

Alpena Community College Board of Trustees  
125-C Besser Technical Center, 665 Johnson Street, Alpena, MI 49707  
(989) 358-7215

## Notice of Regular Meeting

**Meeting Date:** Thursday, October 17, 2024  
**Meeting Time:** 7:00 p.m. regular meeting  
**Location of Meeting:** Room 400, Charles R. Donnelly Natural Resources Center, 665 Johnson Street, Alpena, Michigan, and Online Via Webex  
**Date of Notice:** Friday, October 11, 2024

The Alpena Community College Board of Trustees will gather for its regular monthly meeting on Thursday, October 17, 2024, beginning at 7:00 p.m. The meeting will be held in the Roger C. Bauer Board Room, Room 400 of the Charles R. Donnelly Natural Resources Center, 665 Johnson Street. The meeting will be broadcast remotely via Webex videoconferencing software.

All citizens are invited to participate in the meeting either in person or remotely via phone, computer, or a video conferencing system. Participants should be aware that the meeting may be recorded.

**Join by phone:**

+1-415-655-0003

Meeting number (access code): 2442 691 2798 #

No Attendee ID number is necessary. Press # to continue.

**Join from a video system or application:**

Dial [24426912798@alpenacc.webex.com](mailto:24426912798@alpenacc.webex.com)

You can also dial 173.243.2.68 and enter your meeting number.

Meeting number (access code): 2442 691 2798

Meeting password: fmWnk4JXq67

Webex attendees are asked to mute their microphones except during public comment.

Alpena Community College provides access for individuals with disabilities. Individuals with a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the meeting can contact Jay Walterreit, Secretary of the Board of Trustees, at (989) 358-7215 at least one week prior to the meeting or as soon as possible.

All official proceedings and agendas are kept in the Office of the Board of Trustees, 125-C Besser Technical Center, on the Alpena campus, and can be viewed upon request between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday.



Denis "Jay" Walterreit  
Secretary of the Board of Trustees

REGULAR MEETING AGENDA  
ALPENA COMMUNITY COLLEGE BOARD OF TRUSTEES  
Thursday, October 17, 2024, 7:00 p.m. regular meeting  
665 Johnson Street, Alpena, MI 49707

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda
- 4) Approval of the Proposed Minutes of the September 18, 2024, Regular Board Meeting
- 5) Introduction of Guests and Public Comment
- 6) Communication(s)
- 7) Board Member and Subcommittee Reports
- 8) Student Report
- 9) Faculty Report
- 10) President’s Report
- 11) Action Items
  - 2.918 Emeritus Status for Yuko Fellows, Steve Lewis, Kendall Sumerix, and Richard Sutherland.....2
  - 2.919 Five-Year Campus Master Plan and Capital Outlay Request.....4
  - 2.920 Addition of New Policy 7009A, Amendment to Sexual Misconduct Policy 7009 — Second Reading.....5
- 12) Information Items
  - 4.130 Financial Report.....34
  - 4.131 Personnel Report.....39
  - 4.132 Gifts and Grants Report .....40
- 13) Board Discussion
- 14) New Business
- 15) Suggested Future Agenda Items
- 16) Next Regular Meeting: November 21, 2024, 7:00 p.m. The meeting is scheduled to be held in person in Room 400 of the Charles R. Donnelly Natural Resources Center. **Please note: A special meeting may be scheduled for Tuesday, October 29, 2024, at 11 a.m., in the Board Room, to approve the Fiscal Year 2024 Audit.****
- 17) Adjournment

## **2.918 Emeritus Status for Yuko Fellows, Steve Lewis, Kendall Sumerix, and Richard Sutherland**

Alpena Community College's Emeritus Policy 1011 states:

“Alpena Community College Board of Trustees establishes the rank of Emeritus faculty, staff, or member of the College Board of Trustees to honor, upon retirement, such members who have made long-term contributions to Alpena Community College and to encourage a continuing relationship with the College.”

Administrative Procedure 1511 details the requirements for Emeritus status:

1. To be eligible for nomination to this rank, the faculty, staff or member of the College Board of Trustees must have had continuous, honorable regular service as a member of the entity prior to retirement.
2. In exceptional rare circumstances, and for demonstrated good cause, the Board of Trustees may award emeritus title and status to a faculty, staff or member of the Board of Trustees who resigns his or her position for the purpose of accepting an appointment elsewhere or for other honorable purposes.
3. Nomination is to be initiated by the eligible retiree's or resignee's primary academic unit, department head or the Chair of the Board of Trustees.
4. In the event an academic unit, department head, President or the Chair of the Board of Trustees fails to nominate an eligible retiree within one year from the announcement of intent to retire, the President may request a recommendation from the faculty, staff or Board of Trustees or hear an appeal by the retiree and may then elect to put forth a nomination.
5. A faculty, staff or Trustee Emeritus shall:
  - A. Have his/her name and years of service displayed on an “honor wall” of emeriti
  - B. Retain purchasing privileges in the College Bookstore
  - C. Receive complimentary invitations to official College functions
  - D. Receive tuition waiver privileges in accordance with waivers in existence at the institution for comparable staff members.

The following retirees have been found to have satisfied the requirements for emeritus status: Yuko Fellows, Steve Lewis, Kendall Sumerix, and Richard Sutherland. As a result, ACC now proposes a Resolution of Appreciation and Emeritus Status to honor them.

