

# Grand Valley State University Campuses

## 2024 Annual Security Report

*Statistical Information 2021, 2022, 2023*

### **HOLLAND MEIJER CAMPUS**



GRAND VALLEY  
STATE UNIVERSITY®

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# Annual Security Report 2024 for the Holland Meijer Campus

## Campus Security Information — Grand Valley State University

Grand Valley State University is a community of approximately 22,200 students and 3,350 full and part-time faculty and staff. The main campus is located midway between Grand Rapids and Lake Michigan in the township of Allendale, Michigan. Classes are offered on the Allendale Campus, the Robert C. Pew and Health Campuses in Grand Rapids, the Frederik Meijer Campus in Holland, the Traverse City Regional Center in the Northwestern Michigan College University Center in Traverse City, and the Detroit Center Campus in Detroit Residential student housing is available on the Allendale Campus and the Robert C Pew Grand Rapids Campuses. The University also operates two research centers in Muskegon: the Robert B. Annis Water Resources Institute in the Lake Michigan Center and the Muskegon Innovation Hub. It should be noted that all policy statements contained in this report apply to the Holland Meijer Campus unless otherwise stated.

The Holland Meijer Campus is located at 515 S. Waverly Rd in Holland, Michigan. The campus is the main location for the Grand Valley State University Police Academy. There are no non-campus facilities or residential facilities associated with the Holland Meijer Campus.

University campuses, regional centers and research centers are considered to be safe. They are, however, subject to many of the same problems that occur in the surrounding communities. Grand Valley's crime rate is very low in comparison to the national average, as well as other state universities.

Grand Valley is concerned about the wellbeing of everyone on its campuses and has prepared this information to increase your awareness of the current programs that exist for your protection.

The University employs a professionally trained, licensed police force on the Allendale Campus and Grand Rapids Campuses. The Grand Rapids Campuses have professionally trained security staff. Both the Grand Valley Police Department and Grand Valley Security staff are under the umbrella of the Grand Valley State University Department of Public Safety. The Grand Valley State University Department of Public Safety collaborates or interacts on safety related issues with law enforcement or campus security at the research and regional centers where classes are held. The Department encourages all students, faculty, and staff to be alert and aware, and responsible for themselves and their community.

The University also employs a specialized team through the Office for Title IX and Institutional Equity which responds to disclosures of sexual misconduct and harassment in the GVSU community. The Title IX Coordinator is specifically trained to implement policy prohibiting, and procedures responding to, harassment, discrimination, retaliation, and sexual misconduct involving University employees or students, including providing supportive measures, resources, and university resolution if desired.

## Preparing the Annual Crime Statistics Report

The procedures for preparing the annual disclosure of crime statistics include reporting data to the University community obtained from the following sources: the Department of Public Safety, local law enforcement agencies, non-police University Campus Security Authorities, the Office for Title IX and Institutional Equity, or anonymous reporting through the University or Silent Observer. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. Training is provided and a written request for statistical information is made to all Campus Security Authorities on an annual basis.

All the statistics are gathered, compiled, and reported to the University community via this report, which is published by the Department of Public Safety. The Department of Public Safety submits the annual crime statistics published in this brochure to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website at <https://ope.ed.gov/campussafety/#/>.

## Police and Security Services

The primary responsibility for law enforcement on the Holland Meijer Campus rests with the Holland Department of Public Safety. The Grand Valley Police Department does have full law enforcement authority at the Holland Meijer Campus and will respond as necessary.

## Reporting Criminal Incidents

### **Emergencies and Criminal Activity**

Criminal, medical, police and fire emergencies on the Holland Meijer Campus should be reported to the Holland Department of Public Safety by calling 911. Any student, faculty or staff member is encouraged to report all non-emergency criminal incidents accurately and promptly by calling the University's Department of Public Safety at (616)331-3255. It is important that accurate information be given. Criminal activities may be reported anonymously to Silent Observer in Ottawa County toll free at (877)88-SILENT or (877)887-4536 or at <http://www.ocda.org/silent-observer/>.

Criminal activities occurring on any GVSU property may also be reported anonymously to the University via GVSU Anonymous Reporting online at <https://secure.ethicspoint.com/domain/media/en/gui/46022/index.html>.

Criminal incidents occurring at campus properties owned or controlled by Grand Valley State University should also be reported to the Grand Valley Police Department.

- Police, Fire, Emergency      911
- Public Safety Services      (616) 331-3255

The University encourages accurate and prompt reporting of all crimes to the Grand Valley Police Department or the appropriate police agencies when the victim of a crime elects to, or is unable to, make such a report. Crimes should be reported to the Grand Valley State University Police Department or Grand Valley Security staff to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community when appropriate.

## **Campus Security Authorities**

While victims of crimes are encouraged to report incidents directly to the Grand Valley State University Department of Public Safety, some members of the campus community are identified as Campus Security Authorities (CSA). Nearly five hundred University members have been identified and receive annual training for reporting criminal incidents that have come to their attention to the Department of Public Safety to ensure inclusion of statistics into the Annual Security and Fire Safety Report, along with providing timely warning notices to the community when appropriate. While not defined in statute, regulations provide that CSAs include campus police or security department personnel; individuals or organizations identified in institutional security policies; and individuals with security-related responsibilities. The definition at § 668.46(a)(iv) states that a CSA also includes an official "who has significant responsibility for student and campus activities."

Primary CSAs at Grand Valley State University include, but are not limited to, the professional staff working in the Department of Public Safety, Office of Student Affairs, Office of Student Life, the Office for Title IX and Institutional Equity, Athletic coaches, Director of Housing along with Living Center Directors, Graduate Assistants and Resident Assists working in on campus residential housing.

## **Confidential Reporting**

### **University Counseling Center**

The Grand Valley State University Counseling Center has physical locations at 206 Student Services on the Allendale Campus and 101B DeVos on the Pew Grand Rapids Campus. University Counseling Center does not have a physical location at the Holland Meijer Campus; however, their services are offered to all currently registered GVSU students free of charge.

It is the policy of the University Counseling Center that the confidentiality of counseling relationships is consistent with accepted professional standards of the American Psychological Association, the American Counseling Association, the National Association of Social Workers and with local, state, and federal statutes.

Consistent with the policy of the University Counseling Center, no information regarding a client counseling relationship shall be divulged unless prior written or verbal consent is obtained from the client (Homeland Security may require that the University Counseling Center not inform clients in certain cases). However, confidentiality of the counseling relationship will be broken if such disclosure:

- is necessary to protect the client from imminent physical danger;
- is necessary to protect an identified individual(s) from imminent physical danger (e.g., homicide, engaging in unprotected sex with HIV-positive status [assess risk factors and consult legal counsel for cases involving HIV-positive status]);
- is required to report current child or elder abuse; or
- is necessary in instances when the courts order a disclosure of records.

Professional Counselors have not been identified as persons to whom crimes should be reported. There is no requirement for professional counselors to inform people who they are

counseling of procedures to report crimes on a voluntary or confidential basis for inclusion in the annual disclosure of crime statistics.

### **Employee Ombuds**

The Grand Valley State University Office of the Employee Ombuds has physical locations at 133 Lake Michigan Hall on the Allendale Campus and 568 Cook-DeVos Center for Health Sciences on the Grand Rapids Health Campus. The Office of the Employee Ombuds does not have a physical location at the Traverse City Regional Center; however, their services are available to faculty and staff at all locations with virtual appointments.

The Office of the Ombuds holds all communication with those seeking assistance in strict confidence to the extent feasible and lawful and takes all reasonable steps to safeguard confidentiality. The employee ombuds prepares data and/or reports in a manner that protects confidentiality. The employee ombuds may break confidence where action is required to prevent serious harm. This is typically limited to situations where there is imminent risk of suicide, homicide, child abuse, or other similar situations. Speaking with an employee ombuds does not constitute legal notice to the university of any problem, concern, or complaint. The ombuds neither acts as agent for, nor accepts notice on behalf of, the organization and shall not serve in a position or role that is designated as a place to receive notice on behalf of the organization. However, the ombuds may refer individuals to the appropriate place where formal notice can be made.

The employee ombuds has not been identified as a person to whom crimes should be reported. There is not a requirement for the employee ombuds to inform people they are speaking with of procedures to report crimes on a voluntary or confidential basis for inclusion in the annual disclosure of crime statistics.

### **Pastoral Counselors**

As Grand Valley State University does not employ pastoral counselors, there are no procedures regarding the reporting of crimes or confidentiality by pastoral counselors.

The Department of Public Safety encourages anyone who is a victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, The Department of Public Safety cannot hold reports of crime in confidence. No other form of confidential reporting is currently available on the campus.

## **Non-Campus Locations**

There are no non-campus properties or locations associated with the Holland Meijer Campus.

## **Campus Notifications**

Grand Valley State University is committed to the safety of its students, faculty, and staff. The University may be required to issue a Timely Warning, Emergency Notification or Safety Notice to the campus community in response to certain conditions or incidents. The Grand Valley State University emergency notification system, also known as GVSUAlert! uses email, phone, or text alerts to inform the campus community about emergency or imperative information. All Grand Valley State University community members are automatically signed up for GVSUAlert!

notifications via email and receive notifications for all campuses. Users who have their cellphones on file in the University Banner database may receive a text message alert in the event of an Emergency Notification. Members of the community are given the option to add phone numbers at any time to receive phone and text alerts. Students can also add family members to their notification list. Account access is available online at: [www.gvsu.edu/gvsualert](http://www.gvsu.edu/gvsualert).

The Department of Public Safety annually requests local law enforcement to notify the University immediately of any crimes or dangerous situations that may require a GVSUAlert! notice to the campus community.

## Emergency Notifications

Emergency Notifications, as defined, are triggered as soon as there is confirmation of a dangerous situation or emergency involving an immediate threat to the health or safety of students, employees, or visitors. In the event of an emergency, the Grand Valley State University Department of Public Safety will issue, without delay, an emergency notification to the appropriate segment(s) of the University community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus. Grand Valley State University Department of Public Safety will determine the content of the notification and will initiate the notification system, taking into account the health or safety of the community, unless issuing a notification will, in the professional judgment of the appropriate authorities listed below, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

The Director of the Department of Public Safety or their designee is responsible for the following:

- Determine if an Emergency Notification is warranted:
  - Confirm with the assistance of key campus administrators, local first responders, or the National Weather Service that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.
- Author and authorize the content of the first notification message.
- Have the notification immediately sent by appropriate method:
  - The Department of Public Safety identifies the problem, determines the appropriate segment(s) of the campus community to receive the notification and sends out a notice on the GVSUAlert! system, or by initiating a fire alarm, using a public address system, face to face communication, or other method reasonably intended to notify the campus community. The Department of Public Safety communicates with University Communications staff who will then take over the task of additional messaging on the GVSUAlert! to the campus community. If University Communications staff are not able to send out a second message due to unforeseen events, they will communicate with the Department of Public Safety and request a message be sent. Members of the larger community including parents and neighbors are encouraged to view information posted electronically on the University website and through local media.
- Contact the Assistant Vice President for University Communications, Media and Public Relations, or designee(s). University Communications staff will post follow up

information on the University's website which may include the [GVSU Emergency webpage](#), [GVSU home page](#), and the news page, [GVNext](#). University Communications may also send out follow up information utilizing the GVSUAlert! notification system as warranted. GVSU social media channels may be utilized.

If there is an immediate threat to the health or safety of students or employees occurring on campus, the University must follow its emergency notification procedures. When the University follows its emergency notification procedures, it is not required to issue a timely warning based on the same circumstances; however, the University must provide adequate follow-up information to the community as needed.

The University tests the emergency response and evacuation procedures annually. These tests may be announced or unannounced. The University will publish a summary of the emergency response and evaluation procedures in conjunction with at least one test per calendar year. Each test is documented including the description of the exercise, the date and time of the exercise and whether it was announced or unannounced.

The Department of Public Safety has developed and maintains a Comprehensive Emergency Management Plan (CEMP) to effectively provide mitigation, preparedness, prevention, and recovery from all hazards.

Departments are provided with an Emergency Procedure Manual. The Manual is also available on the GVSU Emergency website at <http://www.gvsu.edu/emergency/emergency-procedure-manual-13.htm>.

Individuals can report emergencies occurring at any GVSU campus by calling 911.

## **Timely Warning Notice Policy**

The Grand Valley State University Director of Public Safety or designee is responsible for determining whether criminal activity reported to the Department of Public Safety or other campus security authorities represents a serious or continuing threat to the campus community. When the Department of Public Safety determines that there may be a serious or continuing threat to the health or safety of on-campus students, employees, or visitors, they will notify the Assistant Vice President for University Communications, Media and Public Relations, or designee. The Assistant Vice President for University Communications, Media and Public Relations, or designee will work with Public Safety staff to develop the message. The Assistant Vice President for University Communications, Media and Public Relations, or designee will authorize and send out a timely warning message. Timely warnings are issued in the event that a Clery reportable crime or other criminal activity occurs on or within GVSU Clery geography (on-campus, public, and non-campus property) that, in the judgment of the Department of Public Safety in consultation with other campus security authorities when time permits, constitutes a serious or continuing threat.

GVSU typically issues/posts Timely Warnings for incidents of:

- Criminal Homicide
- Aggravated Assault (cases involving assaults among known parties such as two roommates fighting which results in an aggravated injury will be evaluated on a case-by-



case basis to determine if the individual is believed to be an on-going threat to the larger University community)

- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Crime Alert but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by Public Safety Services)
- Major incidents of arson
- Other crimes as determined necessary by the Director of Public Safety Services or their designee in their absence.

Timely warning notices will be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. If the information is reported to the Department of Public Safety after the passage of time, such that the Department of Public Safety reasonably believes there is no longer an imminent threat, a timely warning will not be issued. The institution is not required to issue a Timely Warning with respect to crimes reported to a professional counselor or other individuals that have no obligation to report to the University.

The method of communication by which the timely warning is provided varies depending on the specific circumstances of the crime and the potential threat to safety. Timely warnings normally will be sent via email to the campus community. The GVSUAlert! notification system may also be used to deliver voice messages, texts to phones, along with delivering emails as directed by individuals who sign up to receive notices from the system. An announcement of the crime may be posted on the Grand Valley State University Emergency website at <http://www.gvsu.edu/emergency>. The University may also provide formal press releases to various media outlets in the surrounding area.

## **Safety Notice**

Grand Valley Public Safety, in consultation with the Assistant Vice President of University Communications, Media and Public Relations, or designee, may elect to issue a safety notice to members of the University when it is determined there is a reoccurring series of criminal activity, a disruption to operations, or incidents occurring off University grounds that impact the campus community. Safety notices are normally sent via email to the campus community. The GVSUAlert! notification system may also be used to deliver voice messages, texts to phones, along with delivering emails as directed by individuals who sign up to receive notices from the system. Examples include but are not limited to criminal activity, utility outages or other safety related incidents.

## **Evacuation Procedures**

To protect the campus population from the effects of critical events, protective action recommendations or evacuation instructions may be issued by the Department of Public Safety and local emergency response authorities. These instructions may order sheltering or evacuation for individual buildings, regions of campus, or campus wide.

It is important to remember that evacuations and sheltering are issued only if the safety and wellbeing of the University community is at serious risk. Grand Valley State University asks that you follow all instructions and guidance from first responders. Members of the Grand Valley State University community are encouraged to become familiar with recommended sheltering and evacuation procedures and locations.

The campus community will be notified of evacuation and sheltering decisions via building annunciators, strobe alarms, a building or vehicle public address (PA) system, or the various methods of the GVSUAlert! emergency notification system.

Each University building has designated department emergency coordinators to assist in an orderly evacuation and/or sheltering of the campus community if necessary.

The University uses a few modes of evacuation and sheltering:

### **Evacuation**

The most likely need for evacuation from a University building is in response to a fire. When an evacuation/fire alarm sounds, all University operations in that building are suspended, and building occupants should stop what they are doing. LOOK – LISTEN – GO is a concept to make sure it is safe to evacuate before blindly walking out. Occupants not sensing any danger should then follow overhead EXIT SIGNS to the nearest exit.

### **Lockdown**

During a threatening incident, members of the community should stop what they are doing and move to the safest room in the area. The door(s) should be locked if possible and/or barricaded with anything available in the room.

Turn off lights and remain quiet. Keep away from windows and doors, and out of sight lines. Do not allow anyone in or out of the room until an ALL-CLEAR is issued. Maintain situational awareness and be prepared to execute further action (e.g., run-hide-fight) as good judgment dictates.

### **Sheltering**

Community members may be required to shelter INSIDE a building rather than conduct an evacuation.

- **Tornado Warning – SEEK SHELTER**

Tornado warnings are identified by the sounding of outdoor warning sirens as well as a GVSUAlert! emergency notification. All University staff and students are encouraged to respond promptly to the sounding of the sirens and seek shelter in a designated safety location. All University operations and classroom activities are suspended during a tornado warning.

- **Outdoor Dangers – SHELTER-IN-PLACE**

A dangerous incident outdoors, such as a chemical spill, may require sheltering inside a building rather than evacuating. In such instances, evacuating may expose you to danger. "Shelter-in-place" means to shelter in a safe area where you are currently located.

- If inside a building, stay where you are.
- If outdoors, proceed into the nearest building. Locate an interior room above ground level, shut and lock all windows and close exterior doors. Turn off ventilation devices. Monitor social media, the [GVSU Emergency website](#), radio, and TV for additional information.

