



GRAND VALLEY
STATE UNIVERSITY
OFFICE FOR TITLE IX AND
INSTITUTIONAL EQUITY

**SEXUAL MISCONDUCT
AND SEXUAL OR
GENDER-BASED HARASSMENT**

ANNUAL REPORT

JULY 2019-JUNE 2020





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Office for Title IX & Institutional Equity

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Introduction

I am writing to share with you our annual report from the Office for Title IX & Institutional Equity at Grand Valley State University.

In the excitement of Grand Valley State University welcoming a new President in 2019-2020 academic year, we also experienced significant challenges, ending the year amid a global pandemic. While these challenges are our reality, we continue in our efforts to promote civil rights and equal opportunity within our campus community by preventing, responding to, and remedying all forms of discriminatory harassment and sexual misconduct.

In February 2020, our name was updated to better align with our work, the Office for Title IX & Institutional Equity (TIXIE), and our team moved into 4015 James H. Zumberge Hall. Our new location, while only a few steps from our previous office suite, offers a reception area, private interview room and a conference room large enough to accommodate live hearings.

Our annual report is a snapshot of the 2019-2020 academic year, highlighting data to inform you of the way we work to achieve our vision for a campus community that is free from discrimination, sex and gender harassment, and sexual misconduct.

Our office is not just about compliance. We're committed to providing the highest level of support for members of our community who are impacted by sexual misconduct. Fair process is a priority, as is safety for all members of the community.

We continue our dedication to a process that respects the equal dignity of all members of the GVSU community. We respect the right of someone who experiences sexual misconduct to process it in the way that is best for that person, and we'll provide a response centered around support. We respect one's choice to request action through the University now, in the future, or not at all.

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

Sincerely,



Theresa Rowland M.Ed.

Title IX Coordinator
Director, Office for Title IX & Institutional Equity



Reporting

If you have experienced, witnessed, or been impacted by sexual misconduct (including sexual assault, intimate partner violence, stalking, and sexual exploitation), discrimination, harassment, and/or retaliation you are encouraged to report the incident through GVSU's [online reporting form](#) or contact the Office for Title IX & Institutional Equity at (616) 331-9530.

Reporting to GVSU allows our office to engage in an interactive process with you to discuss and provide supportive measures. You do not have to decide to file a formal complaint or choose any particular course of action. Coming to our office does not obligate you to initiate a university investigation unless you choose to do so.



Our Mission, Vision, & 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: We envision 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.

Our Team

Theresa Rowland, M.Ed. - Title IX Coordinator and Director, Office for Title IX & Institutional Equity

Theresa Rowland oversees the implementation of GVSU's *Policy Prohibiting Harassment, Discrimination, Retaliation, & Sexual Misconduct*.

As *Title IX Coordinator*, Theresa has the primary responsibility for monitoring GVSU's compliance under Title IX of the Education Amendments of 1972.

As *Director* of the Office for Title IX and Institutional Equity, Theresa monitors GVSU's compliance under other federal and state civil rights laws, including Title VII of the Civil Rights Act of 1964 and Elliott Larsen Civil Rights Act. Theresa ensures appropriate education and training for the GVSU community, as well as individuals who carry out university resolution. Theresa also coordinates the University's response to reports involving employees as impacted parties and assists employees with supportive measures. Additionally, Theresa works with impacted parties throughout the process, when university resolution is requested by a Complainant.

Michael Szydlowski, M.A. – Deputy Title IX Coordinator

Michael Szydlowski assists with the implementation of GVSU's *Policy Prohibiting Harassment, Discrimination, Retaliation, & Sexual Misconduct*, with an emphasis on students as impacted parties.

As *Deputy Title IX Coordinator*, Michael assists with monitoring GVSU's compliance under Title IX. Michael coordinates the University's response to reports involving students as impacted parties and assists students with supportive measures. Additionally, Michael works with impacted parties throughout the process, when university resolution is requested by a Complainant.

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 Advanced 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.