## RESOLUTION OF APPRECIATION AND EMERITUS STATUS

In Honor of Alpena Community College Retirees  
Yuko Fellows, Steve Lewis, Kendall Sumerix, and Richard Sutherland

October 17, 2024

*WHEREAS* Yuko Fellows, Steve Lewis, Kendall Sumerix, and Richard Sutherland have had continuous, honorable regular service with Alpena Community College as valued members of the administration, faculty, and staff prior to their retirement; and

*WHEREAS* nominations for emeritus status were initiated by the eligible retirees' primary academic unit or the President; and

*WHEREAS* Yuko Fellows has ably served the College for 16 years as computer technician; and

*WHEREAS* Steve Lewis has ably served the College for 32 years as electrical systems instructor and math instructor; and

*WHEREAS* Kendall Sumerix has ably served the College for 33 years as chemistry instructor; and

*WHEREAS* Richard Sutherland has ably served the College for 25 years as vice president for administration and finance; and

*WHEREAS* the Alpena Community College Board of Trustees recognizes the efforts of these retirees on behalf of the College, its students, and the Northeast Michigan community, and wishes to convey its deep appreciation;

*NOW THEREFORE, BE IT RESOLVED* that the Board of Trustees of Alpena Community College unanimously applauds Yuko Fellows, Steve Lewis, Kendall Sumerix, and Richard Sutherland for their service to the College and its students, and, recognizing their distinguished attributes, confers upon them the title of EMERITUS, as appropriate with all the rights and privileges appertaining thereunto.

## **2.919 Five-Year Campus Master Plan and Capital Outlay Request**

On an annual basis the College is required to submit a five-year master plan for capital outlay in order to be eligible for a 50% match from the State of Michigan for capital improvements on campus. College officials have prepared a project proposal that will have the effect of repurposing spaces on campus in keeping with State of Michigan statutory criteria used to evaluate proposals:

- Investment in existing facilities and infrastructure.
- Life and safety deficiencies.
- Occupancy and utilization of existing facilities.
- Integration of sustainable design to enhance the efficiency and operations of the facility.
- Estimated cost.
- Estimated operating costs.
- Impact on tuition, if any.
- Impact on job creation in this state.
- History of prior appropriations received by the institution through the capital outlay process.

The current project proposal recommended by College officials is as follows:

The Charles R. Donnelly Life Sciences and STEM Innovation Project proposes to repurpose NRC to: (1) upgrade outdated first floor Lecture Hall with modern videoconferencing technology to enhance distance and remote instruction; (2) develop a Life Sciences and Information Technology Innovation Center on the second floor, including technology to bring in external lecturers and create a student collaboration center; (3) update interior and exterior renovations, particularly at building entrances and 4<sup>th</sup> floor concrete facades; (4) replace HVAC and windows throughout the building to mitigate COVID hazard to students, staff, and the community; (5) replace roof over the entire building; and (6) develop and/or modify Life Sciences and related STEM certificate and associate degree programs to allow NRC to continue to be a hub for science education, STEM talent development, and regional prosperity in NE Michigan for decades to come. An estimated 30 jobs will be created or retained by the project.

A final version of the Five-Year Master Plan 2026-30 for Capital Outlay will be distributed to the Board of Trustees when it is completed.

Therefore, the following resolution is proposed:

The Alpena Community College Board of Trustees authorizes staff to submit the ACC Five-Year Campus Master Plan 2026-30 for capital outlay to the State Budget Office.

## **2.920 Addition of New Policy 7009A, Amendment to Sexual Misconduct Policy 7009 — Second Reading**

Title IX of the Education Amendments of 1972 (Title IX) was signed into law more than 50 years ago. Periodically the U.S. Department of Education issues new guidance for colleges on how to implement Title IX rules. On April 19, 2024, the U.S. Department of Education released its latest final rule to fully effectuate Title IX’s promise that no person experiences sex discrimination in federally funded education.

The Department of Education has determined that the new final rules will go into effect on August 1, 2024.

Alpena Community College Attorney Karen Bennett has tracked the U.S. Department of Education’s official rule progress and has worked diligently to evaluate ACC’s current sexual misconduct policy in light of the new Title IX rules. While she anticipates further actions will be taken by the College to fully comply with the new rules, she has created a new policy which will serve to amend current Policy 7009, Sexual Misconduct Policy.

Policy 7009A, Amendment to Sexual Misconduct Policy 7009, was first presented to the ACC Board of Trustees at the September 18, 2024, board meeting, and was approved as a first reading. ACC officials now offer up the proposed new policy as a second reading.

### **7009A Title IX Policy and Grievance Procedures for Complaints of Sex Discrimination and Sex-Based Harassment**

#### **Table of Contents:**

- A. Title IX Nondiscrimination Policy & Notice of Nondiscrimination
- B. Grievance Procedures for Complaints of Sex Discrimination under Title IX
- C. Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents under Title IX
- D. Appendix: Definitions — Title IX

#### **Purpose:**

Policy 7009A is an amendment to Policy 7009 Sexual Misconduct and is intended to comply with the U.S. Department of Education 2024 Amendments to the Department’s regulations implementing Title IX of the Education Act of 1972 (2024) which became effective August 1, 2024, hereafter referred to as “the 2024 amendments.”

All Grievance Procedures for Complaints of Sex Discrimination, which are made or received after August 1, 2024, shall comply with all Title IX regulatory requirements, including the 2024 amendments.

All Grievance Procedures for Complaints of Sex-Based Harassment involving student complainants or student respondents, which are made or received after August 1, 2024, shall comply with all Title IX regulatory requirements, including the 2024 amendments.

Alpena Community College reserves the right to adopt grievance procedures which include additional provisions beyond those required by the 2024 amendments, as long such provisions apply equally to all parties. The Title IX Coordinator, in consultation with legal counsel for the College, and in consultation with the Clery/Title IX Task Force, is expressly authorized to modify the Grievance Procedures as necessary to carry out this Policy and to assure compliance with Title IX and its amendments, provided that the Board shall be given notice of any such modifications all changes shall be posted on the college website.

Policy 7009A amends and supersedes Policy 7009 with respect to the Notices, Definitions and Grievance Procedures applicable to Complaints of Sex Discrimination or Sex-Based Harassment under Title IX.

With respect to Complaints of Sexual Misconduct other than Sex Discrimination or Sex-Based Harassment under Title IX, Policy 7009 shall apply unless otherwise stated.

#### **A. Title IX Nondiscrimination Policy & Notice of Nondiscrimination**

Alpena Community College (the College) does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.

