7-8-2015

WMU Board of Trustees Closed Informal Session July 8, 2015

WMU Board of Trustees

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AGENDA – JULY 8, 2015
CLOSED INFORMAL SESSION – 9-10:45 A.M. – CONNABLE BOARD ROOM, BERNHARD CENTER
BOARD OF TRUSTEES FORMAL SESSION, WEDNESDAY, 11 A.M., ROOMS 157-159 BERNHARD CENTER

Acceptance of the Agenda – Hettinger

Approval of the Minutes of the June 3, 2015 Formal Session – Hettinger

Remarks by the Chair – Hettinger

Remarks by the President – President Dunn

Remarks by the Faculty Senate President – Dennis Simpson

Remarks by the WSA Vice President Thye Fischman and GSA President Damon Chambers

Remarks if any written requests to address the Board from WMU’s collective bargaining units, APA or PSSO

Other Public Comments – Hettinger

ACTION ITEMS

1. Transaction Involving Southwest Michigan Innovation Center – VanDerKley
2. Teaching Assistants Union (TAU) Labor Agreement (ROLL CALL) – Colleen Scarff
3. Midwest Student Exchange Program – Greene
4. Policy and Procedures – Sexual and Gender-Based Harassment and Violence
   Intimate Partner Violence and Procedures – Carrick Craig, Diane Anderson, and Evelyn Winfield-Thomas
5. Whistleblower and Retaliation Policy – Anderson
6. Naming of Elson S. Floyd Hall
7. Naming of the New Alumni Center

CONSENT ITEMS – Hettinger

8. Personnel Report
9. Gift Report
10. Grant Report
11. Program Changes
12. Liquor Licenses
13. Easement for Natural Gas Pipeline
14. Student Code
Western Michigan University
Board of Trustees

July 8, 2015
Agenda Item #1

Transaction Involving Southwest Michigan Innovation Center

Background

Western Michigan University Homer Stryker M.D. School of Medicine ("WMed") has proposed to purchase from Southwest Michigan Innovation Center, Inc. ("SMIC Corp.") the land, building and equipment known as "Southwest Michigan Innovation Center" (the "Center") (the "Transaction"). The Center is located in Western Michigan University’s Business Technology and Research Park (the "BTR"), and will be used by WMed for medical research space. The Transaction is subject to approval by the Board of Trustees, both as the Class A Member of WMed, and also as an interested party to the Transaction.

In 2003, WMU conveyed to SMIC Corp. Units 15 and 16 of the BTR to be used for the Center, and in 2009 it conveyed Unit 31 for the same purpose. The fair market value for the land was $618,812, and by agreement WMU was not paid for the land. In addition, WMU contributed $3,000,000 which it received as a restricted gift towards the construction of the Center, which also was not to be repaid except upon sale of the Center. The Covenant Deed conveying the property provided two ways that WMU could recoup the $3,618,812 it was owed: (i) WMU had a right of first refusal to buy the Center if it were to be sold, and WMU could use the amount it was owed as a credit toward that purchase price; or (ii) if the Center were to be sold, after payment of the mortgage lenders, the sale proceeds would be paid to WMU (the "Covenant Deed Repayment Term").

As part of the Transaction, WMU is being asked (a) to permanently relinquish the Covenant Deed Repayment Term as described in (i) and (ii) above, and (b) to waive its right of first refusal with respect to the Transaction. The Covenant Deed Repayment Term will be permanently relinquished, but the right of first refusal will continue for subsequent sales.

In addition, as the sole Class A Member of WMed, the Board of Trustees has the reserved power to approve certain actions by WMed, including the incurring of any indebtedness by WMed and any mortgage on any property owned by WMed.

The terms of the Transaction may be summarized as follows:

1. General. SMIC Corp. will sell to WMed the Center, including land, building, equipment and SMIC Corp. name. The conveyance will include clean title except for the Kalamazoo Community Foundation ("KCF") mortgage (the "KCF Mortgage").

2. Payoff of KCF Mortgage. The existing KCF Mortgage to SMIC Corp. for the Center is $2.4 million, and will be modified as follows:

   • WMed will assume the KCF Mortgage on the Center;
   • WMed and Southwest Michigan First will each pay $500,000 at the time of purchase to KCF to reduce the existing balance of the KCF Mortgage;
• As long as WMed retains ownership of the Center, WMed will make total payments of $1.1 million to KCF over four years beginning in 2017, interest will be 0%, and a $300,000 payment will be made with a grant from KCF in 2021; and
• If the Center is sold prior to payment in full, the balance will be paid to KCF from available net sales proceeds.