Our Structure

Title IX & Institutional Equity Team

- Monitors GVSU's compliance under Title IX and other federal and state civil rights laws
- Addresses individual reports of prohibited conduct
- Provides oversight of interim measures and university resolution

Sexual Misconduct Assessment & Response Team

- Assists with the review and assessment of reports of prohibited conduct
- Advises on courses of action regarding reports of prohibited conduct

Civil Rights Co-Investigators

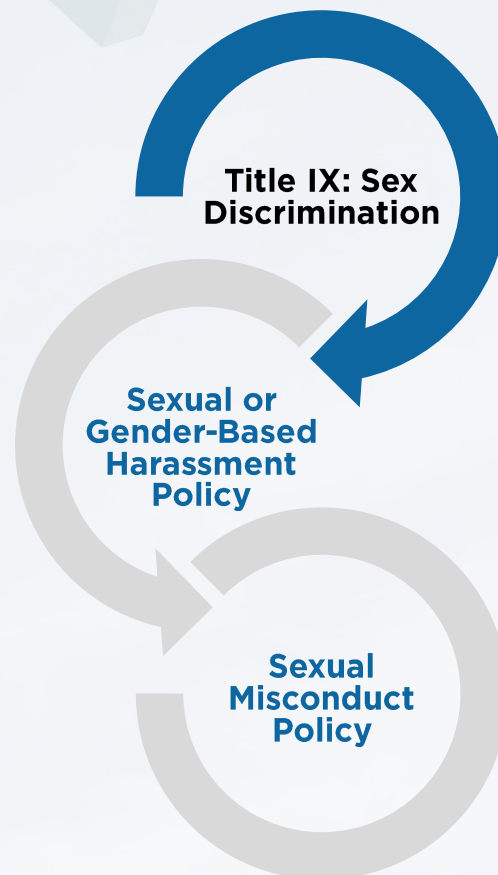
- Assist in conducting prompt, thorough, fair, and impartial investigations
- Serve as members of the pool to carry out the grievance process



Relationship Between Law and Policy

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 law 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.

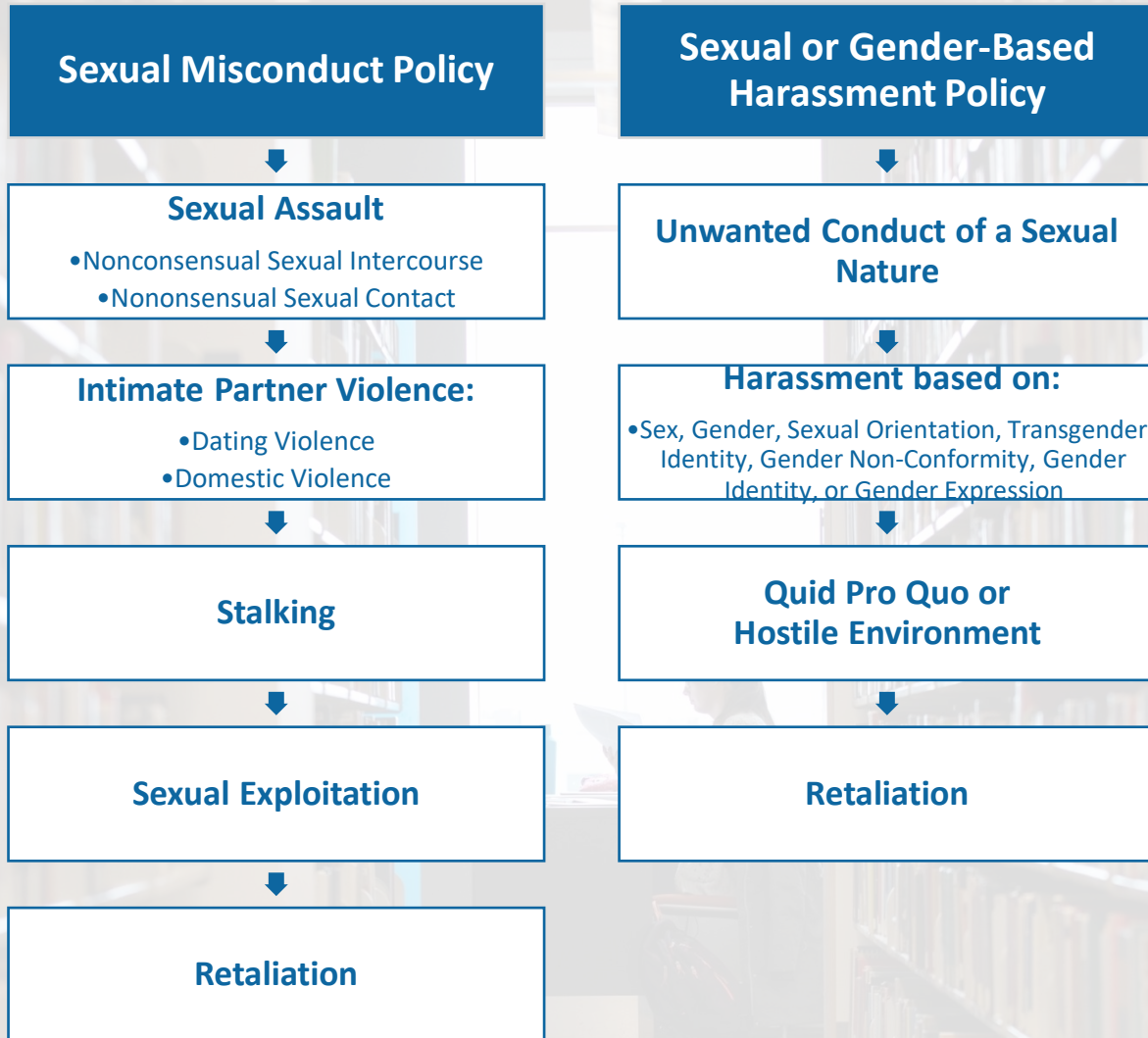
The following figure illustrates this relationship:



