



## SEXUAL HARASSMENT and SEXUAL VIOLENCE POLICY

Effective Date: April 29, 2011

Revised: June 1, 2021

### INTRODUCTION

It is the policy of Dorsey College to provide a working and learning environment free from sexual harassment and sexual violence. All members of Dorsey College, regardless of their sexual orientation or their gender or gender expression, or gender identity, have the right to engage in their College education, work, and other activities free from all forms of sex or gender-based discrimination or harassment, including sexual misconduct. In accordance with state and federal law, sexual harassment, or sexual violence by members of the school community against members of the school community are considered unlawful sex discrimination and are strictly not allowed. Sexual harassment or sexual violence by others against members of the school community should be reported immediately for suitable action.

### SCOPE

This policy broadly encompasses the operation of the College's educational programs and activities occurring on campus, at the campus support center, and during events and situations over which the school exercises substantial control such as externship sites, graduation/pinning ceremonies, during culinary or other school-related events, and on public property immediately adjacent to Dorsey College including parking lots, sidewalks and streets. This also encompasses the work environment of all Dorsey College personnel. Dorsey College is committed to ensuring that this zero-tolerance policy is effectively observed in all of the College's endeavors, and that every complainant receives appropriate support, respondents are treated as responsible only after receiving due process and fundamental fairness, and school officials serve impartially without bias for or against any party.

Title IX of the 1972 Higher Education Act (20 U.S.C. 1092) applies to schools, colleges and universities that receive any amount of federal funding. Title IX allows the U.S. Department of Education to investigate complaints, order remedies, and withhold funding from educational institutions in violation of sexual harassment under the Act. Enforcement of Title IX is administered by the Department of Education's Office of Civil Rights. The Violence Against Women Reauthorization Act of 2013 amended the Clery Act (34 CFR §688.46) to further hold schools responsible for providing awareness and prevention campaigns and reporting crimes related to sexual assault, domestic violence, dating violence, and stalking. Enforcement of the Clery Act is administered by the Department of Justice through local and state law enforcement agencies.

### DEFINITION OF SEXUAL HARASSMENT

Any of the following conduct on the basis of sex constitutes *sexual harassment*:

- A school employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called "quid pro quo" 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 the school's education program or activity.
- 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 (VAWA).

All sex-based misconduct is prohibited in a manner consistent with the First Amendment. Compliant with Title IX, discrimination based on sexual orientation and gender identity in educational programs and activities is also prohibited. This includes situations where individuals are harassed; disciplined in a discriminatory manner; excluded from, denied equal access to, or subjected to sex stereotyping in academic or extracurricular opportunities and other educational programs or activities; denied the benefits of a school's programs or activities; or otherwise treated differently because of their sexual orientation or gender identity. Quid pro quo harassment and Clery Act NAWA offenses are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access, because such misconduct is sufficiently serious to deprive a person of equal access.



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*Sexual harassment* also includes *sexual assault, dating violence, domestic violence, and stalking*, which are defined below:

*Sexual assault* means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

*Dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim that includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

*Domestic violence* means a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by 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 in which the crime of violence occurred.

*Stalking* means engaging in any course of two or more acts directed at a specific person, 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 that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

### **RISK REDUCTION**

Dorsey College is committed to providing primary prevention and awareness information for all students and employees, that provides initiatives, and strategies that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur. Information on these campaigns is provided during orientation, and/or the hiring process, and posted throughout the campus.

*Risk reduction* options are designed to decrease perpetration and bystander inaction, and to increase empowerment for potential victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. Personal safety and situational awareness of suspicious activity and unwarranted advances are the daily responsibility of every individual. Campus security is ultimately the responsibility of every Dorsey College employee and student.

### **ACCESSIBLE REPORTING**

Any person, whether or not the person reporting is the person alleged to be the victim, may report sex discrimination, including sexual harassment criminal offenses, or suspicious activity during both business and non-business hours. Reporting of sexual harassment may be made in person, by mail, by telephone, or by e-mail to the individual's instructor or supervisor, campus managing director, senior management, or using the contact information for Dorsey College's Title IX Coordinator contained herein.

### **PROCESS FOR FILING A COMPLAINT OF SEXUAL HARASSMENT AND/OR SEXUAL VIOLENCE**

- Informal, confidential, and formal complaints should be communicated immediately to the individual's instructor or supervisor, campus Managing Director, or to Dorsey College hotline (866-526-1053) to remain anonymous.
- Complaints must provide detailed factual information regarding the alleged event and include, at minimum, the campus/location, name of those involved, date(s) of occurrence, a written description of the complaint, and the resolution sought.
- Formal written complaints should be communicated to Dorsey College's designated Title IX Coordinator as follows:



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Dorsey College  
Mickey Mclean, Title IX Coordinator  
31799 John R Road  
Madison Heights, Michigan 48071  
(248) 585-9200

[mmclean@dorsey.edu](mailto:mmclean@dorsey.edu) or [Grievance@dorsey.edu](mailto:Grievance@dorsey.edu)

- Dorsey College will investigate every formal complaint (which may be filed by a complainant or by a school's Title IX Coordinator). If the alleged conduct does not fall under Title IX, Dorsey College reserves the right to address the allegations under the College's own code of conduct and provide supportive measures. Dorsey College will balance Title IX enforcement with respect to free speech and academic freedom.

