

# TITLE IX OFFICE ANNUAL REPORT

*Response to Reports of Sexual Misconduct and Sexual or Gender-Based Harassment*



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# 1. PREFACE

## *1a. Letter of Welcome*

Dear Campus Community,

I am pleased to present to you the first annual report from the Title IX Office at Grand Valley State University.

This annual report provides information about the Title IX Office's work to fulfill its stated mission: To promote civil rights and equal opportunity in the GVSU community by preventing, responding to, and remedying all forms of discrimination, sex and gender-based harassment, and sexual misconduct, while maintaining the highest professional standards.

We respond not only to complaints of sexual assault, intimate partner violence, stalking, sexual exploitation and retaliation that fall under Title IX, but also to complaints of discrimination or harassment based on sex, gender, age, color, disability, familial status, height, marital status, national origin, political affiliation, race, religion, veteran status, and/or weight that fall under Title VII. Our mission is distinctive and rooted firmly in civil rights.

This annual report, which focuses only on Title IX complaints, provides information in both statistical and descriptive formats on the 235 complaints that were brought to our attention between July 1, 2018 and June 30, 2019, as well as the actions we took to address those complaints. What it does not, indeed *cannot*, provide are the details of the lived experiences of the members of our campus community who were parties to these complaints.

As a result, this annual report provides a general and, we hope, useful view into the work the Title IX Office engages in to fulfill our mission, but only a glimpse into the complex causes, effects and consequences of these complaints. The Title IX Office's education and prevention efforts are aimed, in large part, to turn that glimpse into a gaze, and that gaze into action.

The Title IX Office does not, and cannot, do this work alone. Our mission, vision and values are resonant not only with the Division of Inclusion and Equity which is our administrative unit, but with those of Grand Valley State University. That resonance puts us in collaboration with administrators, faculty, staff and students throughout our campus community. It is only with that collaboration that the unique needs of impacted individuals can be met, complicated decisions can be made, and the effects of sex and gender-based harassment and sexual misconduct can be remedied.

This annual report has several purposes. It aims to increase transparency about the complaints reported to the Title IX Office and our responses to them; it intends to increase campus awareness of Title IX policies and procedures; and it seeks to remind the GVSU campus community about the reporting process. Links to policies and procedures can be found on page 8 of this report; Section 5 contains links to reporting access.

There is one overall purpose of this report. Simply stated, it is this: Together, we can make a difference. Preventing sex and gender-based harassment and sexual misconduct is a community responsibility.

The Title IX Office is proud of our progress in realizing our mission and at the same time keenly aware of the shifting foundation upon which our work stands. At the time of the finalization of this inaugural annual report, we are still uncertain about the future of Title IX regulations. We wait both with anticipation for the enactment of the regulations proposed by the Department of Education, and with confidence that no changes will diminish our commitment to achieving our vision of creating an accountable campus community that is free from discrimination, sex and gender harassment, and sexual misconduct.

Thank you for reading this annual report. As a member of the campus community, your feedback is valuable to the Title IX Office. If you have any comments, please contact me at [rowlanth@gvsu.edu](mailto:rowlanth@gvsu.edu), or at 616-331-9530.

Sincerely,



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## 1b. Title IX Office Mission, Vision and Values



### Mission:

to promote civil rights and equal opportunity in the GVSU community by preventing, responding to, and remedying all forms of discrimination, sex and gender harassment, and sexual misconduct, while maintaining the highest professional standards.



### Vision:

an accountable campus community that is free from discrimination, sex and gender harassment, and sexual misconduct.



### Values:

We act with **integrity** by being equitable, impartial, prompt, thorough and transparent in all interactions.

We **respect** how overlapping social identities contribute to and shape the experiences of discrimination, sex and gender harassment, and sexual misconduct.

We value **critical thinking**, not just by engaging in research-informed practice and seeking and sharing knowledge, but by engaging empathically with others, exercising our imaginations, discerning patterns of meaning in experiences, and examining all situations from different perspectives.

We act with **courage** by accepting challenges, identifying opportunities to make a difference, questioning the status quo, and building resilience.



## *1c. Title IX Office Team*

### **Theresa Rowland, M.Ed. - Title IX Coordinator**

Theresa was named GVSU's first full time Title IX Coordinator and Equity Director in 2015. Starting in 2011, Theresa served as the coordinator for the U.S. Department of Justice, Office on Violence Against Women campus program grant where she developed a multi-disciplinary team response to reports of sexual assault and education, prevention and awareness of sexual assault, dating/domestic violence, and stalking. Theresa holds Title IX Coordinator & Administrator Level III and Civil Rights Investigator Level II certification from the Association of Title IX Administrators (ATIXA), Civil Rights Investigator certification from EEO Counselors, and Investigator certification from the American Association for Access, Equity and Diversity.