Inquiries about Title IX may be referred to the Title IX Coordinator for Alpena Community College, the U.S. Department of Education's Office for Civil Rights, or both.

The contact information for the Title IX Coordinator for Alpena Community College is as follows:

Melissa Guy, Title IX Coordinator  
Alpena Community College  
102 Van Lare Hall  
665 Johnson Street  
Alpena, Michigan 49707  
Phone: (989) 358-7211  
Email: [guym@alpenacc.edu](mailto:guym@alpenacc.edu)

Alpena Community College's nondiscrimination policy and grievance procedure can be found at the following links:

Link to Policy 1014:

[https://discover.alpenacc.edu/terms\\_and\\_policies/equal\\_employment.php](https://discover.alpenacc.edu/terms_and_policies/equal_employment.php)

Link to Policy 7009A:

[https://container.alpenacc.edu/faculty\\_staff/acc\\_policies\\_&\\_procedures\\_manual.pdf](https://container.alpenacc.edu/faculty_staff/acc_policies_&_procedures_manual.pdf)

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact the Title IX Coordinator.

The above Notice of Nondiscrimination shall be published on the website of Alpena Community College and in each handbook, catalog, announcement, bulletin, and application form which the College makes available to people entitled to notice, or which are otherwise used in connection with the recruitment of students or employees, provided that the College may instead include the following statement, if necessary due to the size of the publication:

“Alpena Community College prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The Notice of Nondiscrimination is located at [www.alpenacc.edu](http://www.alpenacc.edu).”

## **B. Grievance Procedures for Complaints of Sex Discrimination under Title IX**

Alpena Community College has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

### **1. Complaints:**

#### **a. Complaints of Sex Discrimination, including Sex-Based Harassment**

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that Alpena Community College investigate and make a determination about alleged discrimination under Title IX:

- A student or employee of the College 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 the College 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 the College’s education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- The College’s Title IX Coordinator
  - When the Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination under Title IX (and in the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal



resolution process), the Title IX Coordinator must determine whether to initiate a complaint of sex discrimination as required under Title IX. The requirements for such a fact-specific determination are set forth in 34 C.F.R. § 106.44(f)(1)(v)

**Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).**

b. Complaints of Sex Discrimination Other than Sex-Based Harassment.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee of Alpena Community College or
- Any person other than a student or employee who was participating or attempting to participate in the College's education program or activity at the time of the alleged sex discrimination.

Alpena Community College may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

The College is not permitted to consolidate complaints if consolidation would violate the Family Educational Rights and Privacy Act (FERPA). Consolidation would not violate FERPA when a recipient obtains prior written consent from the parents or eligible students to the disclosure of their education records.

c. How to File Complaints of Sex-Based Harassment and Sex Discrimination.

The College has adopted a standardized form which may be filed with the Title IX Coordinator to initiate all complaints of Sexual Misconduct, including complaints of Sex Discrimination and Sex-Based Harassment under Title IX. This form can be found on the College website at:  
[https://container.alpenacc.edu/safety/docs/sexual\\_misconduct\\_reporting\\_form.pdf](https://container.alpenacc.edu/safety/docs/sexual_misconduct_reporting_form.pdf)  
Reports, Complaints and Notices of alleged violations of this policy may be made to the Title IX Coordinator in any of the following ways at any time, including non-business hours.

- Fill out the Sexual Misconduct Reporting form described above and email, mail or deliver the form to the Title IX Coordinator using the contact information found in Section A. of this Policy.
- Provide verbal notice to the Title IX Coordinator by calling the phone number listed in Section V. and speaking to the Title IX Coordinator or leaving a voice message that you wish to report an incident of Sex Discrimination or Sex-Based Harassment and providing verbal information about the incident, including your contact information.
- File a Formal Complaint of Sex-Based Harassment with the Title IX Coordinator. A Formal Complaint is a document filed and/or signed by the Complainant (or signed by the Title IX Coordinator) alleging Title IX Sex-Based Harassment. A Formal Complaint may be filed in person, by mail or email, using the contact information provided in Section V. of this Policy. If the Title IX Coordinator receives a written notice that does not meet this standard, the Title IX Coordinator will contact the Complainant to verify their intent to file a Formal Complaint of Sexual Harassment and will assist the complainant, if needed, to properly file the Formal Complaint.
- Anonymous reports can be made through any of the means set forth above. The information contained in the anonymous report may necessitate a need for the College to investigate. However, without a known complainant or reporter, the College is limited in its ability to obtain information necessary to properly respond to the complaint and provide Supportive Measures.
- Any other oral or written request to the College that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations.

## **2. Basic Requirements of Title IX Grievance Procedures:**

- a. Alpena Community College will treat complainants and respondents equitably.
- b. Conflict of Interest. The College requires that any Title IX Coordinator, investigator, or decision-maker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.
- c. Respondent Presumed Not Responsible. The College presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.
- d. Timeframe. The College has established the following timeframes for the major stages of the grievance procedures:

- Preliminary Assessment/Evaluation: Within 15 days of Complaint
  - Decision to investigate or dismiss a complaint- Within 30 days of Complaint
  - Investigation: Within 60 days from Notice of Investigation
  - Determination: Within 30 days of Completion of Investigation
  - Claim of Appeal: Within 15 days of Determination
  - Decision on Appeal: Within 60 days of Claim of Appeal
- e. Extensions of Time. Alpena Community College has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:

The Title IX Coordinator shall keep the parties reasonably informed of the reasons for delay and need to extend the above timelines, which may include but is not limited to:

- Events in the academic calendar which create delay in interviewing witnesses or gathering information, such as exam schedules and semester breaks.
  - Illness or unavailability of a party or witness
  - Need to appoint outside investigators
  - Scheduling conflicts for witnesses, parties, investigators or Title IX Coordinator
- f. Reasonable Steps to Protect Privacy. Alpena Community College will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.
- g. Evaluation of Evidence. Alpena Community College will objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
- h. Impermissible Evidence. The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by Alpena Community College to determine whether one of the exceptions listed

below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

### **3. Notice of Allegations:**

Upon initiation of the College's Title IX grievance procedures, the Title IX Coordinator, or designee, will notify the parties of the following:

- The College's Title IX grievance procedures and any informal resolution process, if such process is available (Note that the College is not required to provide an informal resolution process and, in some cases, such process may not be available) and;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.
- If the College provides a description of the evidence: The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the College decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the College will notify the parties of the additional allegations.