As the figure above shows, the Office for Title IX & Institutional Equity 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, shortened to the "Sexual Misconduct Policy."

University Policy

Each policy cites the type of prohibited conduct that would be the reason for reports to the Office for Title IX & Institutional Equity.



Page 15 provides a glossary of terms that are central to this annual report, among them the types of conduct prohibited by the relevant policies.

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, the University has the task of assessing whether it nonetheless created a limitation or deprivation of access or participation in an educational program or activity.

Education & Training

Members of the Office for Title IX and Institutional Equity team provided education and training to a variety of campus groups and departments including all GVSU employees, all incoming students, Housing & Residence Life staff, Athletics coaches and staff, Campus Dining staff, faculty coordinating internships, and more.

Education and training topics included conduct prohibited under Title IX and University policy (sexual misconduct and sexual or gender-based harassment), reporting prohibited conduct, interim measures, and more.

Interim Measures

When the University receives a report of prohibited conduct, the Office for Title IX & Institutional Equity engages in an interactive process with the Complainant, and can take appropriate interim actions even if a party does not wish to initiate any other action from the University. Such actions are tailored to the specific needs and concerns of the impacted party and are designed to ensure safety and continued access to university programs and activities.

Interim Measures are available:

- Even if the Complainant does not want to report the incident to the police
- Even if the Complainant has made a request for limited action and the University has granted the request
- To the Complainant, the Respondent, and witnesses, when determined to be appropriate by the Title IX Coordinator
- Prior to, during, or after the investigation or resolution of a report of prohibited conduct

