

## MCC 2020-2021 Student Catalog

### **NON-DISCRIMINATION, SEXUAL HARASSMENT, AND SEXUAL MISCONDUCT**

#### Commitment to our Campus Community

Muskegon Community College (MCC) is committed to developing and sustaining a healthy and diverse learning and working environment that recognizes the value of each individual. MCC advances a safe, pleasant and respectful culture for all, free from prohibited discrimination and harassment.

#### EEO Statement

It is the policy of Muskegon Community College to provide equal opportunities and not discriminate in enrollment, education, employment, public accommodations, activities, or services, and the College prohibits discrimination based on the basis of age, citizenship, color, disability, ethnicity, gender identity or expression, transgender status, genetic information, height, weight, marital status, national origin, political persuasion, race, religion, sex (including the condition of pregnancy), sexual orientation, veteran status, or other legally protected categories.

#### Prohibited Activity and Complaint Procedure

MCC will not tolerate harassment of any kind. Sexual harassment and sexual misconduct are forms of sex discrimination and are prohibited by the College. All matters reported will be treated with the utmost concern and urgency. Violations of this policy may result in disciplinary action up to and including expulsion for students

or disciplinary action up to and including termination for employees.

Prohibited discrimination includes harassment of an individual based on any of the above categories. Sexual harassment is defined as the behavior of a person of either sex against a person of the opposite or same sex, when behavior(s) fall within the definition outlined below.

#### DEFINITIONS:

##### Consent -

Consent is a clear, freely given, verbalized "yes" to sexual activity. The absence of "no" is not consent. Silence, in and of itself, cannot be interpreted as consent.

Furthermore, a verbalized "yes" which has been coerced, does not constitute a freely given "yes". Individuals who consent to sex must be able to understand what they are doing. A person may not be able to give consent if she or he is:

- Under the age of 16; or
- Legally mentally incapable, mentally incapacitated or physically helpless, including impairment due to drug or alcohol use.

Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

Consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity.

Previous relationships or prior consent does not imply consent to future sexual acts.

Sexual Misconduct is an umbrella term to refer to any of the prohibited behaviors defined below.

## Sexual Harassment -

Sexual harassment of employees and students at Muskegon Community College is defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to the conduct is either explicitly or implicitly a term or condition of an individual's employment or academic admission or advancement.
- Submission to or rejection of the conduct is used as the basis for employment or academic decisions affecting that individual.
- Such conduct is unwelcome and is sufficiently severe or so pervasive that it interferes with an individual's work performance, educational experience, academic status, or creates an intimidating, hostile, or offensive work/educational environment such that a reasonable person of that person's gender would be affected similarly.

Although this definition focuses on sexual harassment, harassment or discrimination based on any of the protected categories listed above which meets the standards outlined is prohibited.

Examples of sexual harassment include but are not limited to:

- Direct solicitation of sexual activity or other sex-related behavior accompanied by promise of reward or threat of punishment.
- Unwelcome, inappropriate sexual expressions including sexual

comments about a person's body, dress, appearance or sexual activities; display of sexually offensive posters, pictures, words, or messages; unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sound or whistles; obscene phone calls, emails or text messages.

- Introduction of sexually explicit materials into the workplace or classroom without an educational or work related purpose.
- Unwelcome, inappropriate touching and/or unwanted sexual contact of any kind, or threat of such contact. Threats or insinuations which lead the victim to reasonably believe that granting or denying sexual favors will affect his/her reputation, education, employment, advancement, or standing within the College. Sexual contact will be considered unwanted or without consent if no clear consent is freely given; if inflicted through force or coercion; or if inflicted upon a person who is unconscious or otherwise without the mental or physical capacity to consent.
- Unwelcome and persistent sexually explicit statements or stories which are not legitimately related to employment duties, course content, research, or other College programs or activities
- Repeatedly using sexually degrading words or sounds to describe a person.
- Recurring comments or questions about an individual's sexual prowess, sexual deficiencies, sexual orientation or sexual behavior. Unsolicited, offensive behavior may involve harassment of women by

men, harassment of men by women, and harassment between persons of the same sex.

**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. Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. The existence of a social relationship of a romantic or intimate nature with the victim is determined based on:

- The reporting party's statement;
- The length of the relationship;
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship.

**Domestic Violence:** A felony or misdemeanor crime of violence committed by any of the following individuals:

- A current or former spouse or intimate partner of the victim; or
- A person with whom the victim shares a child in common; or
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or
- A person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred; or
- Any other person against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer

substantial emotional distress. MCC considers acts of cyberstalking, recording or transmitting sexual images, and voyeurism to be a violation of this policy.

A course of conduct is two or more acts, including but not limited to:

- Acts in which the "stalker" 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.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

**Sexual Exploitation -**

Sexual Exploitation occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another student;
- Administering alcohol or drugs (such as "date rape" drugs) to another person;
- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends

hide in the closet to watch you having consensual sex);

- Engaging in voyeurism;
- Knowingly transmitting an STI or HIV to another student;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

#### Sexual Assault -

Sexual assault is any non-consensual sexual contact including rape.

- Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman that is without consent and/or by force.
- Sexual Contact includes intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.
- Non-Consensual Sexual Intercourse is any sexual intercourse however slight, with any object, by a man or woman upon a man or a woman that is without consent and/or by force.
- Intercourse includes vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth

contact), no matter how slight the penetration or contact.

For reference to the pertinent state statutes on sex offenses, please see the State of Michigan Penal Code.

#### Retaliation -

No act of retaliation shall occur to any person filing a complaint, responding to a complaint or participating in any investigation or proceedings. An individual or group of individuals violating this will be subject to disciplinary action up to and including expulsion (student) and/or termination of employment.

#### Reporting -

Anyone subject to this policy who believes he or she has experienced or witnessed sexual misconduct or related retaliation is encouraged to report such behavior promptly to the any of the Title IX Coordinators listed below. All reports or complaints should be made as promptly as feasible after the occurrence. Please see Procedures for more details on reporting.

#### Title IX Coordinator and Deputy Coordinators

Kristine Anderson, (Title IX Coordinator)  
Administrative Director of Human Resources  
231-777-0447, Room 2109M

#### Deputy Title IX Coordinators

Sally Birkam, Dean of Student Services  
231-777-0328, Room 1055E

Tonette Brown-Garner, College Service  
Evening Coordinator  
231-777-0654, Room 1360C

Jason Cooper, Director of Compliance &  
Deputy Title IX Coordinator  
231-777-0690, Room 2109T

Eli Fox, Institutional Research Analyst  
LGBTQIA  
231-777-0342, Room 2109V

Marty McDermott, Dean of College  
Services and Athletic Director  
231-777-0462, Health and Wellness Center  
Room 134A

Cheryl Flannery  
Early College Dean and Course Manager  
231-777-0308, Room 1309M

Seth York, Counselor  
231-777-0296, Room 1050E

Classroom Speech and Content -  
MCC's sexual harassment policies do not prohibit instructors from bringing relevant sexual content into their courses. It is understood that the academic setting is distinct from the typical workplace in that latitude is required in determining the appropriate content of academic material. However, speech that is not necessary to teach the material, or is objectively offensive and severe or pervasive is prohibited by College Policy and may lead to discipline.