#### **4. Dismissal of a Complaint:**

The College's Title IX Coordinator may dismiss a complaint of sex discrimination if:

- The College is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the College's education program or activity and is not employed by the College;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the College determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The College determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the Title IX Coordinator, or designee, will make reasonable efforts to clarify the allegations of the complainant.

Upon dismissal, the Title IX Coordinator will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The College will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

The party seeking to appeal must file a written Notice of Appeal with the Title IX Coordinator, including all allegations on which the appeal is based within 15 days of the date of the Dismissal.

If the dismissal is appealed, Alpena Community College will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties, in writing, of the result of the appeal and the rationale for the result.

When a complaint is dismissed, Alpena Community College will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the College's education program or activity.

## **5. Investigation:**

If a complaint is not dismissed, Alpena Community College will provide for adequate, reliable, and impartial investigation of the complaints and make a reasonable effort to gather sufficient evidence to determine whether or not sex discrimination occurred. The Investigator may be the Title IX Coordinator or any person designated by the Title IX Coordinator, provided such person has proper training and does not have a conflict of interest.

The College will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The College will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- The College will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the College provides a description of the evidence: the College will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- The College will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- The College will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

#### **6. Questioning the Parties and Witnesses:**

The College will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. This may include allowing the Title IX Coordinator, or an investigator or other decisionmaker appointed by the Title IX Coordinator to ask questions during individual meetings with any party or witness and/or reviewing written statements or evidence submitted by a party or witness which are relevant to the allegations of sex discrimination.

#### **7. Determination Whether Sex Discrimination Occurred:**

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the College will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred;

- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
  - Coordinate the provision and implementation of remedies to a complainant and other people the College identifies as having had equal access to the College's education program or activity limited or denied by sex discrimination;
  - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the College's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred. Note: The College may still address false statements by initiating a disciplinary process under its policies or code of conduct, as long as there is evidence independent of the determination whether sex discrimination

## **8. Appeal of Determination:**

Alpena Community College permits an appeal of the Determination on the same basis and under the same process as provided for Appeal of a Dismissal, as set forth in Section B. 4.

## **9. Informal Resolution, if offered:**

In lieu of resolving a complaint through the College's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. The College does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of student, or when such a process would conflict with Federal, State, or local law.



## **10. Supportive Measures:**

The College will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the College's education program or activity or provide support during the College's Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment these supportive measures may include, but are not limited to:

- counseling;
- extensions of deadlines and other course-related adjustments;
- campus escort services;
- increased security and monitoring of certain areas of the campus;
- restrictions on contact applied to one or more parties;
- leaves of absence;
- changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative;
- and training and education programs related to sex discrimination, including sex-based harassment.

For allegations of sex discrimination, other than sex-based harassment or retaliation, the College is not required to alter the alleged discriminatory conduct for the purpose of providing a supportive measure.

If the complainant or respondent is a student with a disability, the Title IX Coordinator may consult, as appropriate, with the individual or office that the recipient has designated to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973, in the implementation of supportive measures.

## **11. Disciplinary Sanctions and Remedies:**

Following a determination that sex-based harassment occurred, the College may impose disciplinary sanctions, which may include any of the Disciplinary Sanctions and Remedies set forth in Section C.12 (a)–(c) of this Policy.

### **C. Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents — Title IX**

Alpena Community College has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or

activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party.

## 1. Complaints:

The following people have a right to make a complaint of sex-based harassment, requesting that the College investigate and make a determination about alleged sex-based harassment under Title IX:

- A “complainant,” which includes:
  - a student or employee of the College 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 the college 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 the College’s education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- The College’s Title IX Coordinator.

**Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).**

The College may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances.<sup>19</sup> When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

## 2. Basic Requirements of Title IX Grievance Procedures:

- a. Equitable Treatment of Parties. Alpena Community College will treat complainants and respondents equitably.
- b. Conflict of Interest. The College requires that any Title IX Coordinator, investigator, or decision-maker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

- c. Respondent Presumed Not Responsible. The College presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.
- d. Timeframe. The College has established the following timeframes for the major stages of the grievance procedures:
- Preliminary Assessment/Evaluation: Within 15 days of Complaint
  - Decision to investigate or dismiss a complaint: Within 30 days of Complaint
  - Investigation: Within 60 days from Notice of Investigation
  - Determination: Within 30 days of Completion of Investigation
  - Claim of Appeal: Within 15 days of Determination
  - Decision on Appeal: Within 60 days of Claim of Appeal
- e. Extensions of Time. Alpena Community College has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:

The Title IX Coordinator shall keep the parties reasonably informed of the reasons for delay and need to extend the above timelines, which may include but is not limited to:

- Events in the academic calendar which create delay in interviewing witnesses or gathering information, such as exam schedules and semester breaks.
  - Illness or unavailability of a party or witness
  - Need to appoint outside investigators
  - Scheduling conflicts for witnesses, parties, investigators or Title IX Coordinator
- f. Reasonable Steps to Protect Privacy. Alpena Community College will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.
- g. Evaluation of Evidence. Alpena Community College will objectively evaluate all evidence that is relevant and not otherwise impermissible including both

inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

- h. Impermissible Evidence. The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by Alpena Community College to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
  - A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
  - Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

### **3. Written Notice of Allegations:**

Upon initiation of these Title IX grievance procedures, the Title IX Coordinator will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- The College's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;

- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence. If the College provides access to an investigative report: The parties are entitled to an equal opportunity to access the relevant and not impermissible evidence upon the request of any party]; and
- The College’s Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, in the course of an investigation, the College decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

#### **4. Dismissal of a Complaint:**

The College may dismiss a complaint if:

- The College is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the College’s education program or activity and is not employed by the College
- The College obtains the complainant’s voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and the College determines that, without the complainant’s withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- the College determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the College will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the College will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the College will notify the parties simultaneously in writing.

