, there is a determination of responsibility;

- An explanation that each party may be accompanied by an Advisor of their choice, who may be a parent, friend, attorney, or union representative;
- The date and time of the initial interview with the investigator, with a minimum of five (5) days' notice;
- Information regarding amnesty granted during this process;
- The name and contact information for the assigned investigator;
- Information regarding Supportive Measures.

Should additional allegations be made, a revised Notice of Investigation shall be provided in writing to both parties.

Conflict of Interest or Bias

After a Formal Notice of Investigation is issued to the Complainant and Respondent, each party may object to the Title IX Coordinator or designated investigator on the grounds of a demonstrated bias or actual conflict of interest. Both parties will have three (3) business days from the date of the Notice of Investigation to object to the selection of the investigator or the Title IX Coordinator. Objections to the Title IX Coordinator shall be made, in writing, to the Vice President of Enrollment Management and Student Success. Objections to the investigator's appointment shall be made in writing to a Title IX Coordinator. That individual shall be replaced if the objection is substantiated as to either the Title IX Coordinator or the Investigator.

Timeline

The College strives to complete the investigation process, up to evidence review, within 40 days, which the Title IX Coordinator may extend for good cause. Both parties shall be notified, in writing, of any extension granted, the reason for the extension, and the new anticipated date of conclusion of the investigation.

Interviews

The investigator will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. The investigator will record the interview, and the transcript of the interview will be made available to the person interviewed and also included in the evidence review (see below).

The investigator shall prepare an Interview Summary of each interview. The investigator will share the Interview Summary with the interviewee. The interviewee will have three (3) days to correct or comment on any statements in the Interview Summary. The deadline may be extended for good cause upon request to the investigator. If the interviewee has corrections or comments to the Interview Summary, the interviewee may submit a written response within three (3) days reflecting any additions or changes that the interviewee believes are necessary to ensure the accuracy of the interviewee's statement. If no response is received from the interviewee by the deadline, their Interview Summary will be presumed to be accurate. In all instances where the investigator includes the Interview Summary as an exhibit to a report, the investigator will either adjust the Interview Summary as may be appropriate or include any response provided with the Investigation Report.

Each party shall be provided with an opportunity to offer relevant witnesses and evidence. The investigator will consider all relevant evidence.

Information or evidence that is not provided to the investigator will not be allowed during the hearing, unless it can be clearly demonstrated that such information was not reasonably known to or available to the parties at the time of the investigation.

Evidence Review

After all interviews and fact-gathering, the investigator will provide each party and their Advisor the opportunity to review all of the evidence gathered that is directly related to the allegation(s). This shall include both

inculpatory and exculpatory evidence. Given the sensitive nature of the information provided, the information will be provided in a secure manner (e.g., by providing digital copies of the materials through a protected, “read-only” web portal). Neither the Complainant nor the Respondent (nor their Advisors) may copy, remove, photograph, print, image, videotape, record, or otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this Procedure may be subject to discipline. Any Advisor who fails to abide by this Procedure may be subject to discipline and/or excluded from further participation in the process.

Each party may respond to the evidence gathered. Each party shall have ten (10) days to respond to the evidence. Each may respond in writing to the investigator. The investigator will incorporate any response provided by the parties into the Summary of Evidence Report. Along with their response to the evidence, each party may also submit a written request for additional investigation, such as a request for a follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the investigator to pose to witnesses or to the other party. This response may include written, relevant questions that a party would like the investigator to ask of any party or witness. If any of the questions posed will be excluded as not relevant or not likely to lead to relevant information, the investigator shall explain to the party who proposed the questions any decision to exclude a question as not relevant.

Upon receipt of each party’s response to the evidence reviewed, the investigator will determine if any additional investigation is needed.

In addition, either party may offer new witnesses or other new evidence. The investigator will take into account the responses provided, shall pose questions to parties or witnesses as appropriate, and interview new relevant witnesses, and accept new, relevant, evidence.

If new relevant evidence is provided by either party or gathered by the investigator, the newly- gathered evidence (including answers to clarifying questions) will be made available for review by each party. Each party shall have ten (10) days to respond to the new evidence. Each party may write a response to the investigator, who will incorporate it into the Summary of Evidence Report.

Any evidence to be considered by the Hearing Officer must be provided to the investigator. Information not provided to the investigator will not be allowed during the hearing itself unless it can be demonstrated that such information was not reasonably known to or available to the parties at the time of the investigation. Should new evidence be presented at the hearing, the Hearing Officer shall have the authority to either exclude the evidence or to send the matter back for further, limited investigation.

Exclusion of Questions Regarding Complainant’s Past Sexual Behavior, or Predisposition

Questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior is not relevant and will not be permitted unless such questions and evidence about the Complainant’s prior sexual behavior are offered for one of two reasons: (a) to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or (b) 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.