Additionally, Theresa co-launched campus-wide sexual assault surveys with Tara Cornelius, Ph.D., implemented online bystander intervention training for all students and online responsible employee training for all employees; established procedures to effectively respond to and investigate reports of sex and gender-based harassment and sexual misconduct, established a Sexual Misconduct Assessment and Response Team, implemented campus advisor resources for Respondents, and created an enhanced database for tracking reports of sex and gender-based harassment and sexual misconduct.

While serving as Title IX Coordinator, Theresa has also created a civil rights co-investigation team, comprised of full-time staff and tenured faculty.

### **Michael Szydowski, M.A. - Title IX Deputy Coordinator**

Michael serves as GVSU's Title IX Deputy Coordinator since stepping into the role in 2018. Since 2015, Michael has also served as a Civil Rights Co-Investigator. As Deputy Coordinator, Michael assists with the implementation of the University's Title IX compliance by coordinating complaints involving students, assisting with protective and supportive measures, and enhancing data tracking for reports of sexual misconduct and sexual and gender-based harassment.

Michael previously served as Director of Student Conduct at GVSU, where he worked with adjudicating, sanctioning and appeals for cases involving sexual misconduct.

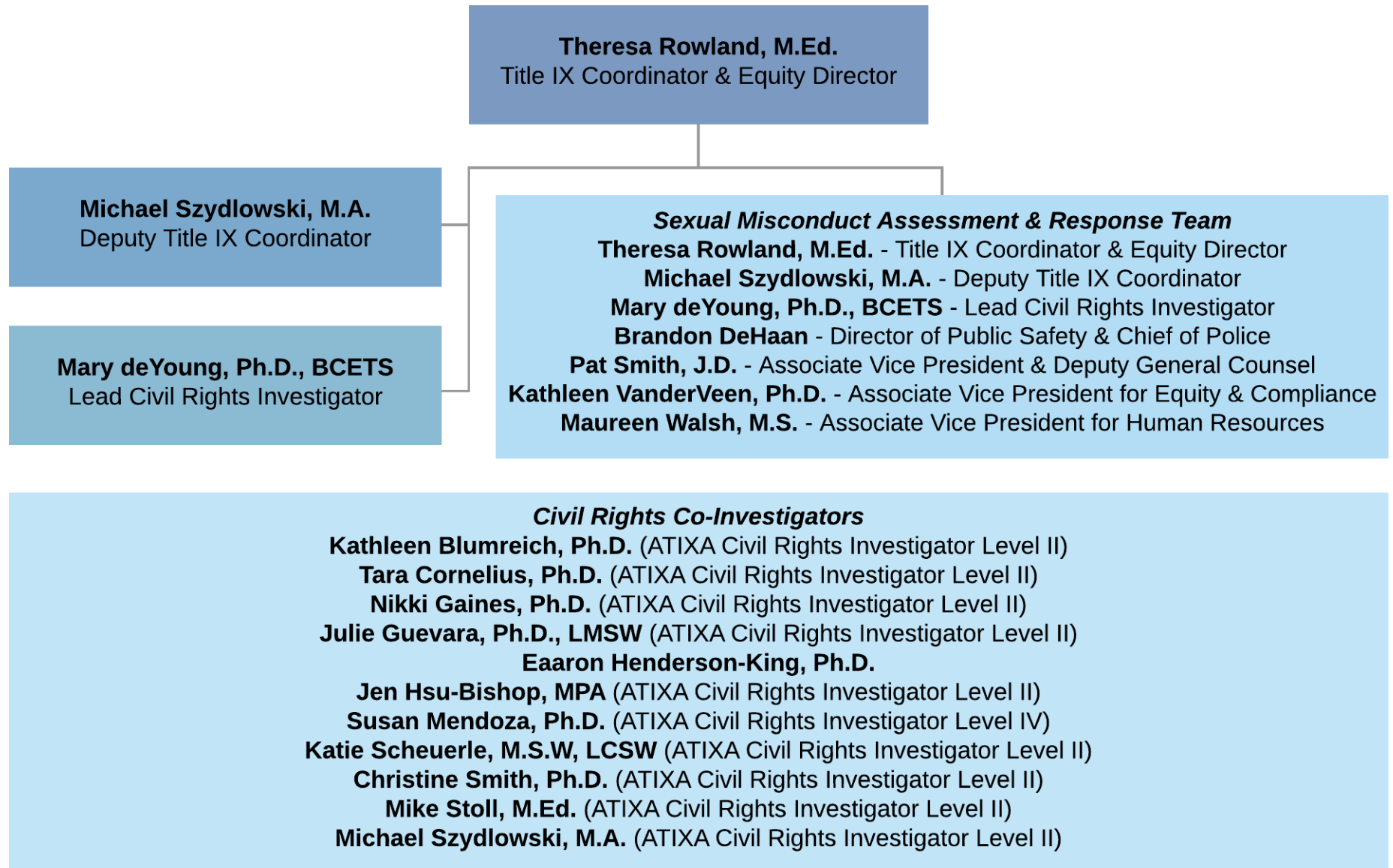
Michael holds Title IX Coordinator & Administrator Level I and Civil Rights Investigator Level II certifications from ATIXA, as well as certifications from the National Association of Clery Compliance Officers and Professionals, and the U.S. Department of Justice/Office on Violence Against Women Training & Technical Assistance Institute for Campus Disciplinary and Judicial Boards, Officers and Professionals.