### **Evacuation of Persons with Disabilities**

Persons with disabilities have the primary responsibility for requesting assistance. Staff should plan in advance if any students or other staff require assistance during an emergency. When an evacuation/fire alarm sounds, an instructor or supervisor should direct students and staff with disabilities to the nearest area of rescue assistance or an enclosed stairway to await evacuation assistance if necessary. Moving people in wheelchairs down a stairway should only be conducted by trained personnel. One individual may remain with a person with a disability if this can be done without unreasonable personal risk. Others should evacuate the building and advise first responders of the location of persons remaining in the building so that the emergency personnel may complete the evacuation. During an emergency, elevators should not be used to move persons with disabilities.

### **Training**

All instructional staff are provided training on sheltering and evacuation procedures prior to the start of each academic year in accordance with Michigan State Law.

Visit <https://www.gvsu.edu/emergency/> for more information on what to do during a critical event.

## **Missing Student Notification Policy and Procedure**

The missing student notification policy and procedure applies to all Grand Valley State University students who reside in on-campus housing. There are no on-campus housing facilities located on the Holland Meijer Campus.

## **Sexual Assault, Dating Violence, Domestic Violence and Stalking**

Grand Valley State University does not discriminate on the basis of sex in its educational programs. Sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not. These include dating violence, domestic violence, and stalking. As a result, Grand Valley State University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and regardless of when it is reported to a University campus security authority. In this context, the University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the University community. Questions regarding University policies prohibiting and procedures responding to harassment, discrimination, retaliation, and sexual misconduct should be directed to the University [Title IX Coordinator](#).

## **Definitions**

**Consent:** The term consent is not defined in law by the State of Michigan. However, State of Michigan courts through jury instructions have identified the term consent as: "...a person consents to a sexual act by agreeing to it freely and willingly, without being forced or coerced."

**The University Interim Policy Prohibiting Discrimination, Harassment, and Misconduct for all Faculty, Students, Employees, and Third Parties definition of consent:** Consent is defined as knowing, and voluntary, and clear permission expressed by word or action prior to engaging in and during sexual activity.

Consent is active, not passive. Silence, or lack of resistance, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in sexual activity.

Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent may be withdrawn at any time as long as the withdrawal is reasonably and clearly communicated by word or action. If consent is withdrawn, that sexual activity should stop.

Previous relationships or prior consent cannot imply consent to future sexual acts. Consent cannot be given by an individual who one knows to be – or based on the circumstances should reasonably have known to be – incapacitated.

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

An individual cannot consent who has been coerced, including being compelled by force, threat of force, or deception; who is unaware that the act is being committed; or who is coerced by a Supervisory or disciplinary authority.

Consent may not be given by a person who has not reached the legal age of consent under applicable law. Being impaired by alcohol or drugs will never function as a defense for any behavior that violates this Policy.

Proof of consent or non-consent is not a burden placed on either party involved in a Complaint. Instead, the burden remains on GVSU to determine whether its Policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Going beyond the boundaries of consent is prohibited misconduct. Thus, unless a sexual partner has consented to slapping, hitting, hair pulling, strangulation, or other physical roughness during otherwise consensual sex, those acts may constitute dating violence or sexual assault.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**The State of Michigan definition for rape:** Rape is incorporated within the State of Michigan definition for sexual assault listed below.

**The University Interim Policy Prohibiting Discrimination, Harassment, and Misconduct for all Faculty, Students, Employees, and Third Parties definition for rape:** Penetration, no matter how slight, of the vagina or anus of the Complainant, with any body part of the Respondent or by Respondent's use of an object, or oral penetration of the Complainant by a sex organ of Respondent, without the consent of the Complainant.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's National Incident-Based Reporting System (NIBRS). Per the NIBRS User Manual, A sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim if incapable of giving consent".

- *Fondling* - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental capacity.
- *Incest* - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Statutory Rape* - Sexual intercourse with a person who is under the statutory age of consent.

**The State of Michigan identifies sexual assault as:** Criminal Sexual Conduct (CSC). There are four degrees of CSC: First and Third Degrees require sexual penetration; Second and Fourth Degrees require sexual contact.

"Sexual contact" includes the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for revenge, to inflict humiliation, or out of anger.

"Intimate parts" includes the primary genital area, groin, inner thigh, buttock, or breast of a human being.

"Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emission of semen is not required.

(*Michigan Penal Code, Act 328 of 1931, 750.520a*)

**The University Interim Policy Prohibiting Discrimination, Harassment, and Misconduct for all Faculty, Students, Employees, and Third Parties definition of sexual assault:** Prohibited conduct as described by the definitions of rape, fondling, incest, statutory rape, dating violence, or domestic violence.

Fondling: the touching of the private body parts of the Complainant (buttocks, groin, breasts), by the Respondent for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental incapacity.

Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Michigan law.

Statutory Rape: sexual intercourse with a person who is under the statutory age of consent of 18.

**Domestic Violence:** Felony or misdemeanor crimes of violence committed:

1. By a current or former spouse or intimate partner of the victim.
2. By a person with whom the victim shares a child in common.
3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
5. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

**State of Michigan definition:**

- "Domestic violence" or "offense involving domestic violence" means an occurrence of one or more of the following acts by a person that is not an act of self-defense:
  - Causing or attempting to cause physical or mental harm to a family or household member.
  - Placing a family or household member in fear of physical or mental harm.
  - Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force or duress.
  - Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.
- "Family or household member" means any of the following:
  - A spouse or former spouse.
  - An individual with whom the person resides or has resided.
  - An individual with whom the person has or has had a child in common.
  - An individual with whom the person has or has had a dating relationship. As used in this paragraph, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.

*(Michigan Code of Criminal Procedure, Act 175 of 1972, [768.27b](#))*

**[The University Interim Policy Prohibiting Discrimination, Harassment, and Misconduct for all Faculty, Students, Employees, and Third Parties](#) definition of domestic violence:**

violence on the basis of sex, gender identity or sexual orientation committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Michigan, or by a another personal against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Michigan.

**Dating Violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with the consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

- Dating violence includes but is not limited to sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of Domestic Violence.

**State of Michigan definition:** "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context. (*Michigan Code of Criminal Procedure, Act 175 of 1972, 768.27b*)

**The University Interim Policy Prohibiting Discrimination, Harassment, and Misconduct for all Faculty, Students, Employees, and Third Parties definition of dating violence:** violence on the basis of sex, gender identity, or sexual orientation committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for their safety or the safety of others; or
- Suffer substantial emotional distress.

*For purposes of this definition-*

- **Course of Conduct** means two or more acts, including but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- **Reasonable Person** means a reasonable person under similar circumstances and with similar identities to the victim.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**State of Michigan definition:** "Stalking" means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and

that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

- “Course of conduct” means a pattern of conduct composed of a series of two or more separate non-continuous acts evidencing a continuity of purpose.
- “Emotional distress” means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
- “Harassment” means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.
- “Unconsented contact” means any contact with another individual that is initiated or continued without that individual’s consent or in disregard of that individual’s expressed desire that the contact be avoided or discontinued. (Examples of unconsented contact are included in the Act.)

*(Michigan Penal Code, Act 328 of 1931, Sec [750.411h](#))*

**The University Interim Policy Prohibiting Discrimination, Harassment, and Misconduct for all Faculty, Students, Employees, and Third Parties definition of stalking:**

Engaging in a course of conduct on the basis of sex, gender identity, or sexual orientation directed at the Complainant that would cause a reasonable person to fear for the person’s safety, or the safety of others; or suffer substantial emotional distress. For the purpose of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

### **Education and Prevention Programs**

The University engages in comprehensive, intentional and integrated programming, initiatives, strategies and campaigns intended to prevent and end domestic violence, dating violence, sexual assault and stalking that:

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs and ongoing awareness and prevention campaigns for students and employees that:

- Identify domestic violence, dating violence, sexual assault and stalking as prohibited conduct.



- Define what behavior and actions constitute consent to sexual activity in the State of Michigan.
- Define consent and the purpose for which the definition is used.
- Define domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms.
- Provide safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- Provide information on risk reduction to identify options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Provide an overview of information contained in the Annual Security Report in compliance with the Clery Act which includes:
  - Procedures the person should follow if they are a victim/survivor of domestic violence, dating violence, sexual assault, or stalking, including preserving evidence, how and to whom the offense should be reported, options about the involvement of law enforcement and campus security authorities, and information on no-contact orders.
  - Written notification to students and employees about rights and options including existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims both on campus and within the community, along with how to request changes in academic, living, transportation, and working situations, or protective measures if they are reasonably available.
  - Procedures for University disciplinary action.
  - Possible sanctions or protective measures the University may impose.
  - Confidentiality of victims.

The University is committed to providing awareness programming to all members of the campus community surrounding Dating Violence, Domestic Violence, Sexual Assault, and Stalking. Unless otherwise noted, the following is a list of primary awareness and prevention programs that were offered to all incoming students and staff in 2022.

The University offered the following primary prevention programs for students and employees in 2023:

<b><u>Name of Program</u></b>	<b><u>Date Held</u></b>	<b><u>Students or Employees</u></b>	<b><u>Which Prohibited Behavior Covered?*</u></b>
How to Laker Training Modules	Fall 2023	Students	SA, S, DoV, DaV

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, and S means Stalking

The University offered the following ongoing awareness and prevention programs for students and employees in 2023:

<b><u>Name of Program</u></b>	<b><u>Date Held</u></b>	<b><u>Students or Employees</u></b>	<b><u>Which Prohibited Behavior Covered?*</u></b>
Talk Back Tuesday: Healthy Relationships	2/7/23	Students, Employees	SA, S, DoV, DaV
Supporting Victim/Survivors Workshop	4/3/23	Students, Employees	SA, S, DoV, DaV
Plant Your Power	4/4/23	Students, Employees	SA, S, DoV, DaV
Community Resource Fair	4/5/23	Students, Employees	SA, S, DoV, DaV
Trauma Informed Yoga	4/6/23	Students, Employees	SA, S, DoV, DaV
Teal Out	4/7/23	Students, Employees	SA, S, DoV, DaV

<b>Name of Program</b>	<b>Date Held</b>	<b>Students or Employees</b>	<b>Which Prohibited Behavior Covered?*</b>
Diverse Populations Staff Meeting (OWS)	7/28/23	Students, Employees	SA, S, DoV, DaV
Housing and Residence Life Professional Staff Behind Closed Doors – Victim Advocacy	8/3/23	Employees	SA, S, DoV, DaV
Housing and Residence Life RA Training – Violence Prevention Education/Victim Advocacy	8/16/23	Students, Employees	SA, S, DoV, DaV
Behind Closed Doors	8/17/23	Students, Employees	SA, S, DoV, DaV
Center for Women and Gender Equity New Staff Training	8/21/23	Students	SA, S, DoV, DaV
Black Excellence Orientation	8/22/23	Students, Employees	SA, S, DoV, DaV
Laker Familia Orientation	8/22/23	Students, Employees	SA, S, DoV, DaV
Social Justice Centers New Staff Training	8/25/23	Students	SA, S, DoV, DaV
Social Justice Centers Open House	8/25/23	Students	SA, S, DoV, DaV
NCAA Training Session 1	8/29/23	Students	SA, S, DoV, DaV
University Counseling: Meet the Advocate	9/8/23	Employees	SA, S, DoV, DaV
NCAA Training Session 3	9/12/23	Students	SA, S, DoV, DaV
Co-Advocate Training Part 1	9/12/23	Students, Employees	SA, S, DoV, DaV
Talk Back Tuesday: Meet the Staff	9/12/23	Students	DaV, SA
Ignite Tabling	9/15/23	Students	SA, S, DoV, DaV
NCAA Training Session 4	9/19/23	Students, Employees	SA, S, DoV, DaV
Co-Advocate Training: Title IX Hearing Advisor Training	9/26/23	Students, Employees	SA, S, DoV, DaV
Domestic Violence Awareness Month Visual Campaign	10/3/23	Students, Employees	DaV, DV
Talk Back Tuesday: Demystifying Domestic Violence	10/10/23	Students, Employees	SA, S, DoV, DaV
Surviving or Thriving? Let's Talk About It!	10/12/23	Students	SA, S, DoV, DaV
Co-Advocate Monthly Training	10/13/23	Students, Employees	SA, S, DoV, DaV
Letter of Support for Survivors	10/17/23 & 10/19/23	Students, Employees	DaV, DV, SA
FIT 100 Guest Lecture: Healthy Relationships	10/18/23	Students	SA, S, DoV, DaV
FIT 100 Guest Lecture: Healthy Relationships	10/19/23	Students	SA, S, DoV, DaV
Femme Film Friday: And So I Stayed	10/27/23	Students	SA, S, DoV, DaV
Co-Advocate Training	11/13/23	Students, Employees	SA, S, DoV, DaV
Co-Advocate Training	11/16/23	Students, Employees	SA, S, DoV, DaV
Co-Advocate Monthly Training	11/17/23	Students, Employees	SA, S, DoV, DaV

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, and S means Stalking

Faculty, staff, and students of the Grand Valley State University community are encouraged to learn, practice and implement Bystander Intervention and Risk Reduction for specific situations. Following are some ways members of our community can help everyone be safe.

### **How to be an active bystander**

Active bystanders:

- Can intervene before sexual assault occurs.
- Can address sexist attitudes and beliefs to combat behavior that supports sexual violence.
- Are pro-social and intervene in ways that impact the outcome positively.
- Influence their peer group and community.

Simply checking in with someone can stop the momentum of something bad happening: *Hey, we're all trying to have a good time. Is everything okay here?*

In order to create a safer community, everyone can take steps to be an active bystander:

- Consider whether the situation demands some action.
- Identify the responsibility to act. Choose what form of assistance you can use to intervene.
- Listen and be open to a victim seeking help.
- Ask yourself, "If I were in this situation, would I want someone to help me?"
- Even small interventions can make a big difference in a questionable situation.
- Just distracting someone, saying something, checking in with a person, can stop a situation from escalating.
- Use your cell phone (or any phone) to contact 911.
- If you see or hear oppressive (sexist, homophobic, transphobic, racist, etc.) acts happening, speak up and challenge those statements.

### **Risk reduction**

If you become the victim of a crime, **it is not your fault**. Perpetrators, not victims, are responsible for dating violence, domestic violence, sexual assault, stalking, and other crimes.

There are some actions that may increase your sense of safety empowerment.

- Trust your instincts. Listen to your inner voice and act on it.
- You can't tell if someone has the potential to rape based on how they look or because they have been non-violent in the past.
- Ask yourself, "Am I able to say 'no'?" and, "Am I comfortable with what is happening?" If not, leave. Know and set your boundaries.
- Remember, you can reject what someone is doing without rejecting them.
- Get out of the situation as soon as you sense danger or feel afraid.
- Take assertiveness training and self-defense courses.
- Remember that **no ALWAYS means no**. Ask your partner if you are uncertain about what they are expecting. Do not give mixed messages; be clear.
- Set limits for yourself and your partner (e.g., "I will be home by 12:00," or, "Keep your hands above my waist.")
- Know that you have the right to say no **at any point** in any sexual act regardless of whether you have had sexual contact with that person before.
- Have a safety plan. Use the on-campus escort program ([Safewalk](#)).
- Avoid walking alone at night. Be aware of who is supplying your drinks and keep your drink on your person. Rape-facilitated drugs are tasteless, colorless, and odorless. Victims don't know they have ingested drugs until the effects are well under way.
- Attend and leave parties with friends you know and trust. Look out for each other. If you see someone who could be in trouble, speak up or call the authorities.
- At the first sign of danger, **call 911**.
- Be alert and aware of your surroundings at all times.

Things to always keep in mind during any sexual encounter:

- First, be respectful. Anytime you are uncertain whether your partner is comfortable with your behavior, ask! You can simply say, "Are you okay with this?"
- Assume that "no" means no. What's more, assume that "I'm not sure" means no and silence means no.
- Understand that a person who is incapacitated due to drugs or alcohol or due to a temporary or permanent physical or mental health condition is not legally capable of

giving consent. If the other person is not capable of making an informed decision, do not have sex.

- Recognize that your sexual needs do not give you the right to do whatever you want. Any sexual activity should be mutually desired.
- Be aware that committing rape has severe consequences. For your victim, there can be years of emotional trauma, unwarranted guilt, fear, and health risks. For the person committing the offense, sexual assault can lead to University conduct sanctioning, criminal charges, attorney expenses, and/or prison.

### **What to do if you have been the victim of sexual assault, dating violence, domestic violence or stalking**

It is not uncommon for a victim/survivor of sexual assault, domestic violence, dating violence and stalking to feel fearful, confused, guilty, ashamed or isolated. Many people find it helpful to talk with someone about their feelings and their options. There are many trained people at the University and in the community who are prepared to assist you.

You are encouraged to report incidents of sexual assault, dating violence, domestic violence, and stalking to the Grand Valley Department of Public Safety. Reporting incidents to the Grand Valley Police Department does not commit you to further legal action; the police will help whether or not you choose to prosecute the assailant. If you choose, the earlier you report these crimes to the police, the easier it will be for police to investigate the crime and to prosecute the case. Earlier reporting helps to preserve your options for the future. Those not wanting to report incidents directly to the police may wish to speak with campus resources including a Victim and Survivor Advocate through the Center for Health and Wellbeing or the Title IX Coordinator. You may also make a report via the Title IX Sexual Misconduct Report Form at [www.gvsu.edu/titleix/](http://www.gvsu.edu/titleix/). Additionally, you may make an anonymous report at GVSU Anonymous Reporting (<https://www.gvsu.edu/inclusion/reporting-incidents-160.htm>).