3. Assumption of Liabilities. WMed will not assume any liabilities of SMIC Corp., except for the tenant leases assumed by WMed. The property will be accepted “as is”, except for existing environmental conditions.

4. Other Conditions. The Transaction is conditioned upon the Local Development Financing Authority making payments in each of the next two years, a junior mortgage holder forgiving its existing loan to SMIC Corp., satisfactory inspections and due diligence performed by WMed, and approvals by each interested party’s board of directors or trustees.

The Board of Trustees has recognized the strategic goal of supporting WMed as a public/private partnership based school of medicine, and supporting WMed in the Transaction furthers this goal. Consistent with that goal, the Administration believes that the Transaction accomplishes the goals of WMed by providing a research facility in close proximity to the College of Engineering and Applied Sciences and existing researchers at the Center, helping to satisfy the research requirement for its accreditation, providing opportunities for research collaboration with WMU faculty and students, and enhancing the reputation of WMed and WMU.

Further, the Administration deems it appropriate and in the best interest of WMU to approve the Transaction, to waive its right of first refusal for the Transaction and to relinquish the Covenant Deed Repayment Term, because it allows WMed to acquire the Center with a clean title, WMU does not wish to exercise its right of first refusal, and the Repayment Term is unlikely to be fulfilled. Accordingly, it is recommended that the Board of Trustees approve this Transaction, approve waiving the right of first refusal, and approve relinquishing the Covenant Deed Repayment Term.

Recommended Action

The Board of Trustees, acting as the Class A Member of WMed, pursuant to the Bylaws of WMed, hereby authorizes WMed to enter into the Transaction to acquire the Center subject to the KCF Mortgage with such changes as may be approved by WMed.

The Board of Trustees hereby agrees to waive its right of first refusal for the Transaction to acquire the Center and to relinquish the Covenant Deed Repayment Term, and authorizes the execution of any documents necessary or appropriate to carry out the terms of this resolution on such terms as shall be approved by the President or Treasurer of the University, and authorizes the President or Treasurer of the University to take all necessary or appropriate actions to carry out this resolution.

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TEACHING ASSISTANTS UNION (TAU) LABOR AGREEMENT (ROLL CALL)

Background

The Teaching Assistants Union (TAU) represents approximately 500 teaching assistants with appointment levels ranging from one-half to full. Approximately 75% of the teaching assistants have full appointments. The union was first organized in May 2006.

Negotiations between the TAU and the University began in October 2014 and a tentative agreement on a three-year contract was reached on June 3, 2015. This tentative agreement was ratified by the TAU membership on June 17, 2015 by a 92% majority.

The new contract would run from August 22, 2015 through August 21, 2018. The agreement provides the following key contract terms:

- Wage increases are set at 2% for year one, 2% for year two, and 3% for year three of the contract for graduate assistants, doctoral graduate assistants and doctoral associates awarded candidacy. For those current doctoral associates not yet awarded candidacy, wage increases are set at 1% for each of the three years of the contract.

- Elimination of a $25 lump sum payment per semester.

- Teaching assistants with one-half appointments will receive an additional 1.5 credit hour tuition waiver per semester effective with the Fall 2016 semester.

- Restructure of the health care benefit to provide a $325 subsidy payment each fall and spring semester to all teaching assistants. Elimination of the current University contribution towards health care premiums for only those teaching assistants enrolled in the University sponsored plan.

- The addition of academic year appointments instead of per semester appointments.

- Letter of agreement for both parties to continue discussions on greater flexibility in use of the tuition waiver benefit.

Recommended Action

It is recommended that the Board of Trustees approve the three-year contract with the WMU Chapter of the Teaching Assistants Union (TAU).
Midwest Student Exchange Program

It is proposed that Western Michigan University administration be authorized to execute an agreement to join the Midwest Student Exchange Program (MSEP) offered by the Midwest Higher Education Compact (MHEC).

Background

The State of Michigan signed onto the MSEP in June 1993.

The Midwest Student Exchange Program, or MSEP, is a multi-state tuition reciprocity program. Through the MSEP, public institutions agree to charge students no more than 150% of the in-state resident tuition rate for specific programs. All enrollment decisions are made at the discretion of the receiving campus and the campus may exercise its right to limit participation or set specific admission requirements for MSEP.

More than 100 colleges/universities in 9 states participate in MSEP: Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota and Wisconsin. Only two schools in Michigan participate in MSEP: Ferris State University and Rochester College. Until Lake Superior State University went to a single tuition rate, they were a participant in MSEP.

In 2013-2014, 745 Michigan residents exited Michigan for college as participants in this program. The state receiving the largest import of students is Missouri. Ferris State University in 2013-2014 enrolled 409 students through MSEP, including 247 from Illinois.