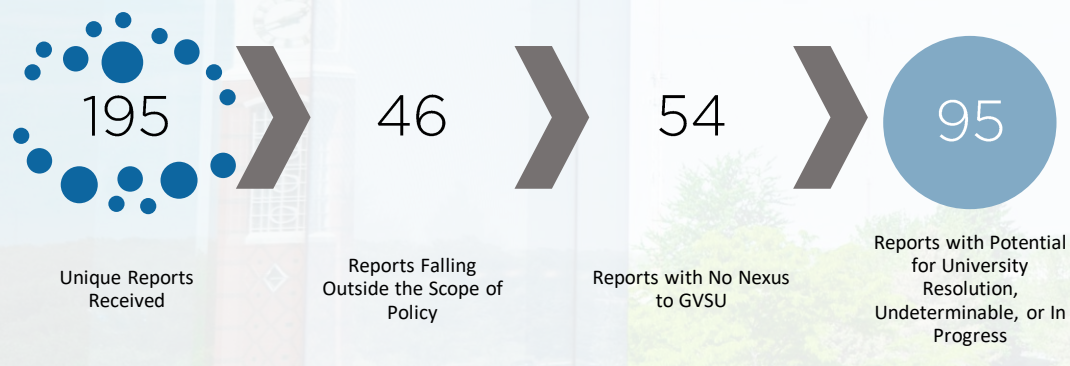
Examples of interim measures include:

- 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

Reports of Sexual Assault, Intimate Partner Violence, Stalking, Sexual Exploitation, Sexual or Gender-based Harassment, and Retaliation

Reports come to the attention of the Office for Title IX & Institutional Equity through a number of different channels and 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 limited information; cite misconduct that is outside the scope of policies, geographic nexus, or actionable time period; implicate parties who are not, or are no longer, students; and/or do not identify parties by name.

Between July 1, 2019 and June 30, 2020 the Office for Title IX & Institutional Equity worked with 195 concerns. Many individuals who sought services from the Office for Title IX & Institutional Equity were seeking services related to experiences off campus and with individuals not affiliated with GVSU. For these students, the University provided resources and interim measures to preserve or restore academic access.