The Grand Valley Police Department officers can assist you in contacting a variety of University resources including Victim and Survivor Advocacy, the University Counseling Center, and with transportation to a nurse examiner program. A Victim and Survivor Advocate and officers at the Grand Valley Police Department can assistance in obtaining, and transportation to the court for, a personal protection order, or in contacting other law enforcement agencies if the assault did not occur on campus. Grand Valley Police officers and a Victim and Survivor Advocate can assist you by informing you of various options in reporting the incident and will respect the choices made by you, including non-reporting. If you request an investigation, a Victim and Survivor Advocate will contact appropriate personnel to assist. If you prefer to speak with a police officer of a specific gender, every reasonable attempt will be made to make one available.

Hospital treatment is recommended in situations where there is serious physical harm, including loss of consciousness or a blow to the head, continual bleeding following the assault, possible broken bones, a laceration requiring stitches, abdominal or chest pain present, pregnancy, or other serious medical or emergency conditions.

After an incident of rape, you should consider seeking medical attention as soon as possible from a specially trained nurse: Sexual Assault Nurse Examiners (SANE). A nurse examiner program is different from visiting an emergency room at a hospital. The nurse examiner programs provide free and confidential comprehensive medical exams to rape victims/survivors. During an examination, with your consent, evidence is collected by a specially trained nurse in a supportive

environment. In the State of Michigan, evidence may be collected even if you chose not to make a report to law enforcement. If you do not know if you wish to pursue a criminal investigation, it is still recommended that you visit a nurse examiner for health care concerns. In addition to collecting evidence, a nurse examiner can also provide emergency contraception, high-dose antibiotics to treat gonorrhea and chlamydia, and other important resources, such as counseling.

Although it is not an absolute deadline, it is strongly encouraged that physical evidence be collected within 120 hours. It is helpful if, as a victim/survivor of sexual assault, you consider not showering, bathing, douching, smoking, brushing your teeth, changing clothing, or cleaning the bed/linens/area where you were assaulted; but doing so does not disqualify you from an examination.

Any preserved evidence collected may be used to the proof of criminal activity or in obtaining a protection order. If possible, you should maintain the scene exactly as it was at the time of the assault if you intend to report the incident to the police. The collection of evidence does not presume that charges will be filed against the assailant; the filing of a criminal charge is always the choice of the victim/survivor.

### **Nurse Examiner Programs**

Ottawa County offers a Nurse Examiner Program free of cost through Resilience: Advocates for Ending Violence. Victims/survivors are encouraged to call in advance before going to any of the following locations. Someone is on call 24-hours a day. Resilience is not a hospital-based program.

**[Resilience: Advocates for Ending Violence](#)** (formerly Center for Women in Transition)

411 Butternut Drive

Holland, MI 49424

(616)392-1970 or (800)848-5991 (crisis line)

Victims/survivors of sexual assault, domestic violence, stalking and dating violence are encouraged to also preserve additional evidence by saving text messages, instant messages, social networking pages, and other communications, and keep pictures, logs, or other copies of documents, if they have any, that would be useful to University hearing boards/investigators or police. Although the University strongly encourages all members of its community to report violations to law enforcement, it is the victim/survivor's choice whether to make such a report, and the victim/survivor has the right to decline involvement with the police. If a victim chooses not to make a complaint regarding an incident, they nevertheless should consider speaking with the Grand Valley Department of Public Safety or other law enforcement to preserve evidence if the victim decides to report the incident to law enforcement or the University at a later date to assist in proving that the alleged criminal offense occurred or in obtaining a protection order. If the suspect is a student or employee member of the University community, victim/survivors have the option to file a complaint with the Title IX Coordinator. The University Title IX Coordinator is located at Suite 4015 Zumberge Hall, Allendale MI 40401, (616) 331-2242. The Title IX Coordinator is responsible for managing the University's compliance with Title IX requirements. Complaints involving assailants who are student and non-student members of the University community will be investigated by the Office for Title IX and Institutional Equity. The University's Policy Prohibiting Harassment, Discrimination, Retaliation, and Sexual Misconduct

(including sexual assault, intimate partner violence, stalking, and sexual exploitation), including a description of the grievance procedures can be located in the University Policies, <http://www.gvsu.edu/policies>.

Representatives from the Department of Public Safety, Victim and Survivor Advocacy, and the Office for Title IX and Institutional Equity are available to assist and will comply with a victim/survivor's request in notifying proper law enforcement authorities, including local and on-campus police if so desired.

For incidents involving sexual assault, dating violence, domestic violence, or stalking occurring on the Holland Meijer Campus, the Holland Department of Public Safety may be reached for emergencies by calling 911 or for non-emergencies by calling (616) 355-1100.

If made aware, the University will provide resources to a victim/survivor of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate policy. The procedures are intended to afford a prompt response to allegations of sexual assault, domestic or dating violence, and stalking, to maintain privacy and fairness consistent with applicable legal requirements, and to impose appropriate University sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making the investigation, possible prosecution, disciplinary proceedings, or obtaining protection orders from abuse related to the incident more difficult. If a victim/survivor chooses not to file a complaint regarding an incident, they nevertheless should consider speaking with a member of the Department of Public Safety staff or another law enforcement agency to preserve evidence in the event that the victim/survivor changes their mind at a later date.

For additional information, visit the Grand Valley State University Victim's Rights and Options website at [www.gvsu.edu/vro/](http://www.gvsu.edu/vro/).

### **Assistance for Victim/Survivors: Rights & Options**

Regardless of whether a victim student or employee elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information includes:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred,
- information about how the institution will protect the confidentiality of victims and other necessary parties,
- a statement that the institution will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims both within the institution and in the community,
- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures, and
- an explanation of the procedures for institutional disciplinary action.

Written information in pamphlet form is available at the Grand Valley Department of Public Safety, the Center for Women & Gender Equity, the Dean of Students Office, University Counseling Center, and the Office for Title IX and Institutional Equity. An online version is available at: [https://www.gvsu.edu/cms4/asset/0D813320-A27D-3F6D-4C756193BA75D4F3/2024update\\_21\\_0284\\_vrobroch.pdf](https://www.gvsu.edu/cms4/asset/0D813320-A27D-3F6D-4C756193BA75D4F3/2024update_21_0284_vrobroch.pdf). More information is available online at [www.gvsu.edu/vro](http://www.gvsu.edu/vro).

In the State of Michigan, a victim/survivor of domestic violence, dating violence, sexual assault, or stalking has the following rights if the case is prosecuted in the courts:

- The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.
- The right to timely disposition of the case following arrest of the accused.
- The right to be reasonably protected from the accused throughout the criminal justice process.
- The right to notification of court proceedings.
- The right to attend trial and all other court proceedings the accused has the right to attend.
- The right to confer with the prosecution.
- The right to make a statement to the court at sentencing.
- The right to restitution.
- The right to information about the conviction, sentence, imprisonment, and release of the accused.

*(Victims' Rights Act, PA 87 of 1985)*

The University complies with the law in the State of Michigan recognizing Personal Protection Orders. Grand Valley Police Department officers or a Victim and Survivor advocate will meet with members of our community to discuss how to obtain a Personal Protection Order. Grand Valley Police Department officers will transport members of the campus community who do not have any means of transportation to a local court to obtain the order. If obtained, Grand Valley Police Department officers will serve the order at no cost if the respondent is in the vicinity of the Allendale or Grand Rapids Campuses.

Members of the University who obtain a Personal Protection Order within the State of Michigan or any other state outside of Michigan against another person should contact and provide a copy of the order to the Department of Public Safety. The Department of Public Safety will keep the order on file and assist in directing the complainant to resources within the campus to develop a Safety Action Plan. Grand Valley Police Department, Housing, the Office for Title IX and Institutional Equity, and Victim and Survivor Advocates are resources available to assist in developing a plan. The plan is intended to reduce the risk of harm while on campus. The plan may include, but is not limited to change of academic, housing, transportation, working or other special safety factors on a case-by-case basis.

Personal Protection Orders can be obtained by petitioning a court. In a Personal Protection Order (PPO), a court orders another person to stop threats or violence against you. Generally, there are two types of PPO orders:

- Domestic/Non-Domestic PPO: A PPO is available if the person you want protection from is:
  - Your spouse or former spouse.
  - Someone with whom you have a child in common.

- Someone you are dating or dated in the past.
- Someone who lives now, or has ever lived, in the same household with you.
- Someone who sexually assaulted you.

It must be shown that this person is interfering with your personal freedom or has threatened or committed violence against you.

- Stalking PPO: A stalking PPO is available to protect you from anyone else who has engaged in a pattern of two or more acts without your consent that make you feel threatened, harassed, frightened, or molested.

A parent may not obtain either type of PPO against their minor child. A minor child is unable to obtain a PPO against a parent. In such cases, the county Juvenile Division of the Family Court should be contacted for support.

A State of Michigan guide for Personal Protection Orders is available online at: <https://www.michigan.gov/voices4/legal/ppo>.

Under circumstances where a community member does not wish to obtain a PPO for domestic or stalking incidents, yet does not want contact with another person, the Department of Public Safety can assist with a "No Contact/Cease and Desist" letter. To obtain such a letter, a community member is required to file a report with the Department of Public Safety summarizing the nature of the incident. The letter outlines that a community member is making notice to another person that the other person is prohibited from contacting the community member by various means, including in person, telecommunication devices, or by a third party. The document serves as notice that no contact is wanted. If contact continues, the letter has the potential to be used as evidence towards a criminal stalking complaint.

Individuals who are suspect in sexual assault, dating/domestic violence or stalking and are not part of the campus community may be trespassed from entering onto University property. The Department of Public Safety can assist with the trespass order. A report is required to be filed with the Department of Public Safety outlining the nature of the incident. Under certain circumstances, a member of the community can be trespassed from specific areas on the campus.

## **Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking**

### **Holland Campus On-Campus Resources**

There are no on-campus resources available at the Holland Meijer Campus; however, the following resources are available to all GVSU students, faculty, and staff. Many of them are physically located on the main Allendale Campus.

<b>COUNSELING / MENTAL HEALTH</b>		
<a href="#">University Counseling Center - Allendale Campus</a>	206 Student Services Building (Allendale)	(616) 331-3266
<a href="#">Encompass</a> ( <i>employee assistance program</i> )	1090 Zumberge Hall (2025 E Beltline Ave SE #209 Grand Rapids, MI 49546)	(800) 788-8630



## Holland Campus On-Campus Resources *continued*

<b>MEDICAL</b>		
<a href="#">Campus Health Center</a>	10383 42 <sup>nd</sup> Ave Suite A (Allendale)	(616) 685-7600
<b>VICTIM ADVOCACY</b>		
<a href="#">Victim and Survivor Advocacy</a>	181 North C Living Center (Allendale)	(616) 331-2748
<b>VISA / IMMIGRATION ASSISTANCE</b>		
<a href="#">Padnos International Center</a>	130 Lake Ontario Hall (Allendale)	(616) 331-3898
<b>STUDENT FINANCIAL AID</b>		
<a href="#">Student Financial Aid Office</a>	100 Student Services Building	(616) 331-3234 (800) 748-0246
<b>POLICE / OTHER REPORTING OPTIONS</b>		
<a href="#">Grand Valley Police Department</a>	Facilities Services Building (Allendale)	(616) 331-3255 Non-Emergency 911 - Emergencies
<a href="#">Title IX Coordinator</a>	4015 Zumberge Hall (Allendale)	(616) 331-9530
<a href="#">Dean of Students</a>	202 Student Services Building (Allendale)	(616) 331-3585
<b>ADDITIONAL RESOURCES</b>		
<a href="#">Division of Inclusion and Equity</a>	4015 Zumberge Hall (Allendale)	(616) 331-3296
<a href="#">Office of Multicultural Affairs</a>	1240 Kirkhof Center (Allendale)	(616) 331-2177
<a href="#">Lesbian, Gay, Bisexual and Transgender Resource Center</a>	1161 Kirkhof Center (Allendale)	(616) 331-2530
<a href="#">Student Accessibility Resources</a>	215 The Blue Connection (Allendale)	(616) 331-2490
<b>Legal Assistance is not available on-campus; see below for community resources.</b>		

## Off-Campus Resources in the Ottawa County Area

<b>COUNSELING / MENTAL HEALTH</b>		
<a href="#">Ottawa County Community Mental Health (CMH)</a>	12265 James St Holland, MI 49424	(616) 392-1873 Helpline: (866) 512-4357
<b>MEDICAL</b>		
<a href="#">Corewell Health Butterworth Hospital</a>	100 Michigan St NE Grand Rapids MI 49503	(616) 391-1774
<a href="#">Holland Hospital</a>	602 Michigan Ave Holland, MI 49423	(616) 392-5141
<a href="#">Resilience: Advocates for Ending Violence (formerly Center for Women in Transition)</a>	411 Butternut Dr Holland MI 49423	(800) 848-5991

## Off-Campus Resources in the Ottawa County Area *continued*

VISA / IMMIGRATION ASSISTANCE		
<a href="#">Lighthouse Immigrant Advocates</a>	412 West 24 <sup>th</sup> St Holland, MI 49423	(616) 298-8984
LEGAL ASSISTANCE		
<a href="#">Legal Aid of Western Michigan</a>	636 Hastings Ave, Suite 1 Holland, MI 49423	(616) 394-1380
	25 Division Ave S, Suite 300 Grand Rapids, MI 49503	(616) 774-0672
POLICE		
<a href="#">Holland Police</a>	89 W 8 <sup>th</sup> St Holland, MI 49423	(616) 355-1100
<a href="#">Ottawa County Sheriff's Office</a>	12220 Fillmore St West Olive MI 49460	(800) 249-0911
PERSONAL PROTECTION ORDERS		
<a href="#">20<sup>th</sup> Circuit Court</a>	414 Washington Ave, Suite 300 Grand Haven MI 49417	(616) 846-8315

Additional resources for all campuses are available at [www.gvsu.edu/vro](http://www.gvsu.edu/vro).

### **Confidentiality**

The University will protect the confidentiality of any necessary parties and/or persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent permitted by law. Additionally, personally identifying information about the victim/survivor and other necessary parties will be treated as private and only shared with persons with a specific need-to-know who are investigating/adjudicating the complaint or delivering resources or support services, including accommodations and protective measures, to the complainant. The University does not publish the name of crime victims nor house identifiable information regarding victims in the Department of Public Safety daily crime log or online. If a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault, or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

Victims/survivors may request that directory information on file be removed from public sources. The University will make all reasonable efforts to ensure preservation of privacy, restricting information to those with a legitimate need for it. The University will maintain as private any accommodations or protective measures provided to the victim, to the extent that maintaining such privacy would not impair the ability of the institution to provide the accommodations or protective measures.

Only those University employees who are licensed professional counselors (e.g., mental health counselors, psychologists) and the employee ombuds, and working for the University in that capacity, are able to maintain your complete confidentiality and are not required to convey information regarding your situation to anyone without your consent. Many employees are designated by the University as a Mandatory Reporter and, when notified of a sexual

misconduct, including sexual assault, stalking, intimate partner violence (dating/domestic violence), sexual exploitation, sexual harassment, or gender-based harassment, they must immediately report the information to the Title IX Coordinator. All individuals deemed by the University to be Clery Act Campus Security Authorities (including the Title IX Coordinator and Student Ombuds) must submit all received reported details of criminal incidents to the Department of Public Safety but may refrain from sharing personally identifying information if requested to do so. The University [Interim Policy Prohibiting Discrimination, Harassment, and Misconduct for all Faculty, Students, Employees, and Third Parties](#) is published in the [University Policies \(www.gvsu.edu/policies\)](#). Consult the [Title IX Coordinator](#) for additional information about the designation of a Mandatory Reporter and/or the [Grand Valley Police Department](#) with questions regarding the Campus Security Authority program.

You should always discuss your desires regarding the sharing of information with any University employee with whom you speak to ensure you understand their reporting obligation and what information they may be required to share.

### **University Investigative Procedures Following a Complaint**

Whether or not criminal charges are filed, a victim/survivor may request the University to investigate reports of domestic violence, dating violence, sexual assault or stalking through the Office for Title IX and Institutional Equity. Reports of all domestic violence, dating violence, sexual assault and stalking made to the Public Safety Services will automatically be referred to the Title IX Coordinator for determination of a University investigation regardless of whether the victim/survivor chooses to pursue criminal charges.

[GVSU's Interim Procedure: Resolution Process for Alleged Violations of GVSU Policy Prohibiting Discrimination, Harassment and Misconduct](#) is detailed in the following pages and applies to all incidents occurring on or after **September 6, 2024**.

[GVSU's prior Procedures for Responding to Reports of Harassment, Discrimination, Retaliation, and Sexual Misconduct \(including sexual assault, intimate partner violence, stalking, and sexual exploitation\)](#) are also detailed below and only applies to incidents occurring on or before **September 5, 2024**. To view the current policy and the complete procedures, visit <http://www.gvsu.edu/titleix>.