### **Mary deYoung, Ph.D., BCETS - Lead Civil Rights Investigator**

Mary serves as lead Civil Rights Investigator and Training Coordinator. As a social psychologist, Mary's interest area focuses on the intersection of trauma, culture and memory. She has published extensively on sexual assault and has served as an expert witness in criminal trials and civil hearings.

Mary is an ATIXA certified Level IV Civil Rights Investigator, has National Behavioral Intervention Team Association advanced certification in Violence Risk Assessment, and certification in Forensic Linguistics from the Forensic Linguistics Institute of Bangor University in Bangor, Wales. She also holds an international credential as a Board-Certified Expert in Traumatic Stress.

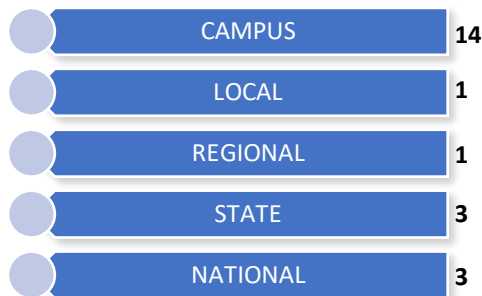
## 1d. Title IX Organizational Chart



## 1e. Snapshot of Reporting Year - July 1, 2018 to June 30, 2019



During the reporting year, the Title IX staff delivered 22 audience-tailored trainings and presentations to a variety of academic departments, as well as on-campus and off-campus groups and organizations.



The Title IX Office also designed and sponsored the two-day Title IX Investigation Conference that provided practice panels, policy implementation roundtables, and procedural workshops to put more than a hundred investigators and coordinators from the region in conversation with scholars and practitioners. More information can be found through the following link: [www.gvsu.edu/titleix/2019conference](http://www.gvsu.edu/titleix/2019conference).

<sup>1</sup> The total number of reports cited in this report may differ from the number of incidents of rape, fondling, stalking, and dating/domestic violence cited in the Grand Valley State University's Annual Security and Fire Safety Report. As required by the Clery Act, that report lists reported crimes as defined by the FBI Uniform Crime Reporting Program (UCR) that occurred within particular geographic locations and over a calendar, rather than a fiscal, year. Many of the incidents that comprise the data referenced in this Title IX Annual Report do not meet Clery Act restrictions or UCR definitions.



## 2. INTRODUCTION TO THE TITLE IX OFFICE INAUGURAL ANNUAL REPORT

We are pleased to provide Grand Valley State University's inaugural annual report providing data on reports managed through the University's Title IX Office.

This report provides a summary of incoming reports received by the University and outcomes for the period between July 1, 2018 and June 30, 2019. We anticipate that next year's annual report not only will provide additional information, but a unique opportunity to offer a two-year comparison of data and trends.

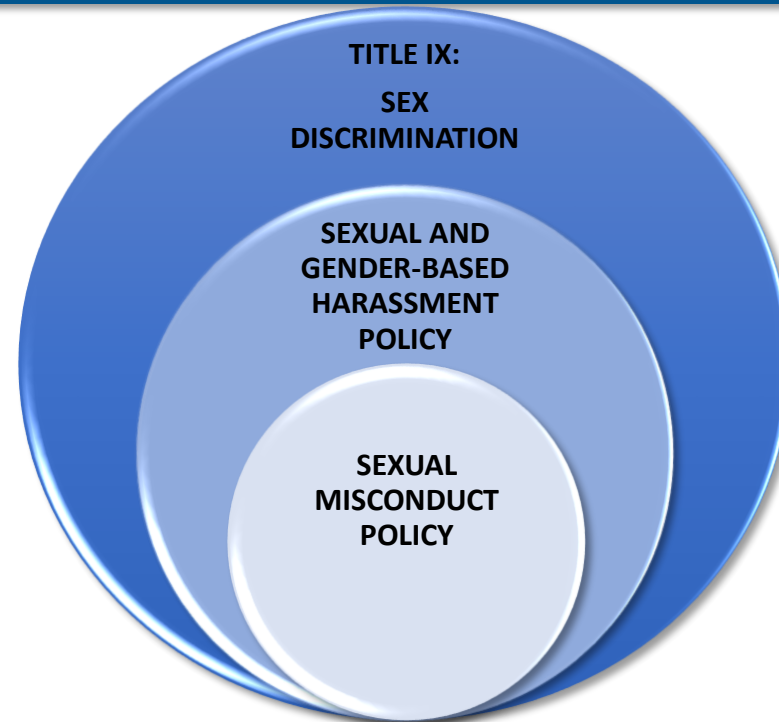
It is important to point out that reports come to the attention of the Title IX office through a number of different channels and that they vary widely in detail. At one extreme are reports that are rich with information that name the impacted parties and potential witnesses; at the other are reports with insufficient information; cite misconduct that is outside the scope of Title IX policies, geographic nexus, or actionable time period; implicate Complainants or Respondents who are not, or are no longer, students; and/or do not identify Complainants and/or Respondents by name.