The College will notify the complainant that a dismissal may be appealed on the bases outlined in the *Appeals* section. If dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, the College will follow the procedures outlined in the *Appeals* section.

When a complaint is dismissed, the College will, at a minimum:

- Offer supportive measures to the complainant as appropriate;<sup>20</sup>
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the College's education program or activity.

## **5. Investigation:**

The College will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on the College — not on the parties — to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The College will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

The College will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- The College will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
- The College may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

The College will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

The College will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.<sup>22</sup>

The College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The College will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- The College will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. If the College provides access to an investigative report: The College will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- The College will provide a reasonable opportunity to review and respond to the evidence or the investigative report. If the College conducts a live hearing as part of its grievance procedures, it will provide this opportunity to review the evidence in advance of the live hearing. The College may decide whether to provide this opportunity to respond prior to the live hearing, during the live hearing, or both prior to and during the live hearing; and
- The College will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

## **6. Questioning the Parties and Witnesses:**

The College will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

### **a. When the College chooses not to conduct a live hearing:**

The College's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or decisionmaker to ask such questions during individual meetings with a party or witness;
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below; and

- Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

b. When the College chooses to conduct a live hearing:

The College's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will

- Allow the decisionmaker to ask such questions, and either:
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions discussed below; or

Allow each party's advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally. If the College permits advisor-conducted questioning and a party does not have an advisor to ask questions on their behalf, the College will provide the party with an advisor of College's choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, the College will not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an advisor.

c. Procedures for the decisionmaker to evaluate the questions and limitations on questions:

The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

d. Refusal to respond to questions and inferences based on refusal to respond to questions:

The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex discrimination occurred based solely on a party's or witness's refusal to respond to such questions.



## **7. Procedures for a Live Hearing, if offered:**

The College will conduct the live hearing with the parties physically present in the same geographic location or, at the College's discretion or upon the request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking.

The College will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

## **8. Determination Whether Sex-Based Harassment Occurred:**

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the College will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties simultaneously in writing of the determination whether sex discrimination occurred, including:
  - A description of the alleged sex-based harassment;
  - Information about the policies and procedures that the College used to evaluate the allegations;
  - The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
  - When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions the College will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the College to the complainant, and, to the extent appropriate, other students identified by the College to be experiencing the effects of the sex-based harassment; and
  - When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions the College will impose on the respondent, and any remedies other than the imposition of disciplinary sanctions, will be provided by College to the complainant, and, to the extent appropriate,

other students identified by College to be experiencing the effects of the sex-based harassment; and

- College's procedures and permissible bases for the complainant and respondent to appeal.
- The College will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:
  - Coordinate the provision and implementation of remedies to a complainant and other people the College identifies as having had equal access to the College's education program or activity limited or denied by sex discrimination;
  - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the College's education program or activity.
  - Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
  - Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

## **9. Appeals:**

The College will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;

- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome

The party seeking to appeal must file a written Notice of Appeal with the Title IX Coordinator, including all allegations on which the appeal is based within 15 days of the date of the Dismissal.

If a party appeals a dismissal or determination whether sex-based harassment occurred, the College will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the parties in writing that the College will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

Any additional procedures or bases for appeal the offers will be equally available to all parties.

#### **10. Informal Resolution, if offered:**

In lieu of resolving a complaint through the College's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. The College will inform the parties in writing of any informal resolution process it offers and determines is appropriate, if any. The College will not offer informal resolution to resolve a complaint of Sex-Based Harassment alleged by a student of the College against an employee of the College or when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, the College will explain in writing to the parties:

- The allegations;

- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the College will maintain and whether and how the College could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

#### **11. Supportive Measures:**

The College will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the College's education program or activity or provide support during the Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include

- a. Referral to confidential resources, including counseling and other mental health resources
- b. Referral to the Employee Assistance Program for employees, and community-based service providers;
- c. class schedule modifications, withdrawals, or leaves of absence;
- d. altering housing arrangements;
- e. increased security and monitoring of certain areas of the campus;
- f. student financial aid counseling;
- g. provide training and education to the community or community subgroup(s);
- h. altering work arrangements for employees or student-employees including reassignment to a different supervisor;
- i. safety planning including safety escorts;
- j. providing transportation accommodations;

- k. implementing contact limitations (no contact orders) between the parties;
- l. academic support, extensions of deadlines, or other course/program-related adjustments;
- m. Issuing Timely Warnings, per the Clery Act;
- n. any other actions deemed appropriate by the Title IX Coordinator.

These remedies may be applied to one, both, or multiple parties involved. Violations of the interim measures may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by the College.

## 12. Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment occurred, the College may impose disciplinary sanctions, which may include the following:

- a. If the Respondent is a student, possible sanctions may include, but shall not be limited to, one or more of the following:
  - (i) *Reprimand*: A written reprimand, including the possibility of more severe disciplinary sanctions in the event of the finding of a subsequent violation of ACC regulations within a stated period of time.
  - (ii) *Campus Restrictions*: Limitations on the times and/or places where a Respondent may be present on-Campus.
  - (iii) *Removal from College Housing*. Removal from or relocation within College Park Apartments.
  - (iv) *Educational Programs*: Mandatory participation in educational programs intended to correct the misconduct, such as training, workshops, seminars, or other educational activities.
  - (v) *Revocation of ACC Privileges*: Revocation of ACC privileges, such as participation in extra-curricular activities, for a definite or indefinite period of time.
  - (vi) *Disciplinary Probation*: Subjection to a period of critical examination and evaluation of behavior.
  - (vii) *No Contact Orders*: Prohibition on all forms of contact with certain people.