### **Resolution Process for Alleged Violations of GVSU Policy Prohibiting Discrimination, Harassment and Misconduct (Hereinafter the "Resolution Process") – for incidents occurring on or after September 6, 2024.**

#### **Overview**

GVSU will act on any Complaint or Report of a potential violation of the GVSU Policy Prohibiting Discrimination, Harassment and Misconduct for All Faculty, Students, Employees, and Third Parties ("Policy") that the GVSU Office of Civil Rights and Title IX ("OCRTIX") or Mandatory Reporter receives by applying the Resolution Processes outlined in this document.

## **I. Initial Evaluation**

### **A. Notice**

Upon receipt of Notice, by Report or Complaint (through online submission or by Mandatory Reporter), of an alleged Policy violation, the OCRTIX will initiate a prompt Initial Evaluation to determine next steps. The OCRTIX will contact the Complainant or other source of the Notice to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed.

If OCRTIX's first Notice of an incident is by direct phone call or walk-in to its office (i.e., not through online submission or Mandatory Reporter), OCRTIX will advise the Complainant of their Confidential Reporting Options under the Policy before initiating the Initial Evaluation.

### **B. Initial Evaluation Overview**

The OCRTIX conducts an Initial Evaluation typically within seven (7) business days of receiving Notice of an alleged incident.

The initial evaluation will include:

- Assessing whether the reported conduct may reasonably constitute a violation of the Policy. If the conduct may not reasonably constitute a violation of the Policy, the matter is dismissed, consistent with the dismissal provision in these procedures. Any remaining allegations may then continue through the Resolution Process, if applicable.
- Determining whether GVSU has jurisdiction over the reported conduct, as defined in the Policy. If the conduct is not within GVSU jurisdiction, the matter is dismissed, consistent with the dismissal provision in these procedures. If applicable, the conduct may be referred to an alternate GVSU office or other entity for resolution.
- Engaging in the prompt and effective response to allegations as outlined in the Policy, including offering and coordinating supportive measures for the Complainant and Respondent as applicable, notifying the Complainant and Respondent of the applicable resolution process, including any applicable grievance procedures, determining whether the Complainant, the OCRTIX itself, or any other person on behalf of the Complainant, will initiate a formal Complaint, and taking any other necessary prompt action in effort to ensure prohibited conduct does not continue or recur.

### **C. Complaint by Complainant**

If the Complainant indicates during the Initial Evaluation that they wish to initiate a Complaint (in a manner that can reasonably be construed as reflecting intent to make a Complaint), the OCRTIX will help to facilitate the Complaint, which will include:

- Advising the Complainant of the Methods of Notice under the Policy, including assistance with filing the Complaint if requested.
- Advising the Complainant of the Time Limits on Reporting under the Policy

#### D. Complaint by OCRTIX

If the Complainant does not wish to file a Complaint, the OCRTIX, who has ultimate discretion as to whether a Complaint is initiated, will both offer supportive measures and determine whether to initiate a Complaint itself. To make this determination, the OCRTIX will determine if there is a serious and imminent threat to a person's safety or if GVSU cannot ensure the community's continued access to its education programs and activities without initiating a Complaint. The OCRTIX will consider the following non-exhaustive factors when evaluating whether to file a Complaint:

- The Complainant's request not to initiate a Complaint.
- The Complainant's reasonable safety concerns regarding initiating a Complaint.
- The risk that additional acts of discrimination, harassment or misconduct would occur if a Complaint is not initiated.
- The severity of the alleged policy violation, including whether the behavior, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence.
- The age and relationship of the Parties, including whether the Respondent is a GVSU employee.
- The scope of the alleged conduct, including information suggesting a pattern, ongoing prohibited conduct, or conduct alleged to have impacted multiple individuals.
- The availability of evidence to assist a Decision-Maker in determining whether discrimination, harassment or misconduct occurred.
- Whether GVSU could end the alleged prohibited conduct and prevent its recurrence without initiating its resolution process.

If deemed necessary, the OCRTIX may consult with appropriate GVSU employees, and/or conduct a Risk Assessment to aid its determination whether to initiate a Complaint.

When the OCRTIX initiates a Complaint, it does not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this Policy.

#### E. Counter-Complaints

GVSU is obligated to ensure that the Resolution Process is not abused for retaliatory purposes. Although GVSU permits the filing of counter-complaints, the OCRTIX will use an initial evaluation, described above, to assess whether the allegations in the counter-complaint are made in good faith. When counter-complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a violation of the Policy.

Counter-complaints determined to have been reported in good faith will be processed using the Resolution Process below. If the OCRTIX determines it feasible, investigation of such claims may take place concurrently or after resolution of the underlying initial Complaint.

## F. Advisors in the Resolution Process

The Parties may each have an Advisor present with them for all meetings, interviews, and hearings within the Resolution Process, including intake and Initial Evaluation. The presence of an Advisor is required for all Formal Resolution Grievance Procedures.

### *i. Who Can Serve as an Advisor?*

The Parties may select whomever they wish to serve as their Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) as long as the Advisor is eligible and available.

Eligible and available means the Advisor has the inclination, time, and availability to assist the party. The Advisor cannot have institutionally conflicting roles, such as being an administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions. Additionally, choosing an Advisor who is also a witness in the process creates potential for bias and conflicts of interest and is prohibited.

The OCRTIX will offer to assign a trained Advisor to any party if the party chooses. If the Parties choose an Advisor from the Resolution Process Pool available from GVSU, GVSU will have trained the Advisor and familiarized them with GVSU's Resolution Process.

GVSU cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot afford an attorney, GVSU is not obligated to provide an attorney to advise that party.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the OCRTIX with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

GVSU may permit Parties to have more than one Advisor, or an Advisor and a support person, upon special request to the OCRTIX. The decision to grant this request is based on the complexity of the case (including number of persons or allegations involved and severity of the allegations) as determined by the OCRTIX and if granted, will be granted equitably to all Parties.

If a party requests that all communication be made through their attorney Advisor instead of to the party, GVSU may refuse that request as typically both the party and their Advisor are included on communications.

Advisors appointed by the institution cannot be Confidential Employees, and although they will not be asked to disclose details of their interactions with their advisees to institutional officials or Decision-Makers absent an emergency, they are still reminded of their Mandatory Reporter responsibilities.

As a public entity, GVSU fully respects and accords the Weingarten rights of employees, meaning that for Parties who are entitled to union representation,

GVSU will allow the unionized employee to have their union representative as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are permitted to have union representation or Advisors in Resolution Process interviews or meetings.

*ii. Advisor's Role in the Resolution Process*

Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to ask and respond to questions on their own behalf throughout the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

*iii. Records Shared with Advisors*

Advisors are entitled to the same opportunity as their advisee to access relevant evidence, and/or the same written investigation report that accurately summarizes this evidence.

Advisors are expected to maintain the confidentiality of the records GVSU shares with them, per all provisions of the Policy addressing Confidentiality. Advisors may not disclose any GVSU work product or evidence GVSU obtained solely through the Resolution Process for any purpose not explicitly authorized by GVSU.

Accordingly, Advisors may be asked to sign Non-Disclosure Agreements (NDAs). GVSU may decline to share materials with any Advisor who has not executed the NDA. GVSU may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by GVSU's confidentiality expectations.

*iv. Advisor Expectations*

GVSU generally expects an Advisor to adjust their schedule to allow them to attend GVSU meetings, interviews or hearings when planned, but GVSU may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

GVSU may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies.

All Advisors are subject to GVSU policies and procedures, whether they are attorneys or not, and whether they are selected by a party or appointed by GVSU. Advisors are expected to advise without disrupting proceedings.

v. *Advisor Policy Violations*

Any Advisor who oversteps their role as defined by the Policy, who shares information or evidence in a manner inconsistent with the Policy, or who violates the Policy or these procedures, will initially be warned. If the Advisor continues the conduct, the meeting, interview or hearing may be ended, or other appropriate measures implemented, including GVSU requiring the party to use a different Advisor or providing a different GVSU-appointed Advisor. Subsequently, the OCRTIX will determine how to address the Advisor's non-compliance and future role.

## **II. Potential Early Actions by OCRTIX**

Following the Initial Evaluation, GVSU will determine next steps, including whether dismissal is appropriate and whether additional emergency or interim actions such as removal or leaves of absences are necessary.

### A. Dismissal

The OCRTIX (or other appointed Decision-Maker) may dismiss a Complaint (or a portion thereof) if, at any time during the Initial Evaluation, Investigation or Resolution Process, one or more of the following grounds are met:

- 1) GVSU determines it does not have Jurisdiction as outlined in the Policy;
- 2) GVSU is unable to identify the Respondent after taking reasonable steps to do so;
- 3) The Respondent is no longer participating in GVSU's education program or activity and/or is no longer employed by GVSU;
- 4) A Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the OCRTIX declines to initiate a Complaint;
- 5) GVSU determines the conduct alleged in the Complaint would not constitute a Policy violation, if proven.

A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it.

Upon any dismissal, GVSU will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, GVSU will also notify the Respondent of the dismissal. GVSU will offer supportive measures to the Complainant or Respondent as appropriate and take any other necessary action in effort to ensure that discrimination does not continue or recur within GVSU's education programs or activities.

This dismissal decision is appealable by any party.



## B. Appeal of Dismissal

The Complainant may appeal a dismissal of their Complaint. The Respondent may also appeal the dismissal of the Complaint if dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be in writing and filed by email within three (3) business days of the notification of the dismissal.

The OCRTIX will notify the Parties of any appeal of the dismissal. If, however, the Complainant appeals, but the Respondent was not notified of the Complaint, the OCRTIX must then provide the Respondent with a Notice of Investigation and Allegation (NOIA) and will notify the Respondent of the Complainant's appeal with an opportunity to respond.

Throughout the dismissal appeal process, GVSU will:

- Implement dismissal appeal procedures equally for the Parties;
- Assign a trained Dismissal Appeal Officer who did not take part in an investigation of the allegations or dismissal of the Complaint;
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal;
- Notify the Parties of the result of the appeal and the rationale for the result.

The grounds for dismissal appeals are limited to:

- 1) Procedural irregularity that would change the outcome;
- 2) New evidence that would change the outcome and that was not reasonably available when the dismissal was decided;
- 3) The OCRTIX, Investigator, or other Decision-Maker 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 appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a written dismissal appeal request from one or more Parties, the OCRTIX will share the petition with all other Parties and provide three (3) business days for other Parties and the OCRTIX to respond to the request. At the conclusion of the response period, the OCRTIX will forward the appeal, as well as any response provided by the other Parties and/or the OCRTIX to the Dismissal Appeal Officer for consideration.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the Dismissal Appeal Officer will deny the request, and the Parties, their Advisors, and the OCRTIX will be notified in writing of the denial and the rationale. If any of the asserted grounds in the appeal satisfy the grounds described in this Policy, then the Dismissal Appeal Officer will notify all Parties and their Advisors, and the OCRTIX, of their decision and rationale in writing. The effect will be to reinstate the Complaint.

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Dismissal Appeal Officer has seven (7) business days to review and decide on the appeal, though extensions can be granted if the OCRTIX determines it reasonable and necessary in light of the circumstances (good cause for the extension has been established), and the Parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so.

The Dismissal Appeal Officer may consult with the OCRTIX and/or legal counsel on questions of procedure or rationale for clarification, if needed. The OCRTIX will maintain documentation of all such consultation and will not be required to disclose confidential information.

#### C. Emergency Removal/Interim Suspension of Student

GVSU may remove or suspend a student accused of prohibited conduct under the Policy on an emergent basis during the Initial Evaluation, Investigation, or at any time during the Resolution Process. Prior to an emergency removal, GVSU will conduct a risk assessment and may remove the student if that assessment determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of prohibited conduct justifies such action.

When an emergency removal or interim suspension is imposed, wholly or partially, the affected student will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal or interim suspension within two (2) business days of the notification. Upon receipt of a challenge, the OCRTIX will meet with the student (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal or suspension should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal or interim suspension is appropriate, should be modified, or lifted. When this meeting is not requested within two (2) business days, objections to the emergency removal or interim suspension will be deemed waived. A student can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have changed. A Complainant and their Advisor may be permitted to participate in this meeting if it is objectively necessary for them to do so to ensure an equitable process.

The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the OCRTIX for review also.

An emergency removal or interim suspension may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The OCRTIX will communicate the final decision in writing, typically within three (3) business days of the review meeting.

#### D. Placing an Employee on Leave

When the Respondent is an employee, or a student employee accused of misconduct in the course of their employment, existing provisions <https://www.gvsu.edu/policies/policy.htm?policyId=B7799A43-ECD1-6456-07E5B62873E449E7&search=> for interim action are typically applicable instead of the above emergency removal process if investigation (including a preliminary investigation during initial evaluation) reveals a violation of policy.

Relevant procedures for unionized employee leave or suspension can be found in the respective union contracts: <https://www.gvsu.edu/hro/union-contracts-9.htm>.

### **III. Complaint Investigation**

#### **A. Investigator Appointment**

Once an investigation is initiated, the OCRTIX appoints an Investigator(s) to conduct it. These Investigators may be members of the Resolution Process Pool, or any other properly trained Investigator, whether internal or external to GVSU's community.

#### **B. Investigation Overview**

All Formal Resolution process grievance procedures include Complaint investigations. Investigations are adequate, thorough, reliable, impartial, prompt, and fair. They involve interviewing all relevant Parties and witnesses, obtaining relevant evidence, and identifying sources of expert information, as necessary.

GVSU may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator(s) typically take(s) the following steps, if not already completed and not necessarily in this order:

- Determine the identity and contact information of the Complainant.
- Identify all offenses implicated by the alleged misconduct and notify the Complainant and Respondent of all specific policies implicated.
- Assist the OCRTIX, if needed, with conducting a prompt initial evaluation to determine if the allegations indicate a potential Policy violation.
- Work with the OCRTIX, as necessary, to prepare the initial NOIA. The NOIA may be amended with any additional or dismissed allegations.
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, and order of interviews for the Parties and witnesses.
- When participation of a party is expected, provide that party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Interview the Complainant and the Respondent and conduct any necessary follow-up interviews with each.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Provide each Party an equal opportunity to review and verify the contents of the Investigator's summary report by providing electronic copies of the evidence as part of the hearing notice and by being afforded an opportunity to cross examine the interviewed witnesses during the live hearing.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of another party and/or witnesses. Document which requested questions were asked with a rationale for any changes or omissions in the investigation report.
- Where possible, complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide the Parties with regular status updates throughout the investigation.

- Prior to the conclusion of the investigation, provide the Parties and their respective Advisors with a list of witnesses whose information will be used to render a finding.
- Write a draft investigation report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation, and party and witness interviews, and provides all relevant evidence.
- Provide the Parties and their respective Advisors an electronic copy of the draft investigation report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a review and comment period of five (5) business days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.

The Investigator may share the investigation report with the OCRTIX and/or legal counsel for their review and feedback.

### C. Notice of Investigation and Allegations (NOIA)

Prior to an investigation, the OCRTIX will provide the Parties with a detailed written NOIA. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations. For climate culture investigations that do not have an identifiable Respondent, the NOIA will be sent to the department, office or program head for the area or program being investigated.

The NOIA typically includes:

- A meaningful summary of all allegations
- The identity of the involved Parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies/offenses implicated
- A description of, link to, or copy of the applicable procedures
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence
- The name(s) of the Investigator(s), along with a process to notify the OCRTIX of any conflict of interest that the Investigator(s) may have in advance of the interview process
- A statement that GVSU presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all relevant evidence
- A statement that retaliation is prohibited
- Information about the confidentiality of the process, including that the Parties and their Advisors (if applicable) may not share GVSU work product obtained through the Resolution Process
- A statement that the Parties may have an Advisor of their choice who may accompany them through all steps of the Resolution Process
- A statement informing the Parties that GVSU's Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process
- Detail on how a party may request disability accommodations or other support assistance during the Resolution Process

- A link to GVSU's VAWA Brochure
- An instruction to preserve any evidence that is directly related to the allegations
- A statement that Parties who are members of a union are entitled to union representation throughout the process

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address(es) as indicated in official GVSU records, or emailed to the Parties' GVSU-issued email or designated accounts. Once mailed, emailed, and/or received in person, the notification will be presumptively delivered.

#### D. Written Record of Interview

It is standard practice for Investigators to create a written record of all interviews pertaining to the Resolution Process. The Parties may review copies of their own interviews, upon request.

No unauthorized audio or video recording of any kind is permitted during investigation meetings.

All interviews are recorded in writing. The summary of those meetings will be provided to the Parties for their review in the investigation report, after which the Parties may pose additional questions to each other. Those subsequent meetings or interviews are also recorded in writing and shared with the Parties.

#### E. Witness Role and Participation in the Investigation

Employees (not including Complainant and Respondent) are required to cooperate with and participate in GVSU's investigation and Resolution Process. Student witnesses and witnesses from outside GVSU community cannot be required to participate but are encouraged to cooperate with GVSU investigations and to share what they know about a Complaint.

Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, WebEx), or, in limited circumstances, by telephone. GVSU will take appropriate steps to ensure the security and privacy of remote interviews as well as reasonably confirm the identity of the interviewee where necessary.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate and necessary by the Investigator(s), as this is not preferred.