As WMU seeks to increase enrollment of out of state students, joining MSEP opens new doors to attract prospective students to consider WMU and potentially expands our recruitment territory into states where we have not previously directly recruited.

WMU expects to join MSEP effective with new students enrolling in Fall 2016 in the College of Aviation at a rate of 150% of the in-state tuition rate.

Recommended Motion

It is recommended that WMU administration be authorized to execute an agreement to join the Midwest Student Exchange Program (MSEP), with the participation limited to the College of Aviation with a tuition rate set at 150% of the residential rate.
Western Michigan University
Sexual and Gender-Based Harassment and Violence,
Intimate Partner Violence, and Stalking
POLICY AND PROCEDURES

Background

Western Michigan University has a longstanding commitment to maintaining a safe campus for our entire University community. This includes the goal of preventing sexual harassment and sexual violence on campus and responding promptly andremedying its effects when it does occur.

Sexual harassment and sexual violence on college campuses have received a great deal of media coverage and are enforcement priorities for the U.S. Department of Education. Even before the more recent guidance from the Department of Education and well before the latest media firestorm on these topics, Western Michigan University proactively exerted even more intense efforts regarding Title IX compliance and maintaining a safe educational environment. Title IX, along with the implementing guidance and regulations, requires higher education institutions to have a well-publicized policy that prohibits sexual violence and harassment. Also required are implementing policy and procedures to investigate and address events that may be in violation of Title IX and to engage in campus outreach, education, and training on these important matters.

In 2014, Western Michigan University engaged premier national legal experts as consultants to further advise University administration on Title IX requirements, created a Title IX working group, engaged in campus wide dialogue, and in January 2015 implemented the Interim Sexual and Gender-Based Harassment and Violence, Intimate Partner Violence, and Stalking Policy and Procedures. The legal consultants created a secure site that allowed for anonymous comments regarding the interim policy and procedures throughout Spring semester 2015 to be submitted directly to them. Western has now reviewed those comments individually and has, where warranted, made changes to the Interim Policy and Procedures. It is now time to adopt the final policy and procedures as described above.

Recommended Motion

It is recommended that the Board of Trustees adopt the attached Western Michigan University Sexual and Gender-Based Harassment and Violence, Intimate Partner Violence, and Stalking Policy and Procedures. It is further recommended that the Board authorize the administration, in consultation with the Title IX Coordinator and Vice Presidents for Student Affairs and Legal Affairs and General Counsel, to make appropriate clarifications and revisions to the Policy and Procedures from time to time as they deem appropriate pursuant to developments in law, regulations/requirements, guidance, and/or other considerations.
Western Michigan University
Sexual and Gender-Based Harassment and Violence,
Intimate Partner Violence, and Stalking
POLICY AND PROCEDURES

Resources for Assistance Following Incidents of Sexual or Gender-based Harassment and Violence

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1. Introduction

Western Michigan University strives to cultivate a healthy and diverse community that recognizes the value of each individual and helps foster safety, civility and respect for all people. The University encourages all members of our community to participate in the process of creating a safe, welcoming and respectful environment on campus. We affirm the commitment of the university and our community to the values of transparency and timely communication, and accountable and responsible behavior within an ethical, compassionate, diverse and respectful environment.

Members of the Western Michigan University community, including students, employees faculty, staff, administrators, Board members, consultants, vendors, others engaged to do business with the University, guests and visitors have the right to be free from sexual and gender-based discrimination, harassment, and violence and all other forms of prohibited conduct described in this policy, including stalking, and intimate partner violence. All members of the community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Western Michigan University’s policies have been developed to reaffirm these principles, to provide resources for those individuals whose rights may have been violated, and to provide accountability for conduct that violates this policy. This policy prohibits a broad continuum of behaviors, many of which constitute a form of sexual or gender-based discrimination, harassment, or violence and are prohibited by federal law.

2. General Statement of Policy Requirements and Notice of Non-Discrimination under Title IX

The University prohibits sexual or gender-based, harassment and violence, intimate partner violence, and stalking by any member of the University community. All Western Michigan University community members are strongly encouraged to report information regarding any incident of such behaviors directly to the Title IX Coordinator. In addition, many Western Michigan University employees, referred to as Responsible Employees, are required to share information with the Title IX Coordinator, the administrator who oversees this policy and the University’s compliance with Title IX and related federal and state laws.