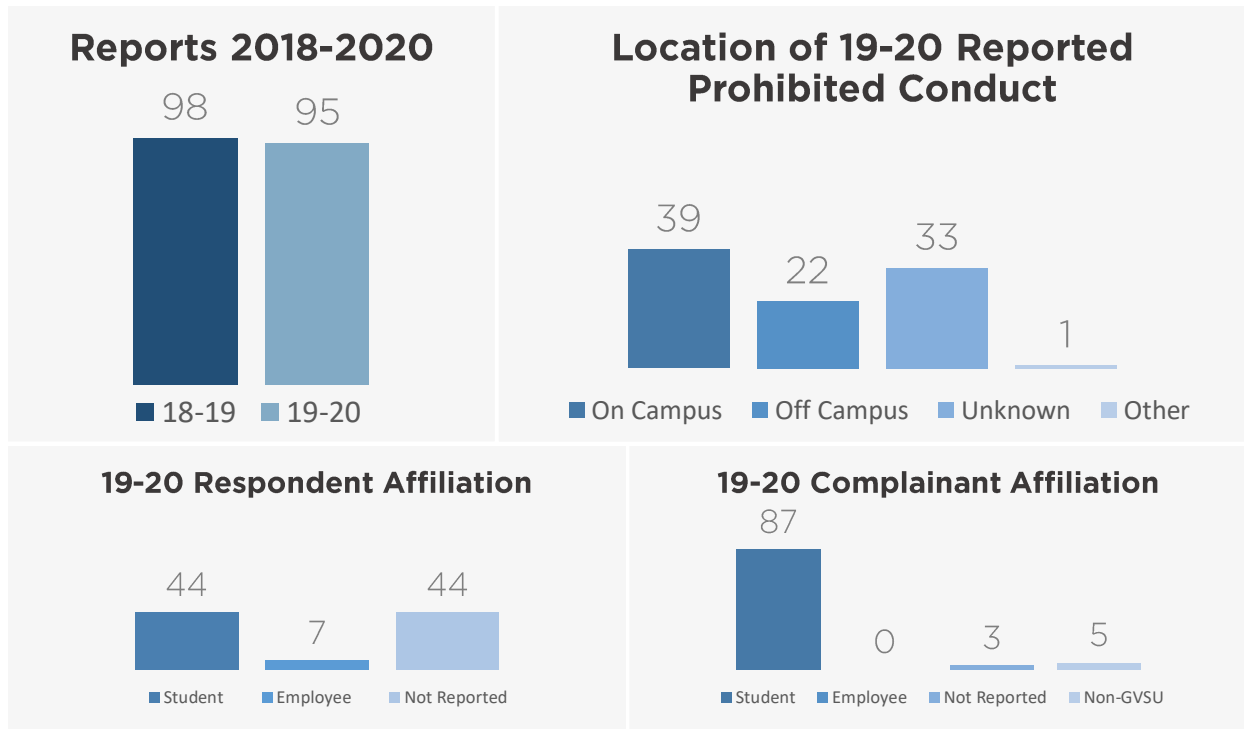


The following notes will clarify the data:¹

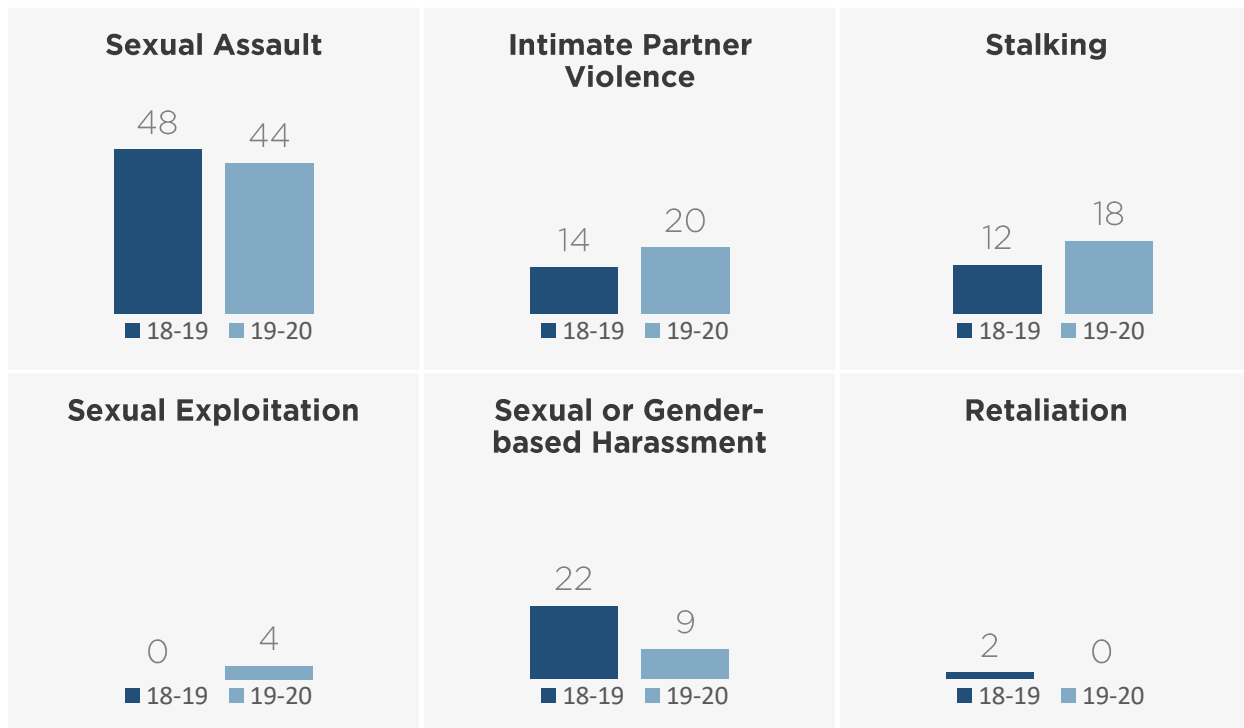
- The data do not include reports made to confidential employees in the University Counseling Center.
- The data include all reports in which at least one of the following applies:
 - The Respondent's identity is known, and the Respondent is affiliated with GVSU,
 - The Respondent's identity is known to the Complainant but is not reported, or
 - The Respondent's identity is unknown to the Complainant.

¹ The number of reports may differ from the number of incidents of rape, fondling, stalking, and dating/domestic violence cited in Grand Valley State University's Annual Security and Fire Safety Report as required by the Clery Act, as 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 Annual Report do not meet Clery Act restrictions or UCR definitions.