- (viii) *Suspension*: Exclusion from classes and other privileges or activities as set forth for a definite period of time.
  - (ix) *Dismissal*: Permanent termination of student status.
- b. If the Respondent is an employee, possible sanctions may include, but are not limited to, one or more of the following:
- (i) *Written Reprimand*: Written documentation of a failure to abide by ACC policy or procedures maintained in the employee's personnel file.
  - (ii) *Performance Improvement Plan*
  - (iii) *Recommendation for Counseling and/or Additional Training*
  - (iv) *Educational Programs*: Required completion of program or activity intended to correct misconduct such as training, workshops, seminars, or other educational activities.
  - (v) *Revocation of ACC Privileges*: Revocation of ACC privileges or responsibilities for leadership roles, for a definite or indefinite period of time.
  - (vi) *Campus Restrictions*: Limitations on the times and/or places where a Respondent may be present on campus.
  - (vii) *No Contact Orders*: Prohibition on all forms of contact with the Complainant or other specified persons.
  - (viii) *Suspension*: Exclusion from work, with or without pay, and other related activities as set forth for a definite period of time.
  - (ix) *Termination*: Permanent separation of the employment relationship

c. Additional Remedies, Interventions, and Accommodations

Regardless of the nature of the Respondent's relationship with the College, or any sanctions imposed pursuant to these Procedures, additional remedies, interventions, and accommodations may be available to individuals affected, either collectively or individually. The Title IX Coordinator, or Designee, will coordinate additional remedies, interventions, and accommodations, if any. The College may also provide remedies, which will be determined on a case-by-case basis. Possible additional remedies, interventions, and accommodations include, but are not limited to any of the Supportive Measures set forth in Section 11 of this Policy.

## D. Appendix: Definitions — Title IX

This Appendix contains certain key terms and definitions that are intended to comply with the 2024 Amendments to Title IX and are to be used in the interpretation of all provisions of Policy 7009A.

**Complainant** means:

- (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
- (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.

**Complaint** means an oral or written request to the College that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations.

**Disciplinary sanctions** means consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.

**Party** means a complainant or respondent.

**Relevant** means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

**Remedies** means measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that sex discrimination occurred.

**Respondent** means a person who is alleged to have violated the recipient's prohibition on sex discrimination.

**Responsible Employee** means all employees at Alpena Community College including faculty, staff, administrators, adjunct or part-time faculty, and student employees, unless otherwise expressly designated as a "confidential resource." Responsible employees who learn of an incident of possible sex discrimination, sexual harassment or other sexual misconduct impacting a member of Alpena Community College are required to promptly share that information with the Title IX Coordinator.

**Retaliation** means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

**Sex-based harassment** is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

- (1) **Quid pro quo harassment.** An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- (2) **Hostile environment harassment.** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - (i) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
  - (ii) The type, frequency, and duration of the conduct;
  - (iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - (iv) The location of the conduct and the context in which the conduct occurred; and
  - (v) Other sex-based harassment in the recipient's education program or activity; or
- (3) **Specific offenses.**
  - (i) **Sexual assault** meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
  - (ii) **Dating violence** meaning violence committed by a person:



- (A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - 1. The length of the relationship;
    - 2. The type of relationship; and
    - 3. The frequency of interaction between the persons involved in the relationship;
- (iii) **Domestic violence** meaning felony or misdemeanor crimes committed by a person who:
- (A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;
  - (B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
  - (C) Shares a child in common with the victim; or
  - (D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
- (iv) **Stalking** meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- (A) Fear for the person's safety or the safety of others; or
  - (B) Suffer substantial emotional distress.

**Sex Discrimination** means discrimination on the basis of sex, including discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Under Title IX, Alpena Community College is required to take prompt and effective action when notified of conduct that reasonably may constitute sex discrimination in its education programs or activities.

**Supportive measures** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or

respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- (1) Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or
- (2) Provide support during the recipient's grievance procedures or during an informal resolution process.

Therefore, the following resolution is proposed:

The Alpena Community College Board of Trustees approves on second reading the proposed Policy 7009A Amendment to Sexual Misconduct Policy 7009.

#### 4.130 Financial Report

##### Monthly General Fund Revenue and Expense through September 2024 (Year-to-Year Actual Comparison)

- The property tax receipts of \$688,553 are \$30,051 more than those for September 2023.
- Tuition/fee receipts of \$3,691,993 are \$354,593 more than last year primarily due to an increase in the number of billable contact hours.
- State aid for the current year is comparable to last year and is typical for this time of year. Regular monthly revenue from the state is expected to resume when the state fiscal year begins in October.
- Interest is higher this year compared to last year because of the way the College invests its funds. We are now taking full advantage of the higher rates available through certificates and savings.
- Instructional expenses are up due to contractual wage rate adjustments and the timing for the hiring of new faculty.
- Physical plant is up slightly compared to this time last year due to the timing of campus security contract payments.
- Student Services is up primarily due to contractual wage rate adjustments and fall semester athletic waivers.
- Institutional Administration is down due to lower legal expenses.
- Net income through the first three months of the year shows as a gain of \$906,492 which is typical for this time of year as fall tuition revenue has built up.

##### Monthly General Fund Revenue and Expense through September 2024 (Budget-to-Actual Comparison)

- Insurance is down due to the timing of expenses.
- Library Books and Equipment include expensed software contracts that are renewed on an annual basis. The College recognized some savings by consolidating some of these software solutions.
- All other categories are in acceptable ranges for this stage of the year except as noted above.

##### General Fund Month-to-Month Comparison through September 2024

- The Month-to-Month comparisons are tracking as expected except as noted above.

