



Southwestern Michigan College Board Policy – Sexual Harassment Policy

Last Reviewed	Last Updated	Effective Date
07/28/2020	07/28/2020	09/01/2020

DIVISION I – GENERAL

I.27 SEXUAL HARASSMENT AND MISCONDUCT POLICY

It shall be the policy of Southwestern Michigan College to fully support the provisions of Public Act 453 of the Public Act of 1976, as amended, commonly known as Elliott-Larson Civil Rights Act and Section 485 F2 of Public Law 102-325 of 1990, the Higher Education Act.

Public Act 453 guarantees as a civil right, the opportunity to obtain employment..., full and equal utilization of public accommodation; public service; and educational facilities, services activities or programs without discrimination because of religion, race, color, national origin, age, sex, height, weight, or marital status as prohibited by the Act. Public Act 453 also details procedures and programs to insure the rights and responsibilities of those involved in sexual misconduct.

Discrimination because of sex includes sexual harassment which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

- A. Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations, public service, or education....
- B. Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations, public services or education....
- C. Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodation, public service or education or creating an intimidating, hostile, or offensive employment, public accommodation, public service or educational environment.

Sexual harassment may include consensual sex between any employee and a student if the employee is in a position to affect decisions regarding the student's obtaining public services or education, grades or emotional well-being of the student. Sexual harassment may also include consensual sex between employees if one of the employees is in a position to affect decisions regarding the other employee's employment, promotion, job

security and emotional well-being on the job, unless the student and employee or the employees engaging in consensual sex are married to each other.

In an attempt to eliminate to the extent possible the conditions whereby sexual harassment could occur, it is the policy of the College that no dating, sexual advances, requests for sexual favors, or other verbal or physical conduct or communication of a sexual nature will be tolerated between a College employee and their subordinate -- regardless of whether that subordinate is a student or another employee. This prohibition expressly is intended to preclude student/teacher dating (when the student is currently enrolled in the class of the teacher), advisor/advisee dating, employee/subordinate employee dating, and similar situations.

An employee who is in violation of this policy may be immediately terminated and a student who is in violation of this policy may be immediately expelled. The intent of this policy is that Southwestern Michigan College has a zero tolerance policy for sexual harassment in all areas under the jurisdiction of the College. Additionally, the Board of Trustees of Southwestern Michigan College expects students and employees to comply with all state and federal laws regarding sexual harassment and assault.

Sexual harassment of students or employees will not be tolerated under any circumstances. The student code of conduct details procedures to be followed by students.

Any inquiries concerning Southwestern Michigan College's obligation under provision of Public Act 453 and/or the Higher Education Reauthorization Act should be directed to the appropriate administrator.

Employee Complaints

Director of Human Resources
David C. Briegel Building
Southwestern Michigan College
Dowagiac, MI 49047
269/782-1000, ext 2110 or 269/782-2110

Student Complaints

Director of Security and Conduct
David C. Briegel Building
Southwestern Michigan College
Dowagiac, MI 49047
269/782-1000, ext. 1321 or 269/782-1321

When a complaint of sexual harassment is reported to the above administrator, that administrator shall immediately report the complaint to the College President. If the allegation is not resolved within 60 days, the President shall issue a written report and mail to each member of the Board of Trustees.