

**FREQUENTLY ASKED QUESTIONS**  
**REGARDING SEXUAL MISCONDUCT AT GVSU**  
**Questions Regarding the Interim Sexual Misconduct Policy**

**Why is GVSU implementing an Interim Sexual Misconduct Policy?**

GVSU has created this policy to provide greater clarity of its procedures regarding reporting, investigating, adjudicating, and remedying issues of sexual misconduct. This policy is also designed to help streamline the investigation and remedial process to provide prompt and thorough responses to incidents of sexual misconduct while protecting the due process rights of members of the University Community.

GVSU will seek the partnership of students, faculty, and staff in our community in creating and implementing a permanent Sexual Misconduct Policy.

**What is covered by the Interim Sexual Misconduct Policy?**

The Interim Sexual Misconduct Policy addresses incidents of sexual assault, dating/domestic violence, and stalking.

**What is “Sexual Assault” under the Policy?**

Sexual assault is defined as “intentional bodily contact that is without consent and/or by force (either by body part or by object) with the breasts, buttocks, groin, inner thigh or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts.”

**What is “Consent” under the Policy?**

Under the Sexual Misconduct Policy, consent to sexual activity is defined as:

Clear, unambiguous, and voluntary agreement between the participants to engage in specific sexual acts. Consent cannot be inferred from the absence of a “no.” A clear “yes,” verbal or otherwise, is necessary. Silence, passivity, or lack of active resistance does not imply consent.

Consent must be clear and unambiguous for each participant throughout any sexual encounter. Consent to some sexual contact does not imply consent to others, nor does past consent to a given act imply ongoing or future consent. Consent can be revoked at any time.

Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. Consent cannot be obtained by intimidation, threat, coercion, or force. Agreement given under such conditions does not constitute consent.

### **What is “Dating/Domestic Violence” under the Policy?**

Under the Policy, Dating/domestic violence constitutes “behavior or physical force that intimidates, manipulates, isolates, frightens, terrorizes, coerces, threatens, hurts, injures or wounds someone in order to obtain and/or maintain power or control over another. It is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the other person and where the existence of such a relationship is determined based upon the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.”

### **What is “Stalking” under the Policy?**

Under the Policy, “stalking” means “engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress because of fear, intimidation, apprehension or threat. It is the willful course of conduct over time that involves repeated or continuing harassment made against the expressed wishes of another.”

## **Investigation and Remedial Measures**

### **Who is the University's Title IX Coordinator?**

Dwight Hamilton, J.D., is GVSU’s Associate Vice President for Affirmative Action and Title IX Coordinator. His office is 4035 James H. Zumberge Hall, 1 Campus Dr. Allendale, MI 49401-9403. His phone number is 616-331-2242 and his email is [hamilt dw@gvsu.edu](mailto:hamilt dw@gvsu.edu).

### **What is the role of the Title IX Coordinator?**

GVSU’s Title IX Coordinator is responsible for monitoring and oversight of the overall implementation of the University’s Title IX compliance, including the coordination of training, education, communications, and the administration of grievance procedures for faculty, staff, students, and other members of the University community.

Grand Valley State University is required under Title IX to prevent and address sexual discrimination, which includes sexual harassment and sexual misconduct, against students, faculty, and staff whether perpetrated by peers or by employees of the institution. Accordingly, if you have experienced sexual misconduct by another member of the GVSU community, you

should file a complaint with the Title IX Coordinator in the Office of Affirmative Action. The Title IX Coordinator also conducts investigations of sexual misconduct complaints.

### **Who conducts investigations of sexual misconduct?**

Under the Policy, the Title IX Coordinator will appoint an investigator to conduct a thorough fact-finding investigation. That typically includes meeting separately with the Complainant, the Respondent, the Reporter (if applicable), witnesses and reviewing other pertinent information. At any time during the investigation the Complainant, Respondent or any witness may provide a written statement or other supporting materials. Any person involved in the investigation may have a support person present during any meeting.

### **When will a Title IX investigation occur?**

A Title IX investigation will occur if the accused individual is a faculty, staff, or student or another member of the University community. The Title IX Coordinator, however, does not have the authority to compel the participation of accused individuals who have no relationship with the University. Victims of sexual misconduct that are members of the University community will have access to supportive resources regardless of the alleged assailants connection or lack thereof to the University community.