##### Consolidated Income Statement for the First Quarter of FY 2025

- The deficit in designated funds is due to scheduled computer lab equipment rotation and Technology Improvement Funds invested in new manufacturing technologies including IT upgrades in the welding lab and a new turning center in the manufacturing lab.
- The deficit in restricted funds is due to timing of draw-downs of federal aid.
- The deficit in plant funds is due to maintenance and replacement funds invested in boiler plant upgrades and information technology subscription agreements.
- Other balances are reasonable for this time of year.

**Alpena Community College**  
**General Fund**  
**Year-to-Year Actual Comparison**  
**For the Three Months Ending September 30, 2024**

Description	YTD Actual FY 2025	YTD Actual FY 2024	YTD Actual Variance
<b>Revenue</b>			
Property Tax	688,553	658,502	30,051
Tuition/Fees	3,691,993	3,337,400	354,593
Sales, Service, and Rent	8,095	7,220	875
State Aid	8,521	9,499	(978)
State	0	0	0
Federal	2,805	7,854	(5,049)
Cost Recovery	0	0	0
Interest	40,297	14,967	25,330
Other	1,875	884	991
<b>Revenue</b>	4,442,139	4,036,326	405,813
<b>Expense</b>			
Instruction	1,584,107	1,446,770	137,337
OIT	223,938	252,804	(28,866)
Public Service	0	0	0
Instruction Support	353,190	350,660	2,530
Student Services	382,779	360,746	22,033
Institutional Administration	641,725	683,408	(41,683)
Physical Plant	349,908	328,539	21,369
<b>Expense</b>	3,535,647	3,422,927	112,720
Income	906,492	613,399	293,093
Net Assets - Beginning of Year	2,779,799	2,555,318	224,481
Net Assets - End of Year	3,686,291	3,168,717	517,574

**Alpena Community College**  
**Comparative Income Statement**  
**General Fund**  
**For the Three Months Ending September 30, 2024**

Description	FY 2025 Budget	FY 2025 YTD Actual	FY 2025 Variance	FY 2025 Complete	FY 2024 Complete
<b>Revenue</b>					
Property Tax	3,372,500	688,553	(2,683,947)	20.42%	20.85%
Tuition/Fees	6,643,144	3,691,993	(2,951,151)	55.58%	53.57%
Sales, Services, and Rent	29,200	8,095	(21,105)	27.72%	24.73%
State Aid	6,825,794	8,521	(6,817,273)	0.12%	0.14%
Federal	29,000	2,805	(26,195)	9.67%	27.08%
Cost Recovery	81,754	0	(81,754)	0.00%	0.00%
Interest	40,000	40,297	297	100.74%	299.34%
Other	276,826	1,875	(274,951)	0.68%	0.24%
Revenue	17,298,218	4,442,139	(12,856,079)	25.68%	24.37%
<b>Expense</b>					
Salaries	9,214,989	1,937,843	7,277,146	21.03%	20.93%
Fringe Benefits	4,603,588	941,434	3,662,154	20.45%	19.61%
Outside Services	1,214,353	184,444	1,029,909	15.19%	17.42%
Advertising	243,000	51,232	191,768	21.08%	18.90%
Supplies	279,750	104,380	175,370	37.31%	41.83%
Utilities	511,900	23,904	487,996	4.67%	6.95%
Telephone	25,300	2,530	22,770	10.00%	34.54%
Postage	30,000	3,662	26,338	12.21%	21.34%
Insurance	161,752	107,661	54,091	66.56%	80.37%
Travel & Mileage	50,954	9,804	41,150	19.24%	18.34%
Tuition Waivers and Dues	255,000	127,717	127,283	50.09%	47.30%
Library Books & Equipment	77,700	30,289	47,411	38.98%	60.57%
Other	77,000	10,747	66,253	13.96%	31.99%
Transfers	552,932	0	552,932	0.00%	0.00%
Expense	17,298,218	3,535,647	13,762,571	20.44%	20.67%

Description	FY 2025 Budget	FY 2025 YTD Actual
Income	0	906,492
Net Assets - Beginning of Year	2,779,799	2,555,318
Net Assets - End of Year	2,779,799	3,461,810

**Alpena Community College**  
**Month-to-Month Tracking**  
**General Fund**  
**For the Three Months Ending September 30, 2024**

Description	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	YTD	Budget
<b>Revenue</b>														
Property Tax	131,358	542,269	14,926	0	0	0	0	0	0	0	0	0	688,553	3,372,500
Tuition/Fees	3,551,638	212,346	(71,991)	0	0	0	0	0	0	0	0	0	3,691,993	6,643,144
Sales, Services, and Rent	6,495	250	1,350	0	0	0	0	0	0	0	0	0	8,095	29,200
State Aid	0	8,521	0	0	0	0	0	0	0	0	0	0	8,521	6,825,794
Federal	0	1,215	1,590	0	0	0	0	0	0	0	0	0	2,805	29,000
Cost Recovery	0	0	0	0	0	0	0	0	0	0	0	0	0	81,754
Interest	0	20,308	19,989	0	0	0	0	0	0	0	0	0	40,297	40,000
Other	50	950	875	0	0	0	0	0	0	0	0	0	1,875	276,826
Revenue	3,689,541	785,859	(33,261)	0	0	0	0	0	0	0	0	0	4,442,139	17,298,218
<b>Expense</b>														
Salaries	642,139	621,963	673,741	0	0	0	0	0	0	0	0	0	1,937,843	9,214,992
Fringe Benefits	316,934	304,432	320,068	0	0	0	0	0	0	0	0	0	941,434	4,603,588
Outside Services	93,249	46,636	44,559	0	0	0	0	0	0	0	0	0	184,444	1,214,353
Advertising	1,225	26,868	23,139	0	0	0	0	0	0	0	0	0	51,232	243,000
Supplies	10,516	7,503	86,361	0	0	0	0	0	0	0	0	0	104,380	279,750
Utilities	458	17,294	6,152	0	0	0	0	0	0	0	0	0	23,904	25,300
Telephone	1,373	242	915	0	0	0	0	0	0	0	0	0	2,530	30,000
Postage	0	2,500	1,162	0	0	0	0	0	0	0	0	0	3,662	161,752
Insurance	73,201	0	34,460	0	0	0	0	0	0	0	0	0	107,661	50,954
Travel & Mileage	2,190	3,779	3,835	0	0	0	0	0	0	0	0	0	9,804	255,000
Tuition Waivers and Dues	33,071	91,390	3,256	0	0	0	0	0	0	0	0	0	127,717	77,700
Library Books & Equipment	26,054	3,131	1,104	0	0	0	0	0	0	0	0	0	30,289	77,000
Other	1,710	1,186	7,851	0	0	0	0	0	0	0	0	0	10,747	552,932
Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	17,298,221
Expense	1,202,120	1,126,924	1,206,603	0	0	0	0	0	0	0	0	0	3,535,647	34,084,542
Income	2,487,421	(341,065)	(1,239,864)	0	0	0	0	0	0	0	0	0	906,492	(16,786,324)