### INSTITUTIONAL RESPONSE

Dorsey College will respond promptly to a report of Title IX sexual harassment when: (1) the school has actual knowledge of sexual harassment; (2) that occurred within the school's education program or activity; (3) against a person in the United States. Upon receiving a report, Dorsey College will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint (unless not clearly unreasonable in light of the known circumstances), and explain to the complainant the process for filing a formal complaint.

### TITLE IX FAIR GRIEVANCE PROCESS

Dorsey College will investigate and adjudicate formal complaints of sexual harassment using a grievance process that incorporates due process principles, treats all parties fairly, and reaches reliable responsibility determinations. In response to any claim of sex discrimination under Title IX, Dorsey College is never required to deprive an individual of rights guaranteed under the U.S. Constitution. The Dorsey College grievance process, which will be followed before the imposition of any disciplinary sanctions or other actions (that are not supportive measures) against a respondent, includes the following:

- Giving both parties written notice of the allegations, an equal opportunity to select an advisor of the party's choice, and an equal opportunity to submit and review evidence throughout the investigation;
- Using trained Title IX personnel to objectively evaluate all relevant evidence without prejudgment of the facts at issue and free from conflicts of interest or bias for or against either party;
- Protecting parties' privacy by requiring a party's written consent before using the party's medical, psychological, or similar treatment records during a grievance process;
- Obtaining the parties' voluntary, written consent before using any kind of "informal resolution" process, such as mediation or restorative justice, and not use an informal process where an employee allegedly sexually harassed a student;
- Applying a presumption that the respondent is not responsible during the grievance process (often called a "presumption of innocence"), so that the school bears the burden of proof and the standard of evidence is applied correctly;
- Using either the preponderance of the evidence standard or the clear and convincing evidence standard (and use the same standard for formal complaints against students as for formal complaints against employees);
- Ensuring the decision-maker is not the same person as the investigator or the Title IX Coordinator (i.e., no "single investigator models");
- Holding a live hearing and allow cross-examination by party advisors (never by the parties personally)
- Protecting all complainants from inappropriately being asked about prior sexual history ("rape shield" protections);
- Sending both parties a written determination regarding responsibility explaining how and why the decision-maker reached conclusions;



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- Effectively implementing remedies for a complainant if a respondent is found responsible for sexual harassment;
- Offering both parties an equal opportunity to appeal;
- Protecting any individual, including complainants, respondents, and witnesses, from retaliation for reporting sexual harassment or participating (or refusing to participate) in any Title IX grievance process;
- Making all materials used to train Title IX personnel publicly available on the school's website or, if the school does not maintain a website, make these materials available upon request for inspection by members of the public; and
- Documenting and keeping records of all sexual harassment reports and investigations.

### SUPPORTIVE MEASURES

Dorsey College offers free supportive measures to every alleged victim of sexual harassment (complainant). These measures are individual services offered through WellConnect, with the goal to restore or preserve equal access to education, protect student and employee safety, or deter sexual harassment. Services through WellConnect are available even if a complainant does not wish to initiate or participate in a grievance process. Dorsey College respects complainants' wishes and autonomy by giving them the clear choice to file a formal complaint, separate from the right to supportive measures.

### PROTECTION FROM RETALIATION

Dorsey College is committed to ensuring the continued safety of persons making reports of sexual harassment or sexual violence. Investigations will be conducted in a manner to promote the victim's safety. Dorsey College will take reasonable steps to protect against retaliation from making a complaint. Dorsey College will preserve as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. Federal Law prohibits an HEA institution, or an officer, employee, or agent of the school, from any action to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this policy.

### DORSEY COLLEGE POLICY SUMMARY

- Dorsey College has a strict no tolerance policy of sexual harassment and/or sexual violence.
- Dorsey College will provide prompt and equitable resolution of any student, employee, or third-party victim of sexual harassment and/or sexual violence.
- Resolution of sexual harassment and/or sexual violence complaints will include at minimum, assurance of a thorough investigation, reasonable protection against retaliation and further attack. Dorsey College will provide written information regarding a victim's rights and options, as requested, about existing counseling, health, mental health victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, in the community.
- Discipline of confirmed sexual harassment and/or sexual violence will follow the established Dorsey College policy for disciplinary procedure hearings and may include police notification or the filing of sexual violence charges as the situation dictates.
- The Vice President of Education and Career Services has been designated to coordinate Dorsey College's efforts to comply with and carry-out its responsibilities under Title IX.