#### F. Evidentiary Considerations

The Investigator(s) and the Decision-Maker(s) will only consider evidence that is deemed relevant and not otherwise impermissible.

Relevant Evidence is that which may aid in determining whether the allegation occurred, or whether the behavior constitutes a violation of Policy.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by GVSU to determine whether one of the exceptions listed below applies. Such evidence will not be disclosed and will not otherwise be used, regardless of whether it is relevant:

- 1) Evidence that is protected under a privilege recognized by Federal or State law;
- 2) Evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- 3) 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 GVSU obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- 4) Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless a) evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct, or b) is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent. The fact of prior consensual sexual conduct occurred between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent or preclude a determination that sex-based harassment occurred.

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

Within the limitations stated above, the investigation and determination can consider character evidence, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

#### **IV. Resolution Process**

##### **A. Resolution Options Overview**

The GVSU Resolution Process, consisting of Informal Resolution or Formal Resolution (with hearing), is GVSU's chosen approach to addressing all forms of discrimination on the basis of protected characteristics, harassment, or other misconduct under the Policy. The process considers the Parties' preferences but is ultimately determined by the OCRTIX.

Resolution proceedings are confidential. All individuals present at any time during the Resolution Process are expected to maintain the confidentiality of the proceedings in accordance with GVSU Policy.

##### **B. Resolution Timeline**

GVSU will make a good faith effort to complete the Resolution Process within 60-90 business days, including any appeals, which the OCRTIX can extend as necessary for appropriate cause. The Parties will receive regular updates on the progress of the Resolution Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take longer, depending on issues such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.

If a party or witness chooses not to participate in the Resolution Process or becomes unresponsive, GVSU reserves the right to continue it without their participation to ensure a prompt resolution. Non-participatory or unresponsive Parties retain the rights outlined in this Policy and the opportunity to resume participation in the Resolution Process.

### C. Resolution Process Pool

The Resolution Process relies on a pool of administrators (“the Pool”) to carry out the process.

#### *i. Pool Member Roles*

Members of the Pool are trained annually, and can serve in *the following roles*, as determined by the OCRTIX:

- Appropriate intake of and initial guidance pertaining to Complaints
- Advisor to Parties
- Informal Resolution Facilitator
- Perform or assist with initial evaluation
- Investigator
- Hearing Facilitator
- Decision-Maker for challenges to emergency removal and supportive measures
- Decision-Maker
- Appeal of Dismissal Decision-Maker
- Appeal Decision-Maker

#### *ii. Pool Member Appointment*

The OCRTIX, in consultation with senior *administrators as necessary*, appoints the Pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different Complaints, GVSU can also designate permanent roles for individuals in the Pool.

#### *iii. Pool Member Training*

Resolution Process Pool members receive annual training through the OCRTIX related to their respective roles.

### D. Informal Resolution

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the OCRTIX at any time prior to a final determination, or the OCRTIX may offer the option to the Parties, in writing. GVSU will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution. If the case involves alleged prohibited conduct under the Policy by an Employee, Informal Resolution will not be permitted.

Before initiation of an Informal Resolution process, GVSU will provide the Parties with a Notice of Informal Resolution (NOIR) that explains:

- The allegations.
- The requirements of the Informal Resolution process.

- That, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and to initiate or resume GVSU’s Resolution Process.
- That the Parties’ agreement to a resolution at the conclusion of the Informal Resolution Process will preclude the Parties from initiating or resuming the Resolution Process arising from the same allegations.
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties.
- What information GVSU will maintain, and whether and how it could disclose such information for use in its Resolution Process.

GVSU offers four categories of Informal Resolution:

- 1) **Educational Conversation.** When the OCRTIX can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant’s concerns and institutional expectations or can accompany the Complainant in their desire to confront the conduct. When the process is resolved through Educational Conversation, the parties agree that OCRTIX will offer education and supportive measures only.
- 2) **Accepted Responsibility.** When the Respondent is willing to accept responsibility for violating Policy and is willing to agree to actions that will be enforced similarly to sanctions, and the Complainant(s) and GVSU are agreeable to the resolution terms.
- 3) **Alternative Resolution.** When the Parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, mediation, shuttle negotiation, restorative practices, facilitated dialogue, etc.), as described below.

The individual facilitating an Informal Resolution must be trained and cannot be the Investigator, Decision-Maker, or Appeal Decision-Maker.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Resolution (Grievance Procedures). Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the Formal Resolution Process.

The Parties may agree, as a condition of engaging in Informal Resolution, on what statements made or evidence shared during the Informal Resolution process will not be considered in the Formal Resolution Process, should Informal Resolution not be successful.

If an investigation is already underway, the OCRTIX has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

#### E. Types of Informal Resolution

##### *i. Educational Conversation*

The Complainant(s) may request that the OCRTIX address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend such meetings, nor are they compelled to provide any information if they attend. OCRTIX will also determine reasonable supportive measures that are designed to restore or preserve the Complainant’s access to GVSU’s education program and activity. Such



measures can be modified as the Complainant's needs evolve over time or circumstances change. If the Respondent has received a NOIA or NOIR, the OCRTIX may also provide reasonable supportive measures for the Respondent as deemed appropriate. The educational conversation and offer of supportive measures will be documented as the Informal Resolution for the matter. In light of the conversation, or the Respondent's decision not to attend, the OCRTIX may also implement remedial actions to ensure that policies and expectations are clear and to minimize the risk of the recurrence of any behaviors that may not align with Policy.

*ii. Accepted Responsibility*

The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for all alleged Policy violations, the ongoing process will be paused, and the OCRTIX will determine whether Informal Resolution is an option.

If Informal Resolution is available, the OCRTIX will determine whether all Parties and GVSU are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the OCRTIX implements the accepted finding that the Respondent is in violation of GVSU Policy, implements agreed-upon restrictions and remedies, and determines the appropriate responses in coordination with other appropriate administrator(s), as necessary.

This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Resolution Process will continue.

When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented in effort to effectively stop the discrimination, harassment, or misconduct and prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

*iii. Alternative Resolution*

The institution offers a variety of alternative resolution mechanisms to best meet the specific needs of the Parties and the nature of the allegations. Alternative resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction with the Respondent(s); indirect action by the OCRTIX or other appropriate GVSU officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an alternative resolution process.

The OCRTIX may consider the following factors to assess whether alternative resolution is appropriate, or which form of alternative resolution may be most successful for the Parties:

- The Parties' amenability to alternative resolution
- Likelihood of potential resolution, considering any power dynamics between the Parties
- The nature and severity of the alleged misconduct
- The Parties' motivation to participate
- Civility of the Parties
- Results of a risk assessment/ongoing risk analysis
- Respondent's disciplinary history
- Whether an emergency removal or other interim action is needed
- Skill of the alternative resolution facilitator with this type of Complaint
- Complaint complexity
- Emotional investment/capability of the Parties
- Rationality of the Parties
- Goals of the Parties
- Adequate resources to invest in alternative resolution (e.g., time, staff)

The OCRTIX has the authority to determine whether alternative resolution is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, usually through their Advisors, often including terms of confidentiality, release, and non-disparagement.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The OCRTIX will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the alternative resolution.

The OCRTIX maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive or disciplinary actions (e.g., dissolution of the agreement and resumption of the Resolution Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). The results of Complaints resolved by alternative resolution are not appealable.

If an Informal Resolution option is not available or selected, GVSU will initiate or continue an investigation and subsequent Resolution Process to determine whether the Policy has been violated.

#### F. Pre-Hearing Meetings

If the Resolution Process continues to Formal Resolution, the Decision-Maker will offer to convene a pre-hearing meeting(s) with the Parties and their Advisors and invite them to submit the questions or topics they wish to ask or discuss at the Hearing. This allows the Decision-Maker to consider relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the Parties from submitting a question at the hearing for the first time or asking for a reconsideration on a Decision-Maker's pre-hearing decision based on any new information or testimony offered at the hearing. The

Decision-Maker will document and share their rationale for any evidence or question exclusion or inclusion, if any, at a pre-hearing meeting with each party. The Decision-Maker will work with the Parties to finalize a witness list for the hearing, and the OCRTIX will notify any witnesses of the hearing's logistics. The Decision-Maker, only with the agreement of all Parties in writing, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the Final Investigation Report or during the hearing, and their presence is not essential to assess their credibility.

Pre-hearing meeting(s) will not be recorded. The pre-hearing meetings will typically be conducted as separate meetings with each party and/or Advisor, and can be done remotely, or as a written communication exchange. The Decision-Maker will work with the Parties to establish the format and timing of the meetings and will circulate a summary of any rulings made to ensure all Parties and Advisors are aware.

#### G. Formal Resolution Hearing Process (Grievance Procedures)

##### *i. Hearing Notice*

The OCRTIX will send the Parties a Notice of Hearing with sufficient time for the Parties to prepare for the hearing, typically at least seven (7) business days prior to the hearing. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The hearing notice includes:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result;
- The time, date, and location of the hearing;
- A description of any technology that will be used to facilitate the hearing;
- Relevant information regarding hearing logistics, pre-hearing meetings, the Final Investigation Report, the Parties and potential witnesses participating in the hearing, the identity of the Decision-Maker, details related to questioning, the role of Advisors, and how to request disability accommodations or other assistance;
- Notice that the Party must advise OCRTIX at least three (3) days prior to the hearing whether they will appear in person or virtually at the hearing, whether they will need an interpreter at the hearing; and
- Notice that the Party must provide any Impact or Mitigation Statement at least 24 hours in advance of the hearing.

##### *ii. Introductions and Hearing Procedure Explanation*

The Decision-Maker will explain the hearing procedures and introduce the participants. The Decision-Maker will answer any procedural questions prior to and as they arise throughout the hearing.

##### *iii. Presentation of Final Investigation Report*

The Decision-Maker will present a summary of the Final Investigation Report, including a review of the facts that are contested and those that are not. If requested to be called as a witness, the Investigator may be questioned first by the Decision-Maker and then by the Parties. The Investigator may attend the duration

of the hearing or be excused after their testimony as determined by the Decision-Maker.

*iv. Live Hearing Requirements*

The following provisions apply to a live hearing:

- **Hearing Venue Options and Recordings.** Participants in the live hearing may appear in person or via video technology. Regardless of participant location, the hearing will be conducted via video technology. The Decision-Maker and Parties must be able to simultaneously see and hear a party or witness while that person is speaking.
  - Parties who choose to appear at the hearing in person or via video technology, must notify OCRTIX of their intention to do so at least three (3) business days prior to the hearing.
  - All hearings will be recorded, and Parties may request a copy of the recording from the OCRTIX following the live hearing.
  - No unauthorized recordings are permitted.
- **Hearing Participants.** Persons who may be present for a hearing include the Decision-Maker(s), hearing facilitator, Investigator(s), the Parties and their Advisors, anyone providing authorized accommodations, interpretation, and/or assistive services, and anyone else deemed necessary by the Decision-Maker. Witnesses are present only during their portion of the testimony.
- **Advisors.** The Parties may have the assistance of an Advisor of their choosing at the hearing or can request that GVSU appoint a trained Advisor for them. Appointed Advisors are not attorneys. If a party wishes to have an attorney as their Advisor, they must locate and pay for that attorney themselves. If a party decides not to have an Advisor, they will forfeit the option of asking questions at the hearing.
  - During the pre-hearing meeting and live hearing, Parties may only be accompanied by their Advisor(s). No other persons (e.g., additional support persons, advisors, friends, family) may accompany, attend, or listen in on the hearing unless explicitly authorized by the OCRTIX, with each party being provided the same opportunity.
  - Parties and Advisors are permitted to have their phones and a laptop or tablet, but these should only be used during the hearing in a manner consistent with Policy.
  - During the hearing, all questions that a party wishes to ask must be posed by the Advisor, not the Parties where applicable.
  - If the party does not have an Advisor, the OCRTIX will provide the party with an Advisor for the purpose of Advisor-conducted questioning.
- **Disability Accommodations and Other Assistance.** Parties should contact the OCRTIX at least seven (7) business days prior to the hearing to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, if possible.
- **Conflicts of Interest or Bias.** The Decision-Maker must not have a bias for or against complainants or respondents generally or the individual Complainant or Respondent in particular. The OCRTIX conducts conflict of interest checks in advance of assigning a Decision-Maker.

- The Decision-Maker must recuse themselves if such bias or conflict of interest exists.
- If the Decision-Maker believes there is possible conflict of interest or bias, they will consult with the OCRTIX about possible recusal or removal.
- The Parties may raise challenges that the Decision-Maker is biased or has a conflict of interest. The Parties must raise challenges with the OCRTIX within two (2) business days of receiving the hearing notice.
- The OCRTIX will only remove and replace a Decision-Maker in situations of demonstrated bias or conflicts of interest. Perceptions of bias or conflict are not sufficient to cause removal.
- If a Decision-Maker recuses themselves as the result of a conflict of interest or bias, or is removed, the OCRTIX will promptly appoint a new Decision-Maker who does not have a conflict of interest or bias and notify the Parties accordingly.
- **Evidence Provided to Decision-Maker and Parties.**
  - The Decision-Maker will be provided electronic copies of the Final Investigation Report and all relevant but not impermissible evidence, including the names of all Parties, witnesses, and Advisors, at least seven (7) business days in advance of the hearing.
  - The Parties will be provided with electronic copies of all the materials provided to the Decision-Maker as part of the hearing notice, unless those materials have already been provided to them. Hard-copy materials may be provided upon request to the Coordinator. The Final Investigation Report and relevant evidence may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

v. *Hearing Recordings*

GVSU records hearings (but not deliberations) for purposes of review in the event of an appeal. No unauthorized audio or video recording of any kind is permitted during the hearing.

The Decision-Maker, the Parties, their Advisors, Appeal Decision-Makers, and other appropriate GVSU officials will be permitted to review the recording or review a transcript of the recording upon request to the OCRTIX. No unauthorized disclosure, including sharing, copying, or distribution of the recording or transcript, is permitted.

vi. *Testimony and Questioning*

The Parties and witnesses may provide relevant information in turn, beginning with the Complainant's opening statement, then the Respondent's, and then questioning in the order determined by the Decision-Maker. The Decision-Maker will facilitate questioning of the Parties and witnesses first by the Decision-Maker and then by the Parties through their Advisors.

Questions that the Parties wish to have posed can be questions for that party themselves, another party, or witnesses.

The Decision-Maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision-Maker will limit or disallow questions deemed not appropriate on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), seek or pertain to impermissible evidence, or are abusive. The Decision-Maker has final say on all questions and determinations of relevance and appropriateness. The Decision-Maker may consult with legal counsel on any questions of admissibility.

If the Parties raise an issue of bias or conflict of interest of an Investigator or Decision-Maker at the hearing, the Decision-Maker may elect to address those issues, consult with legal counsel, refer them to the OCRTIX, and/or preserve them for appeal. If bias is not an issue at the hearing, the Decision-Maker should not permit irrelevant questions that probe for Investigator bias.

The Decision-Maker will allow witnesses who have relevant and not impermissible information to appear at a portion of the hearing to respond to specific questions from the Decision-Maker and the Parties, and the witnesses will then be excused.

*vii. Refusal to Submit to Questioning or Supply Evidence and Inferences*

Any party or student witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. Employee witnesses are required to participate in the hearing if they are reasonably available. The Decision-Maker can only rely on the available relevant and not impermissible evidence in making the ultimate determination of responsibility. The Decision-Maker may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer any or all questions or provide evidence.

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared.

*viii. Witness Participation*

Student witnesses are encouraged to participate in, and make themselves reasonably available for the hearing. Employee witnesses are required to participate in, and make themselves reasonably available for the hearing. Witnesses may participate in-person or via video technology that allows the Decision-Maker and the Parties to see and hear the witness while that person is speaking. Witnesses (other than the Parties) are not permitted to be accompanied by an Advisor. A witness may join by phone if no other reasonable alternative is available as determined by the Decision-Maker.

If any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the OCRTIX may reschedule the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term, including during the summer, as needed, to meet GVSU's resolution timeline and ensure a prompt resolution. Employees, including Parties and

witnesses, who do not have 12-month contracts are still expected to participate in Resolution Processes that occur during months between contracts.

The OCRTIX will notify all witnesses of their requested participation in the hearing at least five (5) business days prior to the hearing. Witnesses will be present for the hearing only during their testimony.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless:

- All Parties and the Decision-Maker assent to the new witness's participation in the hearing without remanding the complaint back to the investigator, and
- The Decision-Maker deems the evidence presented by the new witness to be relevant, not impermissible, and not information already established in the record, and
- The witness's late involvement was not the result of bad faith by the witness, the Parties, or others.

If the above criteria are not met, but the witness's evidence is deemed relevant, not impermissible, and not duplicative, the Decision-Maker may, as deemed reasonable, engage in any of the following actions:

- Delay the hearing.
- Provide the Parties at least five (5) business days to review the relevant portions of the new witness's statements, if such statements are submitted.
- Remand the Complaint back to the Investigator for further investigation or verification.
- Allow the Parties to review and comment on the testimony of the new witness.

If the evidence is deemed not relevant or impermissible, the Decision-Maker may proceed with the hearing absent the new witness's participation.

*ix. Evidentiary Considerations*

The Parties must provide all evidence to the Investigator(s) prior to completing the Final Investigation Report.