**Alpena Community College**  
**Consolidated Income Statement**  
**For the Three Months Ending September 30, 2024**

	General	Designated	Auxiliary	Unfunded Pension Liability	Restricted	Loan	Endowment & Scholarship	Plant	Agency	Total
<b>Revenue</b>										
Property Tax	688,553	0	0	0	0	0	0	0	0	688,553
Tuition/Fees	3,691,993	214,250	0	0	(5,561)	0	0	89,664	0	3,990,346
Sales, Services, and Rent	8,095	30,792	176,544	0	(1,855)	0	0	0	0	213,576
State aid	8,521	0	0	0	0	0	0	0	0	8,521
Local	0	0	0	0	0	0	0	0	0	0
State	0	4,800	0	0	0	0	1,375	0	0	6,175
Federal	2,805	0	0	0	1,163,440	296,151	0	0	0	1,462,396
Gifts and Donations	0	74	0	0	21,574	0	200,952	0	0	222,600
Interest	40,297	0	0	0	0	0	0	0	0	40,297
Other	1,875	0	272	0	0	140,377	0	294	14	142,832
<b>Total Revenue</b>	<b>4,442,139</b>	<b>249,916</b>	<b>176,816</b>	<b>0</b>	<b>1,177,598</b>	<b>436,528</b>	<b>202,327</b>	<b>89,958</b>	<b>14</b>	<b>6,775,296</b>
<b>Expenditures</b>										
Salaries	1,937,843	92,291	21,117	0	94,952	0	0	0	0	2,146,203
Fringe Benefits	941,434	37,377	6,446	0	52,212	0	0	0	0	1,037,469
Outside Services	184,444	27,309	16,109	0	47,356	0	0	713,677	0	988,895
Advertising	51,232	0	0	0	1,550	0	0	0	0	52,782
Supplies	104,380	18,448	5,654	0	24,411	0	0	0	0	152,893
Rental	0	0	0	0	750	0	0	0	0	750
Utilities	23,904	192	2,472	0	0	0	0	0	0	26,568
Telephone	2,530	0	0	0	0	0	0	0	0	2,530
Postage	3,662	0	0	0	0	0	0	0	0	3,662
Insurance	107,661	20,259	0	0	0	0	0	0	0	127,920
Travel & Mileage	9,804	2,324	0	0	9,161	0	0	0	0	21,289
Tuition Waivers	127,717	13,876	0	0	1,019,881	382,454	229,520	0	0	1,773,448
Library Books & Equipment	30,289	164,990	0	0	35,716	0	0	18,820	0	249,815
Other	10,747	394	0	0	19,152	0	0	0	1,820	32,113
Transfers	0	0	0	0	0	0	0	0	0	0
<b>Total Expenditures</b>	<b>3,535,647</b>	<b>377,460</b>	<b>51,798</b>	<b>0</b>	<b>1,305,141</b>	<b>382,454</b>	<b>229,520</b>	<b>732,497</b>	<b>1,820</b>	<b>6,616,337</b>
<b>Net Revenue (Expense)</b>	<b>906,492</b>	<b>(127,544)</b>	<b>125,018</b>	<b>0</b>	<b>(127,543)</b>	<b>54,074</b>	<b>(27,193)</b>	<b>(642,539)</b>	<b>(1,806)</b>	<b>158,959</b>
<b>Beginning Net Position</b>	<b>2,779,799</b>	<b>525,051</b>	<b>563,097</b>	<b>(23,211,386)</b>	<b>806,269</b>	<b>0</b>	<b>37,324</b>	<b>30,567,261</b>	<b>16,178</b>	<b>12,083,593</b>
<b>Period Ending Net Position</b>	<b>3,686,291</b>	<b>397,507</b>	<b>688,115</b>	<b>(23,211,386)</b>	<b>678,726</b>	<b>54,074</b>	<b>10,131</b>	<b>29,924,722</b>	<b>14,372</b>	<b>12,242,552</b>

#### **4.131 Personnel Report**

New hires, terminations, and status changes from September 11 to October 11, 2024.

##### New Hires:

- Karl Momrik, Women's Basketball Head Coach, effective 09/24/2024.
- Adam Keyes, Director of Information Technology, effective 10/07/2024.

##### Re-Hires:

- Ronald Bellenir, Substitute Custodian, effective 09/19/2024.
- Andrew Ornelas, Women's Softball Head Coach, effective 01/01/2025.

##### Transfers:

- None.

##### Resignations:

- None.

##### Terminations:

- None.

##### Inactive:

- Shannon O'Donnell, Temporary Groundskeeper, effective 10/10/2024.

##### Retirements:

- None.

##### Name Changes:

- None.

##### Position Name Changes:

- None.



#### 4.132 Gifts and Grants Report

This report reflects the following activity for pledges and gifts received by the ACC Foundation between September 10 and October 10, 2024.

<b>Total Donors:</b>	<b>56</b>
New Gifts:	\$600,903.85
Pledge Payments:	\$0.00
New Pledges:	\$0.00