Privileged Information Evidence considered “privileged” by federal or state law (e.g., doctor records) must be excluded as evidence unless the privilege is waived by the person who holds said privilege.

Investigation Report

The investigator shall then prepare a written report summarizing all of the relevant evidence gathered and all investigative steps taken to date. For those cases in which there are allegations of other College policies, the investigator shall also make preliminary factual findings if requested to do so by the Title IX Coordinator. Each

party, as well as their Advisor, shall be provided with a copy of the written report and shall have 10 days to provide a response. Upon receipt of any response(s), the investigator shall then complete the Investigation Report, which shall include as an attachment all relevant evidence gathered during the investigation, as well as all interview notes and interview summaries, showing the original (as sent to each interviewee for review) and the revised version, after corrections or additions by each interviewee.

Conclusion of Investigation, Notice of Hearing

The Title IX Coordinator will review the final Investigation Report and its attachments. The Title IX Coordinator may require that the investigator conduct additional investigation. Once the Investigation Report is final, it shall be provided to each party and their advisor through a protected, read-only server, together with all attachments.

At the same time, each party shall be provided with a Notice of Hearing, which shall include information regarding the date of the hearing, the identity of the Hearing Officer, and any deadlines for submission of evidence, names of witnesses, or questions to be reviewed by the Hearing Officer to ensure relevance. The hearing shall be scheduled no less than 10 business days from the date of the Notice of Hearing.

Within three (3) days of receipt of the Notice of Hearing, either party may object to the Hearing Officer based on a demonstrated bias or actual conflict of interest. Any objection must be in writing and sent to the Title IX Coordinator. Should the Title IX Coordinator determine an actual bias or conflict of interest, the Title IX Coordinator shall remove the Hearing Officer and appoint another Hearing Officer.

Hearing Procedures

Hearing Advisor

Each party is entitled to one Advisor at the hearing which shall be referred to as the Hearing Advisor. The role of the Hearing Advisor is to ask questions of the other party and witnesses but not to advocate for or otherwise speak on behalf of the advisee during the hearing. No party shall be permitted to ask questions of the other party or a witness. A Hearing Advisor of MCCCC's choosing shall be provided for any party who does not have a Hearing Advisor. There will be a pre-hearing meeting with each party at which time, should the Complainant or Respondent not have a Hearing Advisor, one shall be assigned.

Hearing

Hearings may be conducted in person or via videoconferencing. If by videoconference, prior to the hearing, the Hearing Officer shall have received instruction regarding the operation of any audio-visual equipment for the hearing. The Hearing Officer shall also provide the participants with instructions on how to participate in the videoconference hearing. No Complainant or Respondent or witness will be compelled to participate in the hearing. However, the Title IX Coordinator may choose to continue with the hearing in the absence of the Complainant, Respondent or any witness. The Hearing Officer may not take into consideration in either the hearing or in their final determination the statements made during the investigation of any individual who does not participate in the hearing and submit to questioning.

The Hearing Officer shall record each hearing and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of MCCC but shall be available for listening by contacting Title IX Coordinator.

The Complainant, Respondent, and the Hearing Officer all have the right to call witnesses. Witnesses must have information relevant to the incident. No party will be permitted to call anyone who the investigator did not interview as part of MCCC's investigation as a witness. Each party shall submit to the Hearing Officer the names of witnesses they would like to call no less than five (5) days in advance.

Three days prior to the hearing, each party shall submit to the Hearing Officer a preliminary list of questions they wish to pose to the other party or to a witness. If the Hearing Officer determines that any are not relevant, the Hearing Officer shall explain the reason for the exclusion of the question at the hearing. Each party, through their Advisor, shall also be permitted to ask additional questions at the hearing. In the event that a party does not appear for the Hearing, the Advisor for that party shall appear and question the other party, and witnesses.

The Hearing Officer shall have the authority to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. Any such limitation shall be communicated to the parties no later than three (3) days before the hearing.

The Hearing Officer shall have the authority to maintain order and decorum at the hearing. The Hearing Officer also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful and will not permit such questions. Any party or witness who is disruptive may, at the discretion of the Hearing Officer, be removed and directed to continue their participation via video conferencing. Any Advisor who is disruptive may be removed, and the Hearing Officer will appoint another Advisor for the remainder of the hearing.

Following the hearing, the Hearing Officer will then prepare a report. To the extent credibility determination needs to be made, shall not be based on a person's status as Complainant, Respondent, witness.

The Hearing Officer's report will include:

- The allegations;
- Description of all procedural steps;
- Findings of fact;
- Conclusion of application of facts to the Procedure; and
- Rationale for each allegation.