The University has an obligation to make reasonable efforts to assess and address instances of sexual or gender-based harassment and violence, intimate partner violence and stalking when it knows or should have known about such instances, regardless of whether there is a specific complaint. When an allegation of prohibited conduct is brought to the attention of the Title IX Coordinator, a designated Responsible Employee, or any University resource or support unit under this policy that is not designated as confidential, the University
will take prompt action in response to the report. Such steps may include imposing reasonably available interim measures designed to protect the parties involved. Individuals who are found responsible for violating this policy may face sanctions up to and including expulsion from the University (if a student) and/or termination of employment (if an employee).

The University prohibits retaliation against any person or group who makes a good faith complaint, cooperates with an investigation, or participates in a grievance or related processes. Retaliation should be reported promptly to the Title IX Coordinator for investigation, which may result in disciplinary action independent of any sanction or interim measures imposed in response to the underlying prohibited conduct.

Western Michigan University prohibits discrimination or harassment which violates the law or which constitutes inappropriate or unprofessional limitation of employment opportunity, University facility access, or participation in University activities, on the basis of race, color, religion, national origin, sex, sexual orientation, or gender identity, age, protected disability, veteran status, height, weight, or marital status.

Unlawful sex or gender-based discrimination, including sexual harassment, sexual violence and other forms of sexual misconduct, is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

Title IX applies to all of the University's program and activities, and requires the University to not discriminate in such a manner. Title IX also prohibits retaliation against any individual who files a good faith complaint or participates in an investigation under Title IX.

The U.S. Department of Education's April 4, 2011 "Dear Colleague" letter has interpreted Title IX to also prohibit gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. See http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html.

Sexual or gender-based harassment is also prohibited under Title VII of the Civil Rights Act of 1964, and other applicable statutes, including the Michigan Elliott Larsen Civil Rights Act.
In addition, the University’s response to sexual assault, intimate partner violence and stalking are governed by the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, 20 U.S.C. § 1092(f) (the Clery Act) and Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA).

This policy also prohibits sexual discrimination, harassment, violence, and stalking committed by or against WMU community members of any gender, gender identity, gender expression, or sexual orientation.

Other forms of prohibited discrimination and/or harassment, including race, color, religion, national origin, age, protected disability, veterans status, height, weight, and marital status, are governed by the University’s Non-Discrimination Policy which is located at:

http://www.wmich.edu/policies/non-discrimination-policy

Where conduct involves the potential violation of both this policy and the Non-Discrimination Policy, the provisions of this policy will apply and a single investigation will be conducted that encompasses all relevant allegations. Conduct may also be a violation of provisions of other University policies, rules, and collective bargaining agreement requirements.

### 3. Scope of Policy

#### a. Individuals Covered by this Policy

The policy applies to all WMU students, faculty, staff, administrators, Board members, consultants, vendors, others engaged to do business with the University, guests and visitors (collectively or individually “covered individuals”). The policy also applies to other third parties under circumstances within the University’s control. All complaints, regardless of the role of the Respondent, should be referred to the University’s Title IX Coordinator, who can assist in supporting the Complainant, identifying university and external reporting options and implementing reasonably available interim measures.

Any person, including a visitor, may initiate a complaint against a covered individual. The University may also initiate a complaint on its own initiative.

The term “student” or “students” includes all persons taking one or more courses at the University, both full-time and part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw from WMU after a charge for an alleged violation of the Student Code or any University policy has been determined, or who are not officially enrolled for a particular term, are considered
“students.” “Students” also include those persons who are not officially enrolled for a particular term but who have a continuing relationship with the University as a student. This policy, like the Student Code, applies to all covered individuals at all campuses/study centers affiliated with the University. This policy does not apply to the Western Michigan University Homer Stryker M.D. School of Medicine or the Western Michigan University Thomas M. Cooley School of Law, as those are separate and distinct entities.

This policy may be applied to conduct that takes place from the time a person accepts enrollment as a student and continues so long as the individual has a continuing relationship with the University as a student, including periods during semester breaks and between semesters. Hosts may be held accountable for the misconduct of their guests.

The University may pursue enforcement of this policy separate and apart from any criminal proceedings. The University reserves the right to take action or pursue a complaint even if criminal charges are pending, reduced or dismissed.

b. Locations Covered by this Policy

In particular, the policy applies to prohibited conduct that takes place:

- on campus;

- in the context of an education program or activity of the University, regardless of location (including but not limited to service learning activities, study abroad and internship programs);

- where both the Complainant and Respondent are members of the WMU community, regardless of location;

- off-campus when the conduct has continuing adverse effects on campus or in an off-campus education program or activity.

On-line and/or social media conduct may also violate this policy if it meets the definition of any form of prohibited conduct. Blogs, web page entries on sites such as Instagram, Facebook, and Twitter and other similar online postings are in the public sphere and are not private. These postings can subject an individual to allegations of conduct violations. The University does not regularly search for this information but may take action if and when such information is brought to the attention of University officials.