This inaugural annual report presents data on *all* of these reports, including those upon which the Title IX Office could not act, even after concerted attempts to gather additional detail. Although we were kept busy dealing with all of these reports, we are left with the ineffable impression that some incidents of sexual misconduct and of sexual or gender-based harassment are never reported to the University or are handled locally within departments and programs, and thus never make their way to the Title IX Office.

The Title IX of the Education Amendments (1972) prohibits sex discrimination in educational institutions. It states, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Grand Valley State University policy prohibits sexual and gender-based harassment, as well as various types of sexual misconduct. We articulate the relationship between the Federal act and University policies in the following way: sex discrimination is prohibited by Federal law; sexual harassment and gender-based harassment are examples of sex discrimination and are therefore prohibited by University policy; acts of sexual misconduct are instances of sexual or gender-based harassment and thus of sex discrimination and are therefore prohibited by University policy.

The following figure illustrates this relationship:

## *Relationship Between Title IX of the Education Amendments and Grand Valley State University Policies*

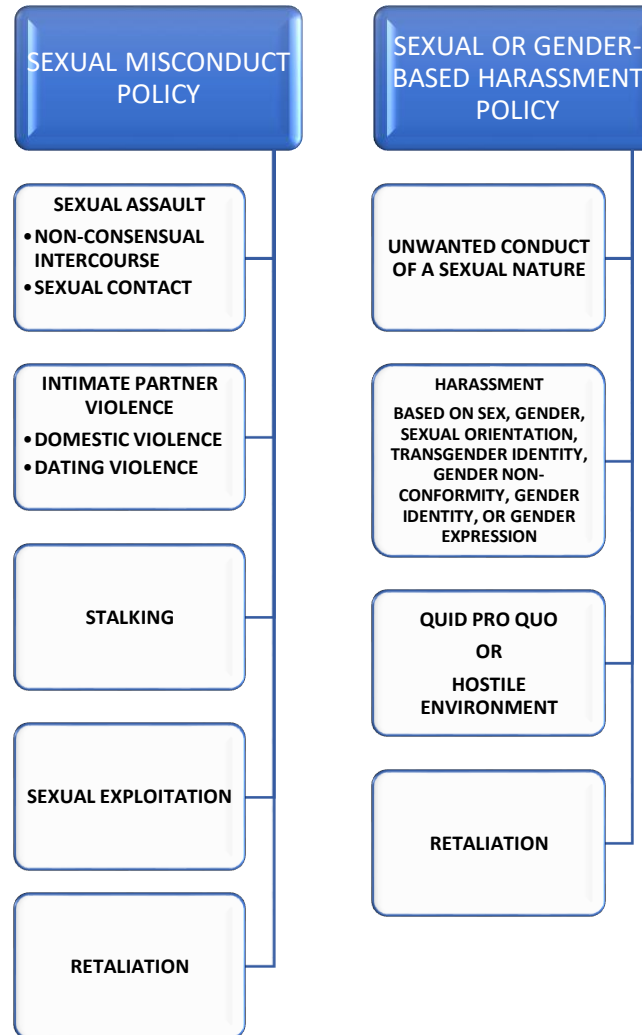


For information regarding the process the University will follow upon receipt of a report of prohibited conduct, please visit [www.gvsu.edu/titleix/procedures](http://www.gvsu.edu/titleix/procedures).

As the figure above shows, the Title IX Office operates under the aegis of two policies: the Sexual or Gender-Based Harassment (Including Retaliation) policy, shortened in this annual report to the “Harassment Policy;” and the Sexual Misconduct Policy Including: Sexual Assault, Sexual Exploitation, Intimate Partner Violence (Domestic or Dating Violence), Stalking and Retaliation policy, shortened to the “Sexual Misconduct Policy.” Each of the circles in the figure above is hyperlinked to the relevant policy.

Each cites the type of prohibited conduct that would be the reason for reports to the Title IX Office. The following figure further clarifies this point:

## *Prohibited Conduct per Relevant University Policies*



Section 6 of this report provides a glossary of terms that are central to this inaugural annual report, among them the types of conduct prohibited by the relevant policies cited in this annual report.

## 3. REPORTS OF PROHIBITED CONDUCT

Between July 1, 2018 and June 30, 2019, the Title IX Office received a total of 235 reports of prohibited conduct, 208 of which were unique, that is, non-duplicative.