The Hearing Officer's report shall be provided to the Title IX Coordinator. If there is no finding of responsibility, the Title IX Coordinator shall communicate the findings, along with a copy of the Hearing Officer's report, to the parties, together with [procedures for appeal](#).

If there is a finding of responsibility, the Title IX Coordinator shall contact the appropriate sanctioning officer who will determine the sanction and notify the Title IX Coordinator of the sanctioning determination. The Title IX Coordinator will then provide each party with the Hearing Officer's report, the determination of the appropriate sanction, will inform the Complainant of any appropriate remedies, and will inform both parties of the [procedure for appeals](#).

Sanctions and Remedies

Upon conclusion of the adjudicating process, when there is a finding of responsibility, the Complainant will be offered such remedies designed to restore or preserve equal access to the institution's education program or activity. Some examples are tutoring and counseling. The Title IX Coordinator will work with the Complainant and the appropriate faculty, student, administrator, employee or other relevant persons for the implementation of remedies.

Persons who violate MCCC's policies will be disciplined. The particular form of sanction will depend on the nature of the offense and any prior disciplinary history. Such sanction will be imposed pursuant to and in accordance with any and all applicable MCCC rules, policies, and procedures. A person against whom such sanction is imposed will have a right to contest the imposition of a sanction.

Any one or more of the sanctions listed here may be imposed on a Respondent who is found responsible for a violation of MCCC's policies. Sanctions not listed here may be imposed in consultation with the Title IX Coordinator. Sanctions are assessed in response to the specific violation(s) and any prior discipline of the Respondent.

Possible sanctions include, but are not limited to:

Warning: Verbal Notice, with documentation in the student or personnel file, that continuation or repetition of Prohibited Conduct may be cause for additional disciplinary action.

Censure: A written reprimand for violating MCCC Policy. This conduct status specifies a period of time during which the Respondent's good standing with MCCC may be in jeopardy. The Respondent is officially warned that continuation or repetition of Prohibited Conduct may be cause for additional conduct action including probation, suspension, expulsion or termination from MCCC.

Behavioral Contract: Formal, written notice that the student Respondent will be expected to adhere to College expectations regarding their conduct as may set forth in a behavior contract. Any violation of that contract may result in further disciplinary action.

Demotion or Change in Employment Status: Temporary or permanent changes or demotions in employment position, status or title which may or may not include an adjustment in salary.

Restrictions on Access or Duties: Conditions which specifically dictate and limit the Respondent's presence on campus, restrict employment duties, and/or participation in MCCC sponsored or related activities. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on campus.

Restitution: Repayment to MCCC or to an affected party for damages (amount to be determined by the MCCC) resulting from a violation of this Procedure. To enforce this sanction, MCCC reserves the right to withhold its transcripts and degrees or to deny a student participation in graduation ceremonies and privileged events.

Probation: Formal, written notice that the employee is in violation of MCCC's policies and an expectation that the employee exhibit good behavior for a defined period of time. Any violation during the probationary period may result in further disciplinary action.

Termination of Employment: Permanent separation of the employee from MCCC.

Expulsion: Permanent separation from MCCC effective immediately. Any refund of tuition or fees as result of the expulsion shall be in accordance with applicable policies. No academic credit may be earned for that semester.

Withholding Degree: MCCC may withhold awarding a degree otherwise earned until the completion of the process set forth in this Procedure, including the completion of all sanctions imposed, if any.

Other: Other sanctions may be imposed instead of, or in addition to, those specified here. Service, education, or research projects may also be assigned.

Multiple Disciplinary Actions: More than one of the actions listed above may be imposed for any single violation.

VIII. Appeals

Either party may file appeals. Appeals shall be sent to the Title IX Coordinator, who will then send the appeal to the appeals officer. When an appeal is filed, the other party shall be notified, in writing, within one (1) business day and shall then have five (5) days to respond to the appeal. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal. Each party shall be allowed to meet with the appeals officer.

The appeals officer shall not have any actual conflict of interest or bias. Within three (3) days of the assigned Appeals Officer, either party may object to the appeals officer based on an actual bias or conflict of interest. Any objection is to be in writing and sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator shall remove the appeals officer and appoint another appeals officer.

Union Grievance Process

If a sanction is imposed upon a union member, and following an appeal under this Procedure, the Respondent has a right to challenge that sanction pursuant to the grievance and arbitration provisions of a collective bargaining agreement; the arbitrator shall not have the right to change the underlying findings of the Hearing Officer or the appeals officer.