### **Can a Title IX Investigation occur when the sexual misconduct took place off-campus?**

Yes. Provided that both the victim and the assailant are members of the University community, Title IX investigations may occur regardless of where the incident happened.

### **If I am a victim of a sexual assault, do I have to pursue a Title IX or criminal investigation?**

No. Although the University encourages victims of sexual misconduct to report incidents and pursue both Title IX and criminal investigations, it will not compel them to participate.

If the Complainant requests confidentiality or asks that the report of sexual misconduct not be pursued, the University will, before taking any further investigative steps, forward that information, along with all available information about the report, to the Title IX Coordinator. The Title IX Coordinator is charged with balancing the University's commitment to supporting survivor/victim-centered practices with its equally strong commitment to providing due process to the Respondent and promoting a safe University community.

### **How long will the investigation and remedial process take?**

A number of factors (including the number and availability of witnesses, severity of the incident, the time elapsed between the incident and when it was reported, etc.) can influence the amount of time it may take to investigate a report of sexual misconduct and bring it to conclusion. Once the University receives a complaint or report of possible sexual misconduct, it will strive to complete its investigation within 60 days. If the investigation cannot be completed within that time frame,

the Complainant and the Respondent will be advised. If the investigation results in a Finding that sexual misconduct occurred, the University strives to complete the sanctioning process within 15 days.

**Is the Title IX investigation the same as the criminal justice process?**

No. The Title IX investigation process is separate and distinct from a criminal investigation. A Complainant may pursue a Title IX investigation and a criminal investigation with an appropriate law enforcement agency, and may choose one type of investigation, or may choose not to pursue either. The Title IX investigation has no impact on a criminal investigation that would be handled separately by law enforcement. The University does, however, encourage anyone who believes they have experienced a sexual assault, or any other crime, to make a report to the Grand Valley Police Department or other appropriate police agency.

**What are the possible outcomes of an Investigation?**

Once the Investigator has rendered a Finding regarding whether the Respondent has violated the Student Code and the Finding has been reviewed by the Title IX Coordinator, a summary of the Finding will be provided to the Complainant and the Respondent. If the Respondent has been found responsible for sexual misconduct, the University will assess remedial actions designed to eliminate the misconduct, its recurrence and remedy its effects while supporting the University's educational mission and Title IX obligations. Both Complainants and Respondents may appeal the remedial measures.

**What are the possible remedial actions for a sexual misconduct?**

Any student who violates this Policy will be subject to a range of remedial actions that range from probation to expulsion, depending on the severity of the incident, and taking into account any previous Student Code violations. Remedial actions may include, but are not limited to, one or more of the following: formal reprimand, disciplinary probation, restriction from University employment, educational project (which may only be assigned where a suspended Respondent seeks re-admittance to the University), removal from specific courses or activities, University housing transfer or removal, professional assessment, removal or non-renewal of academic scholarship, restrictions from entering specific University areas and/or all forms of contact with certain persons, suspension, and expulsion

**Will the University take any steps to protect the Complainant while the Investigation is occurring?**

Yes. The University may also implement interim interventions, as may be appropriate for the individuals involved and for the larger University community. These interventions may include letters instructing both the Complainant and the Respondent not to contact one another, separation of the Complainant's and Respondent's academic, employment, and living situations,

or other interventions. These interim interventions may be kept in place until the end of any investigation and/or any subsequent corrective actions.

**Does the Policy prohibit retaliation against individuals who report an incident of sexual assault?**

Yes, Any attempt to retaliate against an individual who reports an incident of sexual misconduct, files a complaint, or participates in an investigation of sexual assault is prohibited by this Policy and by law. Parties that engage in retaliation are subject to the same remedial actions.

**What if I'm an employee at the University and I have become aware of an incident of sexual misconduct?**

All members of the university community are encouraged to report sexual misconduct. The University is committed to responding to any report of sexual misconduct made to a non-confidential university employee. Reports will be referred to the University's Title IX Coordinator for review.