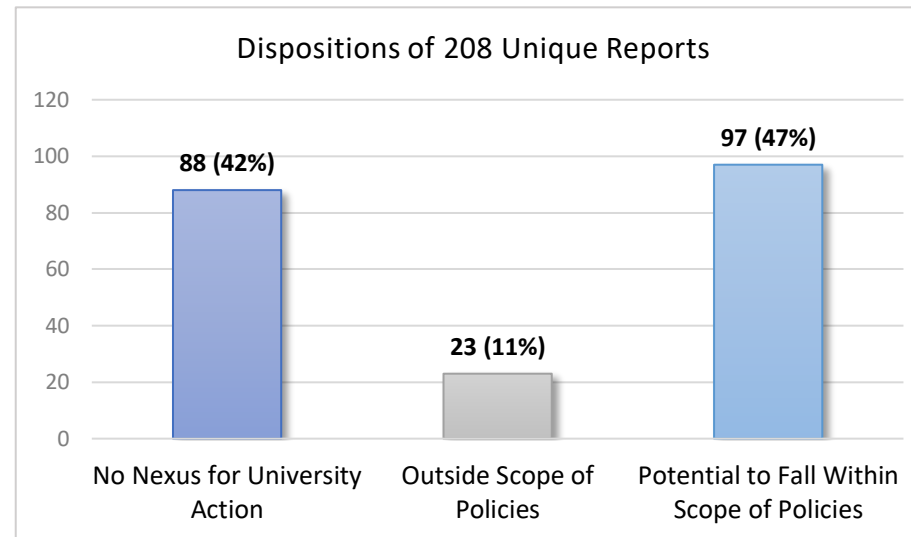
### *3a. Review, Assessment and Disposition of 208 Unique Title IX Reports*

The Title IX Office is charged to promptly resolve all reports of prohibited conduct. To that end, the 208 unique reports of prohibited conduct received by the Title IX Office were thoroughly reviewed and assessed in consultation with the Sexual Misconduct Assessment & Response Team (SMART) in order to determine the appropriate next steps.

Following a review, 88 (42%) of the reports lacked a nexus for the University to take formal action (*e.g.* the Respondent had no affiliation with GVSU, incident occurred prior to enrollment at GVSU).

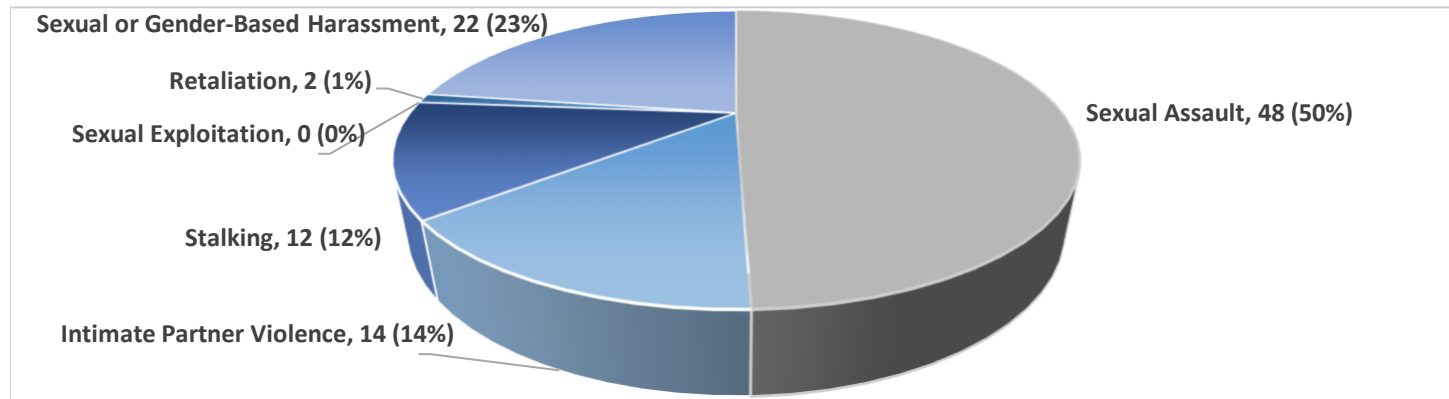
An additional 23 (11%) reports fell outside the scope of the Sexual Misconduct and Harassment Policies and were referred to the appropriate University office (*e.g.* Housing, Grand Valley Department of Public Safety) for further action.

The review and assessment resulted in 97 (47%) reports that may fall within the scope of Title IX policies.



### *3b. 97 Reports Having Potential to Fall Within the Scope of Policies*

As the following chart indicates, 48 (50%) of the 97 reports were for sexual assault, which Sexual Misconduct policy defines as either penetrative (non-consensual sexual intercourse) or non-penetrative (non-consensual sexual contact). In addition, there were 12 (12%) reports of stalking, 14 (14%) reports of intimate partner (dating or domestic) violence, 22 (23%) reports of sexual or gender-based harassment, and 2 (2%) reports of retaliation.



In an effort to identify trends and patterns, future Title IX annual reports will include data comparisons across the reporting years.