Evidence offered after that time will be evaluated by the Decision-Maker for relevance.

If the new evidence is deemed relevant and not impermissible, the new evidence will be admitted to the record if:

- All Parties and the Decision-Maker assent to the new evidence being included in the hearing without remanding the Complaint back to the investigator, and
- The evidence is not duplicative of evidence already in the record, and
- It is not impermissible, and
- The new evidence was either not reasonably available prior to the conclusion of the Final Investigation Report, or the failure to provide it in a timely manner was not the result of bad faith by the Parties, witnesses, or others.

If the above criteria are not met, but the evidence is deemed materially relevant and not duplicative, the Decision-Maker may, as deemed reasonable, engage in any of the following actions:

- Delay the hearing.
- Provide the Parties with at least five (5) business days to review the relevant evidence.
- Remand the Complaint back to the Investigator for further investigation or analysis.
- Allow the Parties to review and comment on the new evidence.

If the evidence is deemed not relevant or impermissible, the Decision-Maker may proceed with the hearing without allowing the new evidence.

*x. Joint Hearings*

In Complaints involving more than one Respondent and/or involving more than one Complainant accusing the same person of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the OCRTIX may permit the investigation and/or hearings pertinent to each Respondent or Complainant to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each Complainant with respect to each alleged Policy violation.

*xi. Collateral Misconduct*

Collateral misconduct is defined to include potential violations of other GVSU policies not incorporated into the Policy that occur in conjunction with alleged violations of the Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all allegations. Thus, the collateral allegations may be charged along with potential violations of the Policy, to be resolved jointly under these Procedures. In such circumstances, the OCRTIX may consult with GVSU officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs) to solicit their input as needed on what, if any, charges should be filed, but the exercise of collateral charges under these procedures is determined by the OCRTIX. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in the student, faculty, and/or staff handbooks.

H. Recordkeeping

For a period of at least seven (7) years following the conclusion of the Resolution Process, GVSU will maintain records of:

- 1) Each discrimination, harassment, and retaliation resolution process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation.
- 2) Any disciplinary sanctions imposed on the Respondent.



- 3) Any supportive measures provided to the Parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to GVSU's education program or activity.
- 4) Any appeal and the result therefrom.
- 5) Any Informal Resolution and the result therefrom.
- 6) All materials used to provide training to the OCRTIX, OCRTIX and designees, Investigators, Decision-Makers, Appeal Decision-Makers, Informal Resolution Facilitators, and any person who is responsible for implementing GVSU's Resolution Process, or who has the authority to modify or terminate supportive measures. GVSU will make these training materials available for review upon request.
- 7) All materials used to train all employees consistent with the requirements in the Title IX Regulations.

The GVSU will also maintain any and all records in accordance with federal and state laws.

#### I. Ensuring Impartiality

Any individual materially involved in the administration of the Resolution Process, including the OCRTIX, Investigator(s), and Decision-Maker(s), may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The OCRTIX will vet the assigned Investigator(s), Decision-Maker(s), and Appeal Decision-Makers for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the Resolution Process, the Parties may raise a concern regarding bias or conflict of interest, and the OCRTIX will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned, and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the OCRTIX, concerns should be raised with the Vice President for People, Culture, and Equity.

The Resolution Process involves an objective evaluation of all available relevant and not otherwise impermissible evidence, including evidence that supports that the Respondent engaged in a Policy violation and evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based on an individual's status or participation as a Complainant, Respondent, or witness. All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written investigation report that accurately summarizes this evidence.

#### J. Accommodations and Support During the Resolution Process

##### *i. Disability Accommodations*

GVSU is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure all are able to participate in GVSU's Resolution Process.

Anyone needing such accommodations or support should contact the OCRTIX, who will work with Student Accessibility Resources as appropriate to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full process participation.

*ii. Other Support*

GVSU will also address reasonable requests for support for the Parties and witnesses, including:

- Language services/Interpreters
- Access and training regarding use of technology throughout the Resolution Process
- Other support as objectively deemed reasonable and necessary to allow participation in the Resolution Process.

**V. Deliberation and Determination**

After closing statements from the Parties, the Decision-Maker will deliberate in closed session to determine whether the Respondent is responsible for the alleged Policy violation(s) based on the standard of proof. If a panel is used, a simple majority vote is required to determine the finding. Deliberations are not recorded.

When there is a finding of responsibility for one or more of the allegations, the Decision-Maker may then consider any previously submitted impact and/or mitigation statement(s) provided by the Parties in determining appropriate sanction(s). The OCRTIX will ensure that any submitted statements are exchanged between the Parties if they are viewed by the Decision-Maker. Impact/mitigation statements do not influence the finding, they only potentially influence the sanctions. For more information regarding impact/mitigation statements, refer to the Potential Outcomes section below.

The Decision-Maker will then prepare and provide the OCRTIX with a written outcome letter detailing all findings and final determinations, the rationale(s) explaining the decision(s), the relevant and not impermissible evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, and any sanction(s) and rationales explaining the sanction(s).

This outcome letter will be submitted to the OCRTIX within ten (10) business days from the conclusion of the hearing, unless the OCRTIX grants an extension. The OCRTIX will notify the Parties of any extension.

**A. Withdrawal or Resignation Before Complaint Resolution**

*i. Students*

Should a student Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If a student Respondent withdraws from GVSU, the Resolution Process may continue, or the OCRTIX will conduct a risk assessment to determine whether to dismiss the Complaint. If the Complaint is dismissed, OCRTIX will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or misconduct.

Regardless of whether the Complaint is dismissed or pursued to completion of the Resolution Process, the OCRTIX will continue to address and remedy any systemic

issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or misconduct.

When a student withdraws or leaves while the process is pending, the student may not return to GVSU in any capacity until the Complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the OCRTIX may dismiss the Complaint. The Registrar, Office of Admissions, and HR will be notified, accordingly.

If the student Respondent takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely. If found in violation, that student is not permitted to return to GVSU unless and until all sanctions, if any, have been satisfied.

*ii. Employees*

Should an employee Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If an employee Respondent leaves their employment with GVSU with unresolved allegations pending, the Resolution Process may continue, or the OCRTIX may dismiss the Complaint. If the Complaint is dismissed, the OCRTIX may still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged discrimination, harassment, and/or misconduct.

When an employee resigns and the Complaint must be dismissed due to impossibility of completion caused by the Respondent employee's failure to cooperate, the employee may not return to GVSU in any capacity. The Registrar, Office of Admissions, and HR will be notified, accordingly. A note will be placed in the employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with GVSU. The records retained by the OCRTIX will reflect that status.

**B. Potential Outcomes**

Part of the resolution as determined by the Decision-Maker, may include Dismissal, Emergency Removal, Interim Suspension, Employee Leave or Procedures which follow a Respondent Admitting Responsibility, which are governed by and handled in accordance with the applicable provisions of these Procedures and the Policy.

Prior to determining outcomes, the Decision-Maker will review any submitted Impact/Mitigation statement presented by the parties. These statements allow the parties to share information regarding how the reported misconduct or resolution process has impacted them and/or how a particular sanction might impact them. Although these statements do not affect the determination of a finding of responsibility, they may be helpful to the Decision-Maker when deciding sanctions. When the OCRTIX shares the impact statements with the Decision-Maker, they will also be shared with the Parties.

Outcomes may also include:

*i. Sanctions*

Factors the Decision-Maker may consider when determining sanctions and responsive actions include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions to prevent the future recurrence of discrimination, harassment, and/or misconduct
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the Parties
- The Respondent's acceptance of responsibility
- Any other information deemed relevant by the Decision-Maker(s)

The sanctions will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

*ii. Student Sanctions*

The following are the common sanctions that may be imposed upon students singly or in combination:

- *Reprimand*: A formal statement that the conduct was unacceptable and a warning that further violation of any GVSU policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling*: A mandate to meet with and engage in either GVSU sponsored (University Counseling Center) or external counseling to better comprehend the misconduct and its effects.
- *Restrictions*: A student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars, study abroad, or holding leadership roles in student organizations.
- *Probation*: An official sanction for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from extra-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Separation from the institution, or one or more of its facilities, for a defined period of time, typically not to exceed two (2) years, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of

specific conditions noted at the time of suspension, on successfully applying for readmission, or upon a general condition that the student is eligible to return if the institution determines it is appropriate to re-enroll/readmit the student. The student is typically required to vacate institutional property within 24 hours of notification of the action, though this deadline may be extended by the OCRTIX or other appropriate official. During an institution-wide suspension, the student is banned from institutional property, functions, events, and activities unless they receive prior written approval from an appropriate institutional official. This sanction may be enforced with a trespass action, as necessary.

- *Expulsion:* Permanent separation from the institution. The student is banned from institutional property, and the student's presence at any institution-sponsored activity or event is prohibited. This action may be enforced with a trespass action, as necessary.
- *Withholding Diploma:* GVSU may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for violating Policy.
- *Other Actions:* In addition to, or in place of, the above sanctions, GVSU may assign any other sanctions as deemed appropriate.

### *iii. Student Group and Organization Sanctions*

The following are the common sanctions that may be imposed upon student groups or organizations singly or in combination:

- *Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any GVSU policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Probation:* An official sanction for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the group or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of GVSU funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- *Suspension:* Termination of student group or organization recognition and/or institutional support for a defined period of time not to exceed two (2) years and/or until specific criteria are met. During the suspension period, a student group or organization may not conduct any formal or informal business or participate in GVSU-related activities, whether they occur on- or off-campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from GVSU.
- *Expulsion:* Permanent termination of student group organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- *Loss of Privileges:* Restricted from accessing specific GVSU privileges for a specified period of time.
- *Other Actions:* In addition to or in place of the above sanctions, GVSU may assign any other sanctions as deemed appropriate.

*iv. Employee Sanctions/Responsive/Corrective Actions*

Possible outcomes for an employee who has engaged in discrimination, harassment, and/or misconduct include:

- Verbal or Written Warning
- Performance Improvement Plan/Management Process
- Enhanced Supervision, Observation, or Review
- Required Counseling
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer
- Shift or schedule adjustments
- Reassignment
- Delay of (or referral for delay of) Tenure Track Progress
- Assignment to a New Supervisor
- Restriction of Stipends, Research, and/or Professional Development Resources
- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions/responsive actions, GVSU may assign any other responsive actions as deemed appropriate.

**C. Notice of Outcome**

Within seven (7) business days of the conclusion of the Resolution Process (for Formal Resolution, within seven (7) business days of receipt of the outcome letter from the Decision-Maker), the OCRTIX provides the Parties with a written outcome notification. The outcome notification will specify the finding for each alleged Policy violation, all applicable sanctions that GVSU is permitted to share pursuant to state or federal law, and a detailed rationale, written by the Decision-Maker, supporting the findings to the extent GVSU is permitted to share under federal or state law.

The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to request an appeal, and when the determination is considered final if no party appeals.

The OCRTIX will provide the Parties with the outcome notification simultaneously, or without significant time delay between notifications. The written outcome notification may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official GVSU records, or emailed to the Parties' GVSU-issued or designated email account. Once mailed, emailed, and/or received in person, the outcome notification is presumptively delivered.

**VI. Appeal of the Determination**

The OCRTIX will designate an Appeal Decision-Maker – either a three-member panel, an individual chosen from the Pool, or other trained internal or external individuals, to hear the

appeal. No Appeal Decision-Maker(s) will have been previously involved in the Resolution Process for the Complaint, including in any supportive measure challenge or dismissal appeal that may have been decided earlier in the process. If a panel is used, a voting chair will be designated by the OCRTIX.

#### A. Appeal Grounds

Appeals are limited to the following grounds:

- 1) A procedural irregularity that would change the outcome.
- 2) New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility was made.
- 3) The OCRTIX, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific Complainant or Respondent that would change the outcome.
- 4) The Final Determination by the Decision-Maker is substantially contrary to the weight of the evidence in the record (applicable to sanctions of suspension, expulsion, or termination, only).

#### B. Request for Appeal

Any party may submit a written request for appeal ("Request for Appeal") to the OCRTIX within three (3) business days of the delivery of the Notice of Outcome.

The Request for Appeal will be forwarded to the Appeal Decision-Maker for consideration to determine if the request meets the grounds for appeal (a review for standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Appeal Decision-Maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

If any of the information in the Request for Appeal meets the grounds in this Policy, then the Appeal Decision-Maker will notify all Parties and their Advisors, the OCRTIX, and, when appropriate, the Investigator(s) and/or the original Decision-Maker.

All other Parties and their Advisors, the OCRTIX, and, when appropriate, the Investigator(s) and/or the Decision-Maker will be provided a copy of the Request for Appeal with the approved grounds and then be given three (3) business days to submit a response to the portion of the appeal that was approved and involves them. The Appeal Decision-Maker will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the Appeal Decision-Maker to determine if it meets the grounds in this Policy and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the OCRTIX, and the Investigator(s) and/or original Decision-Maker, as necessary, who will submit their responses, if any, within three (3) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties and their Advisors will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this time period. The Appeal Decision-Maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Decision-Maker, who will promptly render a decision.

#### C. Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Decision-Maker will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. When the Decision-Maker is a panel, all decisions are made by majority vote and apply the preponderance of the evidence standard of proof.

An appeal is not an opportunity for the Appeal Decision-Makers to substitute their judgment for that of the original Decision-Maker merely because they disagree with the finding and/or sanction(s).

The Appeal Decision-Maker may consult with the OCRTIX and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The OCRTIX will maintain documentation of all such consultation.

#### D. Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-Maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-Maker or the OCRTIX (as in cases of bias), the Appeal Decision-Maker may order a new investigation and/or a new determination with new Pool members serving in the Investigator and Decision-Maker roles.

A Notice of Appeal Outcome letter ("Appeal Outcome") will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which GVSU is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent GVSU is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official institutional records, or emailed to the Parties' GVSU-issued email or otherwise approved account. Once mailed, emailed, and/or received in person, the Appeal Outcome will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final.



When an appeal results in a new finding or sanction following a reconsideration, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new investigation and or new determination, that then has an outcome that is different from the originally appealed determination, that new determination can be appealed, once, on the grounds listed above and in accordance with these procedures.

#### E. Sanction Status During the Appeal

Any sanctions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then the emergency removal procedures (detailed above) for a "show cause" meeting on the justification for doing so must be permitted within two (2) business days of implementation.

### **VI. Long-Term Remedies/Other Actions**

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented or Informal Resolution terms, the OCRTIX may implement additional long-term remedies or actions with respect to the Parties and/or GVSU community that are intended to stop the discrimination, harassment, and/or misconduct, remedy the effects, and prevent recurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

As determined by the OCRTIX, certain long-term supportive measures may also be provided to the Parties even if no Policy violation is found.

When no Policy violation is found, the OCRTIX will address any remedies GVSU owes the Respondent to ensure no effective denial of educational access.

GVSU will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair GVSU's ability to provide these services.

## **VII. Failure to Comply with Sanctions, Responsive Actions, and/or Informal Resolution Terms**

All Respondents are expected to comply with the assigned sanctions, responsive actions, corrective actions, and/or Informal Resolution terms within the timeframe specified by the final Decision-Maker(s), including the Appeal Panel or Decision-Maker or the Informal Resolution agreement.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or for any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from GVSU.

Supervisors are expected to enforce the completion of sanctions/responsive actions for their employees, if instructed by OCRTIX to do so.

A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved as determined by the OCRTIX.

## **VIII. Revision of these Procedures**

These procedures succeed any previous procedures addressing discrimination, harassment, and misconduct for incidents occurring on or after September 6, 2024. The OCRTIX will regularly review and update these procedures. GVSU reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If governing laws or regulations change, or court decisions alter, the requirements in a way that impacts this document, this document will be construed to comply with the most recent governing laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background federal and state laws that frame such policies and codes, generally.

These procedures are effective 09-06-2024.

## **Procedures for Responding to Reports of Harassment, Discrimination, Retaliation, and Sexual Misconduct (including sexual assault, intimate partner violence, stalking and sexual exploitation) – for incidents occurring on or before September 5, 2024.**

### **General Procedures**

#### **A. Introduction**

GVSU is committed to providing an educational environment, a workplace, programs, and activities that are free from all forms of harassment, discrimination, retaliation, and sexual misconduct. GVSU's Policy Prohibiting Harassment, Discrimination, Retaliation, & Sexual Misconduct ("the Policy") prohibits all forms of harassment and discrimination under Title IX of the Education Amendments of 1972, 2020 Title IX Regulations (34 CFR § 106), Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA), Title VII of the Civil Rights Act of 1964, and other applicable statutes, including the Elliott-Larsen Civil Rights Act, Michigan

PA 453 of 1976. The Policy prohibits a broad continuum of behaviors, some of which are not legally prohibited but which reflect GVSU's standards and expectations for a positive working and learning environment.

#### B. Applicable Scope

These procedures apply to complaints alleging violation of GVSU's Policy Prohibiting Harassment, Discrimination, Retaliation, & Sexual Misconduct, which prohibits all forms of harassment including sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence and discrimination which includes exclusion or different treatment in activities, such as admission, athletics, or employment. When an alleged violation of the policy is reported, the allegations are subject to resolution using GVSU's "Process A: Formal Grievance Process Under 2020 Title IX Regulations," "Process B: Grievance Process for University Sexual Misconduct," or "Process C: Resolution Process for Discrimination & Harassment," as determined by the Title IX Coordinator, and as detailed in these procedures.