Prohibited Conduct

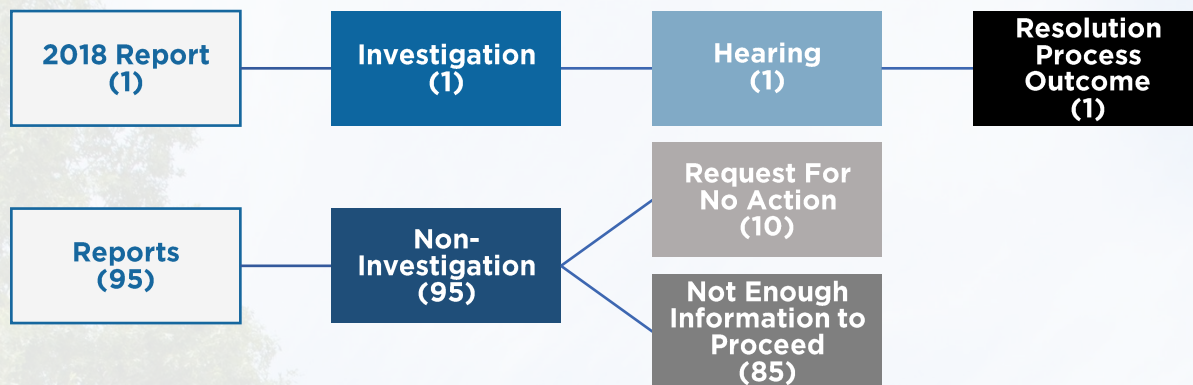


Reports of Prohibited Conduct by Type



Overview of Response to Reports

The University's response to a report depends not only on the information provided in the complaint, but the expressed preference of each Complainant, balanced against the overall concerns about the safety and health of the Complainant as well as that of the University community.



INVESTIGATION

Each formal investigation is conducted in tandem by the Lead Investigator and a Co-Investigator and involves extensive, and sometimes repeated, interviews with the Complainant, Respondent and witnesses, as well as a thorough review and assessment of any evidence that was provided by the impacted parties or collected during the investigation.

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 a Hearing 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.

HEARING

When an investigation concludes that there is sufficient evidence, a hearing is held before a panel of three Decision-Makers to provide parties the opportunity to ask indirect questions of parties and witnesses. Following the hearing, a determination is made on whether University policy was violated. If a violation occurs, Decision-Makers assign sanctions based on the unique facts and circumstances of the case.

RESOLUTION PROCESS OUTCOMES

During this period, one case went through the resolution process. As it was reported during the previous period, it was counted in that period's data. An investigation was conducted based on an allegation of sexual assault. The investigation concluded there was sufficient evidence and the matter was referred to a hearing. Following the hearing, the Respondent was found responsible for violating the Sexual Misconduct Policy, and was assigned the following sanctions: two semester suspension, trespass from campus property and events/programs, prohibition of contact with the Complainant, removal from GVSU fraternity and sorority life programs, and third-party consultation and education.

NON-INVESTIGATION REPORTS

Here are the data representing the reason for the non-investigation response for each of the 95 reports. The Office for Title IX & Institutional Equity engages in an interactive process with the Complainant, and can take appropriate interim actions regardless of whether a party requests university resolution.

	Sexual Assault	Intimate Partner Violence	Stalking	Sexual Exploitation	Sexual or Gender-Based Harassment	Retaliation	Total
Respondent not identified	25	12	5	2	0	0	44
University honored Complainant's request for no action	4	2	3	0	1	0	10
Complainant did not participate in process, and the University did not have enough information to move forward without the Complainant's participation	15	6	10	2	8	0	41
Total	44	20	18	4	9	0	95

Glossary of Terms²

COMPLAINANT: the subject of the prohibited conduct. The term does not necessarily indicate that the subject reported the conduct or requested action from the University.

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.

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.

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.

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

² Terms and definitions reflect those of policy in place during the timeframe of the report. Current policy terms and definitions can be found at www.gvsu.edu/titleix/policy.

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.

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.



Office for Title IX & Institutional Equity

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