In consultation with SMART, the reports that did not result in a formal investigation were documented and closed. While the reasons for doing so varied, typically the closing of a case was predicated on the fact that:

- the Complainant requested that the Title IX Office not proceed with an investigation, or requested anonymity, or refused to participate in an investigation. In the absence of evidence of pattern, predation, threat and/or violence cited in the report, the Title IX Office honors such requests with the assurance that an investigation can be launched at a later date; and/or
- the Respondent was not named; and/or
- the report had insufficient information.

SMART recommended that preliminary inquiries be conducted in response to five reports that brought up unique concerns. One of those five reports that resulted in a preliminary inquiry involved what the Title IX Office refers to as an “historic complaint.” The Title IX Office anticipates that such complaints will become more frequent as the result of the widespread impact of the #MeToo movement and the animated social and political discourse surrounding high profile cases of sexual misconduct and sexual harassment within both academia and larger society.



### 3c. Results of Preliminary Inquiries

Incident Date(s)	Complainant/Respondent	Type	Subsequent Title IX Investigation
2008-2009	Current Student/Current Staff	Sexual Assault (Penetration) and Stalking	No. Respondent resigned; criminal charges; trial pending.
2015	Current Student/ Former Student	Sexual Assault (Penetration)	No. Respondent academically dismissed before report was filed.
2018	Current Student/Current Student	Stalking	No. Insufficient evidence to proceed.
2019	Prospective Student/Current Student	Intimate Partner (Dating) Violence	No. Insufficient evidence to proceed.
2018	Non-GVSU Student/Student	Sexual Assault (Penetration)	Inquiry is on-going.

### 3d. Interim Measures

The Title IX Office reviews and carefully considers each case of reported prohibited conduct and can take appropriate interim actions even when a report is closed without a formal investigation. Such actions are tailored to the specific needs and concerns of the impacted party, but may include:

- Issuing a No Contact Order
- Arranging alternative on-campus housing
- Assisting with matters involving financial aid
- Requesting a change in course section
- Requesting an Incomplete final course grade
- Requesting course completion in the form of an Independent Study
- Facilitating a course withdrawal

## 4. FORMAL INVESTIGATIONS

The decision to initiate a formal investigation depends not only on the information provided in the complaint, but the expressed preference of each Complainant to pursue a formal investigation, balanced against the overall concerns about the safety and health of the Complainant as well as that of the University community.

The Title IX Office conducted 12 formal investigations. An additional 2 reports, received just prior to the closing of the reporting year of this annual report, are pending investigation. Each formal investigation was conducted in tandem by the Lead Investigator and a Co-investigator and involved extensive, and sometimes repeated, interviews with the Complainant, Respondent and witnesses, as well as a thorough review and assessment of any inculpatory or exculpatory evidence that was provided by any of the impacted parties. The 12 formal investigations averaged 52 days in length.<sup>2</sup>

The following chart requires some explanation.

- **Prohibited Conduct:** In addition to the prohibited conduct that prompted Title IX action, additional complaints of retaliation were made by the Complainants in investigations #1 and #6. These are treated and numbered as separate investigations in this report;
- **Location:** The Sexual Misconduct and Harassment Policies apply to all University and programs and activities, including those that are conducted off-campus. If the reported prohibited conduct did not occur in those contexts, Title IX has the task of assessing whether it nonetheless created a limitation or deprivation of access or participation in an educational program or activity. If so, a formal investigation is launched.
- **Conclusion:** Based on the preponderance of evidence standard, there are several possible outcomes of a formal investigation:
  - **Sufficient Evidence:** enough evidence is found during the formal investigation to meet the preponderance of evidence burden of proof. The case may then be brought to an Administrative Hearing Panel for a final determination;
  - **Insufficient Evidence:** not enough evidence is found during the formal investigation to meet the preponderance of evidence burden of proof. The case is then closed;
  - **Insufficient Evidence to Proceed with the Formal Investigation:** The Lead Investigator recommends to the Title IX Coordinator that the investigation be terminated because there is no reasonable cause to believe that policy has been violated. The case is then closed.

<sup>2</sup> The average was computed by adding the number of days between the receipt of the Notice of Investigation and the Investigation Conclusion letters by the Complainant and Respondent for each case, divided by the number of formal investigations.