When the Respondent is a member of the GVSU community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the GVSU community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The accompanying procedures may be applied to incidents, patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with these procedures.

#### C. Title IX Coordinator

GVSU's Title IX Coordinator oversees the implementation of GVSU's Policy Prohibiting Harassment, Discrimination, Retaliation, & Sexual Misconduct. The Title IX Coordinator has the primary responsibility for monitoring GVSU's compliance under Title IX of the Education Amendments of 1972, 2020 Title IX Regulations (34 CFR § 106), Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA), Title VII of the Civil Rights Act of 1964, and other applicable statutes, including Elliott Larsen Civil Rights Act; ensuring appropriate education and training; coordinating GVSU's efforts related to the intake, investigation, resolution, and implementation of supportive measures to eliminate, remediate, and prevent discrimination, harassment, and retaliation. The Title IX Coordinator is available to meet with any student, employee, or third party to discuss GVSU's Policy Prohibiting Harassment, Discrimination, Retaliation, & Sexual Misconduct and these procedures.

#### D. Independence and Conflict of Interest

The Title IX Coordinator manages the Office for Civil Rights and Title IX team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under the Policy and these procedures. The members of the Office for Civil Rights and Title IX team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or potential conflict of interest by the Title IX Coordinator, contact Jesse Bernal, Vice President for Inclusion and Equity, or designee, by email at [bernalje@gvsu.edu](mailto:bernalje@gvsu.edu) or by phone at (616) 331-3296. Concerns involving bias or a potential conflict of interest by any other member of the Office for Civil Rights and Title IX team should

be raised with the Title IX Coordinator. Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to Jesse Bernal, Vice President for Inclusion and Equity, or designee, by email at [bernalje@gvsu.edu](mailto:bernalje@gvsu.edu) or by phone at (616) 331-3296. Reports of misconduct or discrimination committed by any other member of the Office for Civil Rights and Title IX team should be reported to the Title IX Coordinator.

E. Notice/Complaints of Discrimination, Harassment, Retaliation, and/or Sexual Misconduct

GVSU encourages anyone who experiences or becomes aware of discrimination, harassment, retaliation, and/or sexual misconduct to report the incident using any of the following options:

1. File a complaint with, or give verbal notice to, GVSU's Title IX Coordinator and/or Deputy Title IX Coordinators. Such a report can be made at any time (including during non-business hours) by using the phone number or email address, or by mail to the office address, listed for the Title IX Coordinator:

**Kathleen VanderVeen, Deputy Chief Inclusion & Equity Officer and Title IX Coordinator**

In the absence of the Title IX Coordinator, the Deputy Coordinators may serve in this role:

**MJ Creutz, Assistant Director and Deputy Title IX Coordinator**

**Stacy Piasecki, Lead Civil Rights Investigator and Deputy Title IX Coordinator**

[titleix@gvsu.edu](mailto:titleix@gvsu.edu)

(616) 331-9530

Office for Title IX & Institutional Equity

4015 James H. Zumberge Hall

[www.gvsu.edu/titleix](http://www.gvsu.edu/titleix)

2. Report online, using the form posted at [www.gvsu.edu/titleix/report](http://www.gvsu.edu/titleix/report). Anonymous reports are accepted, but can give rise to a need to investigate. GVSU works to provide supportive measures to all Complainants, however, that may not be possible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as GVSU respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows GVSU to discuss and/or provide supportive measures.
3. GVSU classifies most employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing sexual misconduct, including sexual assault, stalking, intimate partner violence (dating/domestic violence), sexual exploitation, sexual harassment, or gender-based harassment. GVSU's *Policy Prohibiting Harassment, Discrimination, Retaliation, & Sexual Misconduct* details which employees have this responsibility and their duties, accordingly.

The Office for Title IX and Institutional Equity team members listed above, the Vice President for Inclusion and Equity, and the President are Officials with Authority and accept notice or complaints on behalf of GVSU.

## F. Supportive Measures

GVSU will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, retaliation, and/or sexual misconduct.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to GVSU's education programs or activities, including measures designed to protect the safety of all parties or GVSU's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, GVSU will inform the Complainant, in writing, that they may file a formal complaint with GVSU either at that time or in the future if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

GVSU will maintain the privacy of the supportive measures, provided that privacy does not impair GVSU's ability to provide the supportive measures. GVSU will act to ensure as minimal an academic/employment impact on the parties as possible. GVSU will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Providing campus safety escorts
- Providing transportation accommodations
- Academic adjustments, extensions of deadlines, or other course/program-related adjustments
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Even when the Respondent is not a member of GVSU's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

## G. Emergency Removal

GVSU can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX & Institutional Equity Advisory Group (TAG) using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such

action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under these procedures to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under these procedures will be grounds for discipline, which may include expulsion.

GVSU will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions for interim action are applicable.

#### H. Promptness

All allegations are acted upon promptly by GVSU once it has received notice or a formal complaint. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but GVSU will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in these procedures will be delayed, GVSU will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

#### I. Privacy

Every effort is made by GVSU to preserve the privacy of reports. GVSU will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational

Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance/resolution proceeding arising under these policies and procedures.

GVSU reserves the right to determine which GVSU officials have a legitimate educational interest in being informed about incidents that fall within the Policy and these procedures, pursuant to the Family Educational Rights and Privacy Act (FERPA).

In order to preserve the parties' rights and privacy, only a small group of officials who need to know will typically be told about the complaint.

#### J. Time Limits on Reporting

There is no time limit on reporting harassment, discrimination, and/or retaliation to the Title IX Coordinator. However, if the Respondent is no longer subject to GVSU's jurisdiction and/or significant time has passed, the ability to investigate, respond to, and provide remedies may be more limited or impossible.

Acting on reports significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures, and/or remedies, and/or engage in informal or formal action, as appropriate.

When a report is affected by significant time delay, GVSU will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time the report is made.

#### K. When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared or does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether GVSU proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on the results of the violence risk assessment that show a compelling risk to health and/or safety that requires GVSU to pursue formal action to protect the community. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. GVSU may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and GVSU's ability to pursue a resolution under these procedures, fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of the Policy.

When GVSU proceeds, the Complainant may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under these procedures irrespective of their level of participation.

Note that GVSU's ability to remedy and respond to notice may be limited if the Complainant does not want GVSU to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible while balancing GVSU's obligation to protect its community.

In cases in which the Complainant requests no formal action and the circumstances allow GVSU to honor that request, GVSU will offer supportive measures to the Complainant, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right and can expect, to have allegations taken seriously by GVSU, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

#### L. Amnesty for Complainants and Witnesses

To encourage reporting and participation in the process, GVSU offers parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident. Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution.

#### M. Recordkeeping

GVSU will maintain for a period of seven years records of:

- Each investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation.
- Any disciplinary sanctions imposed on the Respondent.
- Any remedies provided to the Complainant designed to restore or preserve equal access to GVSU's education program or activity.
- Any appeal and the result therefrom; and
- Any actions, including any supportive measures, taken in response to a report or formal complaint of prohibited behavior, including:
  - The basis for all conclusions is that the response was not deliberately indifferent.
  - Any measures designed to restore or preserve equal access to GVSU's education program or activity; and
  - If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.



GVSU will also maintain any and all records in accordance with state and federal laws.

#### N. Disabilities Accommodations in the Resolution Process

GVSU is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to GVSU's resolution process.

Anyone needing such accommodations or support should contact Disability Support Resources, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

#### O. Revision of the Policy and Procedures

The Policy and these procedures supersede any previous policies addressing harassment, discrimination, retaliation, and/or sexual misconduct and will be reviewed and updated annually by the Title IX Coordinator. GVSU reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in the Policy and these procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings. This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

### **PROCESS A: Formal Grievance Process Under 2020 Title IX Regulations**

#### A. Overview

GVSU will act on any formal notice/complaint of violation of the Policy Prohibiting Harassment, Discrimination, Retaliation, & Sexual Misconduct ("the Policy") that is received by the Title IX Coordinator. Impacted parties will be sent a timely notice for any meetings at which they may be present.

The procedures below apply to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) and sexual misconduct involving students, staff, administrators, or faculty members.

When jurisdiction does not fall within Process A, as determined by the Title IX Coordinator, Process B may be applied or the matter may be referred to another University procedure.

## B. Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps GVSU needs to take.

A Formal Complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that GVSU investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in these procedures, or as described in this section. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by GVSU) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that GVSU investigate the allegations.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

The Title IX Coordinator will initiate at least one of two responses:

- 1) Offering supportive measures because the Complainant does not want to file a formal complaint; and/or
- 2) A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

GVSU uses the Formal Grievance Process to determine whether or not the Policy has been violated. This is a prompt, fair, and impartial process from the initial investigation to the final result. All proceedings are conducted in a manner that is consistent with these procedures and transparent to impacted parties. If a violation is found, GVSU will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

## C. Initial Assessment

Following receipt of notice or a complaint of an alleged violation of the Policy, the Title IX Coordinator engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
  - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.

- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response or a formal investigation and grievance process.
  - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
  - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
    - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process.
    - If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX, and does not limit GVSU’s authority to address a complaint with an appropriate process and remedies.

*i. Violence Risk Assessment*

The Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted in consultation with TAG as part of the initial assessment. A VRA can aid in critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of an immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant: and/or
- Whether the Respondent poses a threat to the physical health or safety of any student, other individual, or campus community.

*ii. Dismissal (Mandatory and Discretionary)*

GVSU must dismiss any allegations therein or a formal complaint of Title IX Sexual Harassment if, at any time during the investigation or hearing, it is determined that:

- The conduct alleged in the formal complaint would not constitute Title IX Sexual Harassment as defined in the Policy, even if proved; and/or
- The conduct did not occur in an educational program or activity controlled by GVSU (including buildings or property controlled by recognized student organizations), and/or GVSU does not have control of the Respondent; and/or
- The conduct did not occur against a person in the United States; and/or
- At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of GVSU.

GVSU may dismiss any allegations therein or a formal complaint of any policy if, at any time during the investigation or hearing, it is determined that:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein: or

- The Respondent is no longer enrolled in or employed by GVSU; or
- Specific circumstances prevent GVSU from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, GVSU will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. In the event that there are remaining charges to be considered, this notice will clarify which charges will be addressed through this procedure.

This dismissal decision is appealable by any party under the procedures for appeal below.

### *iii. Counterclaims*

GVSU is obligated to ensure that the grievance process is not abused for retaliatory purposes. GVSU permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, made for purposes of retaliation, instead. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of the Policy.

### D. Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process, as long as the Advisor is eligible and available. While the advisors may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties at any meeting and/or proceeding, or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings.

The Title IX Coordinator will also offer to assign an Advisor for any party if the party so chooses.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

GVSU may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

*i. Advisors in Hearings/GVSU-Appointed Advisor*

Under the 2020 Title IX Regulations (34 CFR § 106), a form of indirect questioning is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, GVSU will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, GVSU will appoint a trained Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.

**E. Grievance Process Pool**

The Formal Grievance Process relies on a pool of individuals ("the Pool") to carry out the process. The Title IX Coordinator appoints the Pool, which acts with independence, impartiality, and is free from bias. Members of the Pool receive annual training based on their respective roles, on topics including dating violence, domestic violence, sexual assault, stalking, and on how to conduct an investigation and hearing process that protects the safety of impacted parties and promotes accountability. The materials used to train all members of the Pool are publicly posted here: [www.gvsu.edu/titleix/materials](http://www.gvsu.edu/titleix/materials). External, trained third-party neutral professionals may also be used to serve in pool roles.

Members of the Pool are trained annually, and can serve in the following roles, at the direction of the Title IX Coordinator:

- To provide an appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To perform or assist with the initial assessment
- To serve as an Investigator
- To serve as a Hearing Chair
- To serve as a Decision-maker
- To serve as an Appeal Chair

**F. Formal Grievance Process**

*i. Resolution Timeline*

Our goal is to complete the resolution process approximately within a eighty-to-one hundred (80-100) business day time period. While ensuring the integrity and completeness of an investigation, as well as consideration of law enforcement and other pertinent factors of the investigation, temporary delay may occur. Pertinent factors may include: accommodation of the availability of witness, account for

university breaks or vacations, complexities of a case, (the number of witnesses and volume of information provided by the parties) or other legitimate reasons.

*ii. Notice of Investigation*

The Title IX Coordinator will provide written notice of the investigation and allegations (the "NOI") to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOI is also copied to the Complainant, who is to be given advance notice of when the NOI will be delivered to the Respondent.

The NOI will include:

- a. A meaningful summary of all the allegations,
- b. The identity of the involved parties (if known),
- c. The precise misconduct being alleged,
- d. The date and location of the alleged incident(s) (if known),
- e. The specific policies implicated,
- f. A description of the applicable procedures,
- g. A statement that GVSU presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- h. A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- i. A statement about GVSU's policy on retaliation,
- j. Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- k. A statement informing the parties that GVSU's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process.

Amendments and updates to the NOI may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the parties' GVSU-issued email accounts. Once emailed, and/or received in-person, notice will be presumptively delivered.

*iii. Appointment of Investigators*

Once the decision to commence a formal investigation is made, the Title IX Coordinator will appoint one or more investigators to conduct a prompt, thorough, fair, and impartial investigation.

*iv. Recording of Interviews*

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record

interviews, all involved parties must be made aware of audio and/or video recording.

v. *Overview of the Investigation*

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

During the investigation, the parties will have an equal opportunity to be heard, to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions that they believe should be directed by the investigator to each other or to any witness. The investigator will notify and seek to meet separately with the complainant, the respondent, and third-party witnesses, and will gather other relevant and available evidence and information, including without limitation, electronic or other records of communications between the parties or witness (via voice-mail, text message, email and social media sites), photographs (including those stored in computers, phones, tablets, etc.), and medical records (subject to the consent of the applicable party).

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. GVSU will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

vi. *Draft Investigation Report*

The investigator(s) will write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included.

Prior to the conclusion of the investigation, parties will be provided with a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which GVSU does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days.

vii. *Final Investigation Report*

The Investigator will incorporate any relevant feedback, make any necessary revisions, and finalize the report, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy. The parties

are also provided with a file of any directly related evidence that was not included in the report.

*viii. Hearing Decision-makers*

The Title IX Coordinator will designate a three-member panel from the Pool, with one of the three members appointed as Chair.

The Decision-makers will not have had any previous involvement with the investigation. The Title IX Coordinator may serve as an administrative facilitator of the hearing if their previous roles in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role.

*ix. Evidentiary Considerations in the Hearing*

Any evidence that the Decision-makers determine is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

*x. Notice of Hearing*

The hearing will be scheduled and held at least ten (10) business days from when the final investigation report is sent to the parties. The Title IX Coordinator will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notice will include the date, time, and location of the hearing, along with other information pertinent to the hearing.

*xi. Alternative Hearing Participation Options*

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator at least five (5) business days prior to the hearing. Additionally, the Title IX Coordinator can arrange to use technology for some or all attendees without compromising the fairness of the hearing.

*xii. Pre-Hearing Preparation*

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two (2) business days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).



Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s). Any evidence offered at the hearing must have been submitted to investigator(s) during the investigation.

During the ten (10) day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence.

*xiii. Pre-Hearing Meetings*

The Chair may convene a pre-hearing meeting(s) with the parties and their Advisors to invite them to submit the questions the parties wish to ask at the hearing, so that the Chair can rule on their relevance ahead of time. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or statements offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their statements can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing.

*xiv. Hearing Procedures*

At the hearing, the Decision-makers have the authority to hear and make determinations on all allegations of harassment, discrimination, retaliation, and/or sexual misconduct.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, anyone providing authorized accommodations or assistive services, and anyone else deemed appropriate by the Chair.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and the witnesses will then be excused.

*xv. Joint Hearings*

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

*xvi. Statements and Questioning*

Parties and witnesses will submit to indirect questioning by the Decision-makers and then by the parties through their Advisors. All questions are subject to a relevance determination by the Chair. If a party or witness refuses to answer any relevant questions, then the Decision-makers may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. Evidence provided that is something other than a statement by the party or witness may be considered.

However, if the statements of the party who is refusing to submit to indirect questioning or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission.

The Decision-makers may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer questions.

If a party's Advisor of choice refuses to comply with GVSU's established rules of decorum for the hearing, GVSU may require the party to use a different Advisor. If a GVSU-provided Advisor refuses to comply with the rules of decorum, GVSU may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

*xvii. Recording Hearings*

Hearings (but not deliberations) are recorded by GVSU for purposes of review in the event of an appeal. The parties may not record the proceedings, and no other unauthorized recordings are permitted.

The Decision-makers, the parties, their Advisors, and appropriate administrators of GVSU will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

*xviii. Deliberation, Decision-making, and Standard of Proof*

The Decision-makers will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. A simple majority vote is required to determine the finding. The preponderance of

the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-makers will review any previously submitted party impact statements and any pertinent conduct history and will determine the appropriate sanction(s).

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions.

This statement must be submitted to the Title IX Coordinator within three (3) business days of the end of deliberations. If the Title IX Coordinator grants an extension, parties will be notified.