Appeals May be Filed only on the Following Three Grounds:

- 1. Procedural Error:** A procedural error MCCCC that significantly impacted the outcome of the investigation or hearing. A description of the error and its impact on the outcome of the case must be included in the written appeal, or,
- 2. New Evidence:** New evidence or information has arisen that was not available or known to the party during the investigation or hearing and that could significantly impact the findings. Information that was known to the Appellant during the investigation or hearing but which they chose not to present is not new. A summary of this new evidence and its potential impact on the investigation findings must be included in the written appeal or,
- 3. Actual Conflict of Interest or Demonstrated Bias:** The Title IX Coordinator, investigator, or decision-maker had an actual conflict of interest or demonstrated bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter.

The written appeals decision shall be sent simultaneously to both parties which describes the result of the appeal and the rationale for the result.

IX. Rights, Expectations & Responsibilities

Individuals making a complaint to the Title IX Coordinator ("Complainant") and individuals responding to a complaint ("Respondent") each have rights throughout the complaint resolution and adjudication process, and may expect a fair, neutral process that will follow this Procedure.

Complainant and Respondent Rights

- Be treated with respect by all College officials throughout this process;
- Be informed of the available support resources or measures available;
- Be free of any form of retaliation and free to report such retaliation for disciplinary action;
- Obtain a mutual no contact directive with the other party upon request;
- Be accompanied by one Advisor throughout the process, including at any interviews or hearing;
- An adequate, reliable, impartial and prompt investigation of the allegations conducted within a reasonable period of time after a formal complaint is filed;

- Receive written notice of the date, time and location of any interview scheduled with the investigator;
- Be informed of the status of the investigation, to the extent possible;
- Review all evidence which is directly related to the allegations prior to the conclusion of the investigation;
- Meet with the investigator and present information on their own behalf, identify witnesses or other third parties who might have relevant information and identify or provide relevant documents or other information that may be helpful to the investigation;
- Have past unrelated behavior excluded from the investigation process;
- Question the selection of the investigator or Hearing Officer on the basis of an actual conflict of interest or demonstrated bias;
- Have a hearing Advisor of the College's choosing provided, at no charge, for purposes of asking questions of the other party or witnesses during the hearing proceeding;
- Be notified of the hearing outcome and any sanctions applied, if applicable;
- Initiate and participate in an appeal process;
- Waive any of the rights contained herein.

Respecting Privacy

MCCC is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Procedure. With respect to any report under this Procedure, the College will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. All College employees who are involved in the College's Title IX response receive specific instruction about respecting and safeguarding private information.

Retaliation

Retaliation is prohibited under this Procedure. Retaliation is defined as any materially adverse action against a person who reports, complains about, or who otherwise participates in good faith in any manner related to this Procedure. Materially adverse action includes conduct that threatens, coerces, harasses or in any other way seeks to discourage participation in or activity under this Procedure. Retaliation does not include good-faith actions lawfully pursued in response to a report of Prohibited Conduct. Any person who believes they have experienced retaliation under this Procedure should contact the Title IX Coordinator who forward any complaint of retaliation to the appropriate office for handling.

No Conflict of Interest or Bias

Any individual carrying out this Procedure shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of this matter. Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator is to immediately notify the Vice President of Enrollment Management and Student Success, who will take the role of Acting Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue. Should any investigator have a conflict of interest, the investigator is to notify the Title IX Coordinator upon discovery of the conflict.

Presumption of Non-Responsibility

The decision to proceed with an investigation is not in and of itself a determination that the Respondent has engaged in the conduct as alleged. Any Respondent is presumed not responsible for the conduct that is the subject of the investigation, unless and until a decision of responsibility has been made upon the completion of the adjudication process.

Requests for Delays, and Extensions of Time

The Title IX Coordinator may extend any deadlines within this Procedure, for good cause. The Complainant and Respondent will be notified in writing of any extension, the reasons for it, and projected new timelines.

X. Resources

An individual seeking confidential assistance may do so by speaking with a licensed professional counselor at Counseling Services Information shared with a counselor at Counseling Services is not considered a report to the College.

COMMUNITY RESOURCES:

River Raisin Counseling 734-931-6151
Family Counseling & Shelter Service 734-241-0180 SOAP
Project 614-216-1619
Michigan State Police 734-242-3500
Child Advocacy Network (CAN) 734-604-3384

XI. Training for Investigators, Hearing Officers, Hearing Panel, Appeals Officers, Title IX Coordinator

All individuals involved in the Title IX response, investigation, hearing and appeals process receive training in accordance with 34 C.F.R. §106.45(b)(10)(i)(D). This training may be viewed at the College's Title IX website.

XII. Record Retention

The Office of the Vice President of Enrollment Management and Student Success will maintain all records relating to complaints and resolutions under this Procedure for a period of seven (7) years.

Related Documents:

Policy 1.65 Policy Statement on Illegal Discrimination and Sexual Harassment

(Approved by the Board of Trustees: 9/28/20); 8/20/24 rev.