#### 4a. Formal Investigation Conclusions

Complainant/Respondent	Prohibited Conduct	Location of Incident(s)	Conclusion
#1 Student/Student	Sexual Assault: Penetration	Off-Campus Fraternity House	Sufficient Evidence
#2 Student/Student	Retaliation	Off-Campus Fraternity House	Insufficient Evidence
#3 Student/Student	Sexual Assault: Non-penetration	Off-Campus	Insufficient Evidence
#4 Student/Student	Sexual Assault: Non-penetration	Off-Campus Housing	Sufficient Evidence
#5 Faculty/Faculty	Sexual Harassment	On-Campus	Insufficient Evidence to Proceed with Investigation
#6 Faculty/Faculty	Sexual Harassment	On-Campus	Insufficient Evidence
#7 Student/Faculty	Sexual Assault: Non-Penetration	On-Campus	Insufficient Evidence
#8 Student/Student	Sexual Assault: Penetration	Off-Campus Housing	Insufficient Evidence
#9 Student/Student	Sexual Assault: Penetration	Off-Campus Housing	Insufficient Evidence
#10 Student/Student	Sexual Harassment	Social Media	Sufficient Evidence
#11 Student/Faculty	Retaliation	Electronic	Insufficient Evidence
#12 Student/Student	Sexual Assault: Penetration	On-Campus Housing	Insufficient Evidence

#### *4b. Findings of the Administrative Hearing Panels*

In September of 2018, the United States Court of Appeals for the Sixth Circuit rendered a decision in *Doe v. Baum* that, among other things, significantly impacted the resolution of Title IX investigations. To comply with *Doe v. Baum*, Title IX procedures had to be revised to provide the Respondent an opportunity to cross-examine the Complainant and any relevant witnesses in a live hearing before an administrative hearing panel.

The formal investigations into cases #1, #4 and #10 resulted in a conclusion that there was sufficient evidence to meet the preponderance of evidence burden of proof. The Respondent in case #10 accepted the conclusion of the formal investigation and waived a hearing.

The Respondents in cases #1 and #4 contested the conclusion of the formal investigation and requested an administrative hearing before three appointed hearing panelists who reviewed the formal investigation report and supporting evidence in preparation for listening to the cross-examination. In each case, the hearing panelists determined by a majority vote to uphold the conclusion of the formal investigation and found each Respondent responsible for engaging in conduct prohibited by the relevant policy.

#### 4c. Recommended Sanctions

It is the responsibility of the hearing panelists to recommend sanctions to the Student Conduct Office in the Dean of Students Office in cases in which they find the Respondent responsible for policy violation, as well as in those cases in which the Respondent admits responsibility and waives a hearing. Sanctions are designed to eliminate the prohibited conduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and legal obligations.

The following sanctions were recommended by the administrative hearing panel for cases #1 and #4 in which the Respondent in each was found responsible for policy violation, and in #10 in which the Respondent admitted responsibility and waived a hearing.

Complainant/Respondent	Prohibited Conduct	Administrative Hearing Board Finding	Recommended Sanction(s)
#1 Student/Student	Sexual Assault: Penetration	Responsible	<b>1-year suspension; consultation &amp; education prior to readmission</b>
#4 Student/Student	Sexual Assault: Non-penetration	Responsible	<b>2-semester suspension; no trespass; no contact order; consultation and education prior to readmission; conditional return meeting with Student Conduct Office;</b>
#10 Student/Student	Sexual Harassment	Admission/Waived Hearing	<b>1-year suspension; no trespass; no contact; consultation/education prior to readmission; restitution; conditional return meeting with Student Conduct Office; 1-year disciplinary probation upon readmission</b>



## 5. CONCLUSION

Dear Campus Community,

Thank you for reading this report.

As a reminder, the University designates all employees (who are not confidential) as responsible employees. A responsible employee is required to report to the university's Title IX Coordinator all relevant details (obtained directly or indirectly) about an incident of prohibited conduct that involves any student as a complainant, respondent, and/or witness, including dates, times, locations, and names of parties and witnesses. That creates two obligations:

1. Employees should complete online training upon receipt of their invitation sent to their GVSU email accounts. During this reporting period, just over 75% of our employees completed this annual training. In the upcoming reporting period, I hope to see 100% completion.
2. Report, using this link [www.gvsu.edu/titleix/report](http://www.gvsu.edu/titleix/report).

The University encourages any member of its community who experiences or becomes aware of an incident of prohibited conduct to report it. Reports can be made directly to the Title IX Coordinator or through [www.gvsu.edu/titleix/report](http://www.gvsu.edu/titleix/report).

More information about resources and reporting options can be found on the Title IX Office's website at [www.gvsu.edu/titleix](http://www.gvsu.edu/titleix).

Staff in the Title IX Office are available for guest lectures, presentations, discussions, and trainings. If you have any questions, ideas, or an invitation, please contact me at [rowlanth@gvsu.edu](mailto:rowlanth@gvsu.edu), or at 616-331-9530.

Preventing sex and gender-based harassment and sexual misconduct is a community responsibility. Together, we can make a difference.

Sincerely,

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Title IX Coordinator and Equity Director  
4015 James H. Zumberge Hall  
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## 6. GLOSSARY OF TERMS

**ADMINISTRATIVE HEARING:** a trial-like proceeding before a panel of three hearing panelists, appointed by the Title IX Coordinator, and overseen by an Administrative Hearing Officer who is external to the University, in order to provide the opportunity for the Respondent to cross-examine witnesses in the presence of a neutral fact-finder in cases hinging on the credibility of such witnesses.