*xix. Notice of Outcome*

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Notice of Outcome, which includes the final determination, rationale, and any applicable sanction(s), will be shared simultaneously with the parties and their Advisors within three (3) business days of receiving the deliberation statement. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official GVSU records, or emailed to the parties' GVSU-issued email account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will include information on when the results are considered by GVSU to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

*xx. Sanctions*

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in these procedures are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

**a. Student Sanctions**

The following lists the range of sanctions that may be imposed upon students:

- *Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any GVSU policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Professional Assessment:* Completion of a professional assessment that could help the respondent or GVSU ascertain the respondent's ongoing

supervision or support needed to successfully participate in the GVSU community.

- *Probation:* A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension:* Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met.
- *Expulsion:* Permanent termination of student status and revocation of rights to be on campus for any reason or to attend GVSU-sponsored events.
- *Withholding Diploma:* GVSU may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities.
- *Other Actions:* In addition to or in place of the above sanctions, GVSU may assign any other sanctions as deemed appropriate.

#### **b. Employee Sanctions/Responsive Actions**

The following lists the range of sanctions that may be imposed upon employees:

- *Warning – Written*
- *Performance Improvement Plan*
- *Enhanced supervision, observation, or review*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Delay of tenure track progress*
- *Assignment to a new supervisor*
- *Restriction of stipends, research, and/or professional development resources*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, GVSU may assign any other responsive actions as deemed appropriate.

#### *xxi. Withdrawal or Resignation While Charges Pending*

- a. Students:** Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from GVSU, the resolution process ends, as GVSU no longer has disciplinary jurisdiction over the withdrawn student.

However, GVSU will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, retaliation, and/or sexual misconduct. The student who withdraws or leaves while the process is pending may not return to GVSU. Such exclusion applies to all campuses of GVSU. Admissions will be notified that they cannot be readmitted. They may also be barred from GVSU property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to GVSU unless and until all sanctions have been satisfied.

- b. Employees:** Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as GVSU no longer has disciplinary jurisdiction over the resigned employee.

However, GVSU will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, retaliation, and/or sexual misconduct.

The employee who resigns with unresolved allegations pending is not eligible for rehire with GVSU or any campus of GVSU, and the records retained by the Title IX Coordinator and Human Resources will reflect that status.

All GVSU responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

## *xxii. Appeals*

Any party may file a request for appeal ("Request for Appeal"), in writing to the Title IX Coordinator within three (3) business days of the delivery of the Notice of Outcome.

A single Appeal Decision-maker chosen from the Pool will be designated by the Title IX Coordinator to Chair the appeal. No Appeal Chair will have been involved in the process previously.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

### **a. Grounds for Appeal**

Appeals are limited to the following grounds:

- i. Procedural irregularity that affected the outcome of the matter.
- ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

- iii. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in these procedures, that request will be denied by the Appeal Chair and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in these procedures, then the following parties will be notified in writing: the Complainant and Respondent, their respective Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given three (3) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in these procedures by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in three (3) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses, and the Appeal Chair will render a decision in no more than three (3) business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which GVSU is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent GVSU is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' GVSU-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

**b. Sanctions Status During the Appeal**

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

**c. Appeal Considerations**

- Decisions on appeal are to be deferential to the original decision-maker, remanding on the finding only when there is clear error and on the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Decision-maker may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing). When appeals result in no change to the finding or sanction, that decision is final.
- In rare cases where a substantive error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- The results of a remand to a Decision-maker(s) cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases where the appeal results in reinstatement to GVSU or resumption of privileges, all reasonable attempts will be made to restore the respondent to their prior status.

*xxiii. Long-Term Remedies/Other Actions*

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the behavior, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees

- Provision of campus safety escorts
- Climate surveys
- Policy/procedural modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found. When no policy violation is found, the Title IX Coordinator will address any remedies owed by GVSU to the Respondent to ensure no effective denial of educational access.

GVSU will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair GVSU's ability to provide these services.

*xxiv. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions*

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from GVSU.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

## Notice to the Public and Victims of Violent Crimes

### **Sex Offender Registration**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation, volunteers services or is a student.

In the State of Michigan, convicted sex offenders must register with the police department that has jurisdiction over the location of their residence. You can link to this information by accessing Offender Watch on the Michigan Public Sex Offender website at:

[http://www.communitynotification.com/cap\\_main.php?office=55242/](http://www.communitynotification.com/cap_main.php?office=55242/)

### **Notification to Victims of Crimes of Violence**

The University will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the



alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## **Access Policies and Procedures**

### **Residential Facilities**

There are no residential facilities located on the Holland Meijer Campus.

### **Other University Facilities**

Normal operating hours for the Holland Meijer Campus vary and are dependent upon the academic calendar, class schedule, meetings, and special events. Public spaces within these buildings are open during normal operating hours to GVSU students, faculty, staff, and visitors.

Contact the Department of Public Safety with questions about access protocol for the facilities on the Holland Meijer Campus at (616) 331-3255.

## **Security of Residential Campus Facilities**

There are no residential facilities located on the Holland Meijer Campus.

## **Security Considerations in the Maintenance of Campus Facilities**

Facilities Services - Grand Rapids Campus and Regional Centers maintain University buildings and grounds, with concern for safety and security. Parking lots are illuminated at night, as are all main campus walkways and building entrances. Overnight parking is prohibited. Landscape plantings are arranged and maintained so that building entrances are easily visible from a distance. A security camera system is used on the Holland Meijer Campus for purposes of forensic review of any criminal actions. University security cameras are not monitored continuously under normal operating conditions but may be monitored for legitimate safety and security purposes that include, but are not limited to, the following: high risk areas, restricted access areas/locations, in response to an alarm, special events, and specific investigations authorized by the Director of Public Safety or designee(s). No security cameras are installed on University owned or controlled property in any location for which there is a reasonable expectation of privacy. The University [Use of Security Cameras policy](#) outlines acceptable use and procedures surrounding the University security camera system.

## **Individual Responsibility**

A safety program such as the one at Grand Valley could not reach its highest potential without student cooperation. Students and employees must take responsibility for themselves and their belongings by using common sense and by taking advantage of the programs that are available to them. Grand Valley State community members are encouraged to be alert and aware and responsible for their own security and the security of the community.

Larceny is the most frequent crime on campus and can often be prevented. Do not leave bags, books, purses, bicycles, or other personal effects unattended in the living centers, classrooms or other public areas. When parking on campus, close your vehicle's windows and lock your doors.

## Security Awareness and Crime Prevention Programs

The Grand Valley Police Department offers a wide variety of safety awareness and crime prevention programs to the University community. The Grand Valley Police Department partners with [Housing and Residence Life](#), [Admissions](#), and the [Alcohol and Other Drugs \(AOD\) Services office](#) to reach a broad audience beginning with freshmen students during the Transitions orientation.

Safety awareness programs available include topics such as Empowering Women, Spring Break Travel Safety, Active Shooter Response, Eyes Wide Open, Fire Safety, and Severe Weather. There are numerous programs available on alcohol education such as Truth, Lies and Consequences, Liquor and the Law, and Alcohol Awareness Mario Kart. All crime prevention and security awareness programs encourage students and employees to be responsible for their own security and the security of others. Crime prevention programs and specialized programs customized to address specific events and crime trends are available upon request. Programs are provided to students, faculty, and staff on request. Descriptions of the programs available are on the Grand Valley Police Department [website](#). Links are also available to programs offered by [AOD Services](#).

The following programs were offered by Grand Valley Police Department Community Policing Officers in 2023.

PROGRAM	# OF TIMES OFFERED IN 2023
General Safety Presentations	4
K9 Related Programming	1
Liquor and the Law	3
Human Trafficking	1
Greek Life – Safety Related	2

The following programs were offered by Grand Valley Police Department Emergency Management in 2023.

PROGRAM	# OF TIMES OFFERED IN 2023
Emergency Preparedness Training	23
911 See Something	1
Hands Only CPR	2
Emergencies Q&A	2
Question, Persuade, Refer	1
Safety Walk-Through	17
Active Shooter Engaged	1
Stop the Bleed	8

The [University Counseling Center](#) provides individual and group counseling throughout the year on such topics as alcohol and substance abuse, rape, personal and relationship concerns, and career planning. More information can be obtained from the University Counseling Center or by calling (616) 331-3266.

## Crime Rates and Statistics

The Holland Meijer Campus closed in 2020 and reopened in the fall of 2024. Therefore, statistics are not available for the most recent 3-year period. Statistics will be obtained and requested for calendar year 2024 and reported in the 2025 Annual Security Report.

## **FBI, Violence Against Women Reauthorization Act of 2013 and National Incident Based Reporting System Definitions of Crime Categories**

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with the consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of Domestic Violence.

**Domestic Violence:** Felony or misdemeanor crimes of violence committed:

- By a current or former spouse or intimate partner of the victim.
- By a person with whom the victim shares a child in common.
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joyriding.)

**Criminal Homicide-Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Criminal Homicide-Manslaughter by Negligence:** The killing of another person through gross negligence.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, A sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim if incapable of giving consent."

- *Fondling* - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental capacity.
- *Incest* - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Statutory Rape* - Sexual intercourse with a person who is under the statutory age of consent.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to-

- Fear for their safety or the safety of others; or
- Suffer substantial emotional distress.

For purposes of this definition-

- **Course of conduct** means two or more acts, including but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- **Reasonable Person** means a reasonable person under similar circumstances and with similar identities to the victim.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, required medical or other professional treatment or counseling.

**Liquor Laws:** The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substances. Arrests for

violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

**Weapons Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

**Hate Crime:** A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## **Drug and Alcohol Policy**

In compliance with the Drug Free Schools and Communities Act, Grand Valley State University publishes information regarding the University's educational programs related to drug and alcohol abuse prevention, sanctions for violations of federal, state, and local laws and University policy, a description of health risks associated with alcohol and other drug use, and a description of available treatment programs for GVSU students and employees. A complete description of these topics, as provided in the University's annual notification to students and employees, is available online in the [GVSU Alcohol and Other Drugs Policy Handbook](#). The GVSU Alcohol and Other Drugs Policy is available in the University Policies (<https://www.gvsu.edu/policies/>).

Students, faculty and staff are responsible for making decisions about their behavior within the context of state and federal law and University policies. The unlawful manufacture, possession, use, sale, distribution, or dispensation of illicit or prescription drugs and the unlawful possession, use, sale, or distribution of alcohol and marijuana by faculty, staff, and students on GVSU property or as part of a University activity is specifically prohibited by University policy and by state and federal law. GVSU police officers will investigate reports of any such violations, and if appropriate, enforce state underage drinking laws as well as federal and state drug laws.

The [Alcohol & Other Drugs \(AOD\) Services](#) office understands that alcohol and drug abuse often negatively impact individuals' health, academics, career, safety, and relationships. Substance abuse can also be a sign of struggles in one's life and "co-occur" with mental health issues. To provide support, the AOD Services office works closely with the [University Counseling Center](#) to ensure that students are aware of the free and confidential counseling resources they have available to them through the University.

The University's Employee Assistance Program (EAP), also known as [Encompass](#), is available through the Human Resource Office. GVSU faculty, staff and their household members who are benefit eligible have access to mental health and substance abuse counseling services through Encompass. If it is determined that further intervention is needed, Encompass will refer the individual to an area substance abuse treatment program or service. Faculty and staff can contact Encompass directly.

Please contact the offices below for additional information or assistance.

### **Students**

Alcohol & Other Drugs (AOD) Services Office:

(616) 331-2537 | [www.gvsu.edu/aod/](http://www.gvsu.edu/aod/)

*Provides alcohol and drug education, prevention services and helps support students in recovery.*

University Counseling Center: (616) 331-3266 | [www.gvsu.edu/counsel](http://www.gvsu.edu/counsel)

*Provides free student mental health and substance abuse counseling to currently enrolled students. Services are confidential and include both individual and group counseling.*

Dean of Students Office: (616) 331-3585 | [www.gvsu.edu/dos/](http://www.gvsu.edu/dos/)

### **Faculty/Staff**

Human Resources Office: (616) 331-2215 | [www.gvsu.edu/hro/](http://www.gvsu.edu/hro/)

Encompass: (800) 788-8630

*Encompass is a third-party confidential resource. They provide seven free sessions for GVSU faculty, staff, and their household dependents to lend support with a variety of life challenges. Faculty and staff can receive resources for needs such as elder care, childcare, financial issues, and legal issues. Coaching, consultation, and counseling are available for grief, substance abuse assessment, mental health needs, and relationship conflict. For more information visit <https://www.gvsu.edu/hro/benefitswellness/encompass-employee-assistance-program-504.htm>*

### **Federal Grant Recipients**

Office of Sponsored Programs: (616) 331-6826 | [www.gvsu.edu/grants/](http://www.gvsu.edu/grants/)

### **All Campus Community**

Grand Valley Department of Public Safety: (616) 331-3255

**Emergencies: 9-1-1** | [www.gvsu.edu/dps/](http://www.gvsu.edu/dps/)

### **AOD Education Programs**

AOD Services offers a variety of educational programming to inform students, faculty, and staff about drug and alcohol use and abuse. The following programs are offered throughout the academic year to provide alcohol-free opportunities, education on legal and health consequences of using substances, and to promote alcohol-free lifestyles.

#### **3 Bs of Alcohol**

This 50-minute program is an interactive program engaging students in a dialogue about drinking culture, safe drinking techniques, and some of the facts and myths related to alcohol. This programming is provided for academic courses, residential communities, the Greek community, and by request. This program is offered throughout the semester and can be requested by faculty, staff, or student groups/organizations.

#### **3 Bs of Marijuana**

This 50-minute, interactive program engages students in a dialogue about marijuana culture, how to use cannabis safely, and some of the facts and myths about marijuana. This program addresses marijuana use, addiction, GVSU norms pertaining to marijuana use perceptions, health impacts, and consequences of using marijuana illegally. This program is provided to academic courses and by request. It is offered each semester and can be requested by faculty, staff, or student groups/organizations.

#### **3 Bs of Substances**

This 50-minute interactive program engages students in a dialogue about illicit substances, alcohol, and cannabis culture. It explores ways to use substances safely and addresses the risks of mixing substances and prescription misuse. This programming was provided for academic courses, residential communities, the Greek community, and by request.

#### **Wine, Women and Wellness**

This program is facilitated by AOD Services staff and has been tailored to meet the needs of GVSU female students who choose to drink. The focus of this interactive program is education on alcohol use, high risk drinking, GVSU norms pertaining to drinking, health impacts, safety tips, and consequences of illegal drinking. Additionally, this program provides specific information on the effects of alcohol as it relates to hormones, body types, and blood alcohol levels for females. This program can be requested by faculty, staff, or student groups/organizations.

#### **Men and Alcohol**

This program is facilitated by AOD Services staff and has been tailored to meet the needs of GVSU male students who choose to drink. The focus of this interactive program is education on alcohol use, high risk drinking, GVSU norms pertaining to drinking, health impacts, safety tips, and consequences of illegal drinking. Additionally, this program provides specific information on

signs of dangerous drinking and blood alcohol levels for males. This program can be requested by faculty, staff, or student groups/organizations.

### **Alcohol and Athletic Performance**

This program is facilitated by AOD Services staff and has been tailored to meet the needs of athletes at any level. The focus of this interactive program is education on alcohol use, high risk drinking, GVSU norms pertaining to drinking, health impacts, safety tips, and consequences of illegal drinking. Additionally, this program provides specific information on the effects of alcohol on athletic performance, mental health, and team support. This program can be requested by faculty, staff, or student groups/organizations.

### **Surviving Spring Break**

This interactive simulation program ties safe drinking and physical safety together, to educate students on the increased risk of harm when traveling across the state, nation, or internationally for spring break. The spring break safety program aims to educate students on the importance of being cautious when choosing to drink in new environments and with new people.

### **AOD Jeopardy**

This 50-minute Jeopardy simulation provides interactive education where students can learn facts, statistics, and myths about various substances including alcohol, marijuana, and study drugs. Program content includes information on impacts of substances, prevalence, effects, and legal matters. This programming is provided for academic courses, the residential community, the Greek community, and by request.

### **TIPS Training**

The AOD Services staff are certified trainers for TIPS (Training for Intervention Procedures) and offer this nationally developed training free of charge to student groups. The goal of the program is to empower students to prevent high-risk drinking, recognize signs of intoxication, and intervene to get further assistance and help for those impaired by alcohol. Students who attend this program may take an exam to receive a certification from TIPS.

### **Game Night with AOD**

Game Night is a substance-free event hosted by AOD Services staff in a central-campus location. The event is approximately two hours of free board-game play, free food, and interaction with other students. The AOD Services staff offers education on campus substance use norms. Game Night is held one Friday night per month during the academic year.

### **Recovery Meetings**

The AOD Services office provides space and support for daily recovery meetings including AA, NA, SMART Recovery, and Adult Children of Alcoholics. Students, faculty, staff, and community members are welcome to attend these meetings.



## **Fire Safety Information**

Fire safety information is required for campuses with on-campus student housing. There are no residential facilities located on the Holland Meijer Campus.

## **Concluding Paragraph-Policy Applicability**

All policy statements contained in the Annual Security Report apply to the Holland Meijer Campus unless otherwise stated within each section of the Report. The information in this document is accurate as of the date it was posted. This report is intended to be informational and is not a guarantee of services. The University reserves the right to modify its programs, services, and levels of staffing.