**COMPLAINANT:** the subject of the prohibited conduct. The term does not necessarily indicate that the subject reported the conduct or requested the Title IX Office pursue the matter.

**DISCIPLINARY PROBATION:** a sanction that states that should further violations occur during a definite/indefinite period, the Respondent may face stricter sanctions up to dismissal from the University.

*DOE v. BAUM* 903 F. 3d 575 - Court of Appeals, 6th Circuit 2018: ruling that in conducting Title IX investigations, colleges and universities are required to provide parties an opportunity to cross-examine witnesses in the presence of a neutral fact-finder in cases hinging on the credibility of such witnesses.

**EDUCATIONAL REQUIREMENTS:** educational conditions intended to prevent the recurrence of the prohibited conduct or related conduct.

**EXCULPATORY EVIDENCE:** evidence favorable to the Respondent in a Title IX formal investigation and/or Administrative Hearing.

**GENDER-BASED HARASSMENT:** any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical or otherwise that is based on gender, sexual orientation, transgender, gender non-conforming, transitioning, gender identity, or gender expression.

**HISTORIC COMPLAINT:** any complaint received by the Title IX Office that cites an alleged incident of prohibited conduct that occurred more than 5 years before the date the complaint was received.

**HOSTILE ENVIRONMENT:** workplace in which sexual or gender-based harassment is sufficiently severe, persistent or pervasive that it unreasonably interferes with a person's education or work performance, or creates an intimidating or offensive educational or work environment.

**INCULPATORY EVIDENCE:** evidence that shows, or tends to show, the Respondent's involvement in an act of prohibited conduct, or evidence that can establish responsibility for policy violation.

**INTIMATE PARTNER VIOLENCE:** any single act of violence or pattern of acts that includes, but is not limited to, sexual or physical abuse, or the threat to engage in such abuse. Intimate Partner Violence is further categorized as (1) domestic violence, and (2) dating violence.

**NEXUS:** link or connection to GVSU by virtue of enrollment, educational program or activity, risk potential to the GVSU community.

**NO CONTACT ORDER:** an order that prohibits a person from being in physical or verbal contact with another person, whether that is face-to-face or over the phone/internet.

**NO TRESPASS ORDER:** an order prohibiting a Respondent from entering upon any property owned or operated by the University or engaging in any University sponsored activities or programs.

**PRELIMINARY INQUIRY:** an informal process that involves interviewing the Complainant, assessing evidence that was provided by the Complainant, and/or reviewing law enforcement reports in cases of concurrent criminal investigations, to determine if there is reasonable cause to believe that either of the Title IX policies has been violated. In such inquiries, the alleged Respondent is not put on notice.

**PREPONDERANCE OF EVIDENCE STANDARD:** reasonable and convincing evidence that demonstrates whether it is more likely than not that the alleged prohibited conduct violated policy.

**PROHIBITED CONDUCT:** the behaviors prohibited under the Sexual Misconduct and the Harassment Policies.

**QUID PRO QUO:** "something for something;" a favor or advantage granted or expected for engaging in sexual behavior.

**RESPONDENT:** the student, faculty member, staff member or third party who has been accused of prohibited conduct under the Sexual Misconduct or Harassment Policy.

**RETALIATION:** any adverse action taken against a person for making a good faith report of prohibited conduct, or for participating in any proceedings under University policy or policies.

**SEXUAL ASSAULT:** having or attempting to have sexual intercourse or sexual contact with another individual by force or threat of force, without affirmative consent, or where the individual is incapacitated. Sexual assault is further classified as (1) penetration and (2) sexual contact, or non-penetration.

**SEXUAL EXPLOITATION:** purposely or knowingly engaging in any one or more of the following acts of prohibited conduct: causing the incapacitation of another for the purpose of compromising that individual's ability to give affirmative consent to sexual activity; allowing third parties to observe private sexual activity from either a hidden location or through electronic means; engaging in voyeurism in a place where the individual has a reasonable expectation of privacy; recording or photographing private sexual activity and/or an individual's intimate parts without consent; disseminating or posting images of private sexual activity and/or an individual's intimate parts without consent; knowingly exposing another individual to a sexually transmitted infection or virus without that individual's knowledge; arranging for others to have sexual contact with a non-consenting individual.

**SEXUAL HARASSMENT:** any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical or otherwise.

**SMART:** Sexual Misconduct Assessment and Response Team that reviews reports to the Title IX Office in order to assess risk and advise on a course of action.

**STALKING:** a course of conduct in which an individual directly, indirectly, or through third parties, follows, monitors, observes, surveils, threatens or communicates to or about another individual, and/or interferes with that individual's property, under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress.

**SUSPENSION:** a mandated separation from the University and forfeiture of all rights of student status for a specified minimum period of time, after which the Respondent may be eligible to return. Eligibility is often contingent upon satisfaction of specific conditions noted at the time of suspension.



GRAND VALLEY  
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