4. Title IX Coordinator

WMU has designated Evelyn B. Winfield-Thomas, Ph.D., Executive Director of Institutional Equity and Special Assistant to the President, to serve as the
University's Title IX Coordinator. The Title IX Coordinator will be informed of all reports of sexual or gender-based harassment and violence, stalking, and intimate partner violence, and will oversee the University's centralized review, investigation, and resolution of those reports to ensure the University's compliance with Title IX and the effective implementation of this policy.* The Office of Intuitional Equity's website can be found at:
http://www.wmich.edu/equity/

*Note: When this Policy refers to reporting to the Title IX Coordinator, those reports may also be made to those persons specifically designated by the University to receive such reports as the Title IX Coordinator's designee.

The Title IX Coordinator is:

- Responsible for overseeing investigations of sexual and gender-based harassment and violence, intimate partner violence or stalking involving all community members (student, faculty, staff, administrators, visitors and third parties)

- Responsible for monitoring and overseeing the University's compliance with Title IX and relevant VAWA provisions

- Knowledgeable and trained in University policies and procedures and relevant state and federal laws

- Available to advise any individual, including a Complainant, a Respondent or a third party, about the courses of action available at the University, both informally and formally, and in the community

- Responsible for overseeing and providing reasonably available interim measures that protect a Complainant and assure equal access university programs and activities, including educational and employment opportunities

- Responsible for administering and communicating the grievance procedures

- Available to provide assistance to any University employee regarding how to respond appropriately to a report of sexual or gender-based harassment or violence, intimate partner violence or stalking

- Responsible for monitoring full compliance with all procedural requirements, record keeping and timeframes outlined in this policy
• Responsible for coordinating and oversight of outreach education or training to increase awareness and prevention of sexual and gender-based harassment and violence, intimate partner violence and stalking throughout the campus community.

Inquiries or complaints concerning the application of Title IX or Title VII may be referred to the University’s Title IX Coordinator and/or the appropriate external agency:

**Title IX Coordinator**
Evelyn B. Winfield-Thomas, Ph.D.
Executive Director and Special Assistant to the President
Office of Institutional Equity
1903 West Michigan Avenue
Kalamazoo, MI 49008-5405 USA
Location: 1220 Trimpe Building
Telephone: (269) 387-6316
Email: evelyn.winfield@wmich.edu

**Office for Civil Rights (Regional Office)**
U.S. Department of Education
1350 Euclid Avenue, Suite 325
Cleveland, OH 44115-1812
Telephone: (216) 522-4970
FAX: (216) 522-2573; TDD: (800) 877-8339
Email: OCR.Cleveland@ed.gov

**Equal Employment Opportunity Commission – Detroit Office**
Patrick V. McNamara Building
477 Michigan Avenue
Room 865
Detroit, MI 48226
Phone: 1-800-669-4000
Fax: 313-226-4610
TTY: 1-800-669-6820

5. Prohibited Conduct and Definitions

The University prohibits all forms of sexual and gender-based harassment and violence, intimate partner violence, and stalking prohibited by Title IX and VAWA. The University will treat attempts to commit any prohibited conduct as if those attempts had been completed. Within these broad categories, the University prohibits the following forms of conduct:

a. **Sexual Harassment:**
Sexual Harassment: Any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when:

(1) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of a University program or activity; or

(2) Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e. it is sufficiently serious, pervasive or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both a subjective and objective standard.

Sexual harassment also includes gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping, even if those acts do not involve conduct of a sexual nature.

A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical.

Sexual harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- May be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the Complainant has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, gender identity,
gender expression or sexual orientation.

- May occur in the classroom, in the workplace, in residential settings, or in any other context.
- May be a one-time event or may be part of a pattern of behavior.
- May be committed in the presence of others or when the parties are alone.
- May affect the Complainant and/or third parties who witness or observe harassment.

Examples of conduct that may constitute sexual harassment as defined above may include a severe, persistent or pervasive pattern of unwelcome conduct that includes one or more of the following:

- Sexual Assault, Stalking, Non-Consensual Sexual Contact, Sexual Exploitation, and Intimate Partner Violence, as defined in this Policy
- Physical conduct:
  o Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements
- Verbal conduct:
  o Making or using derogatory comments, epithets, slurs or humor
  o Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations
  o Objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes
- Visual conduct:
  o Leering, making sexual gestures, displaying of suggestive objects or pictures, cartoon or posters in a public space or forum
  o Severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate
- Written conduct: letters, notes or electronic communications containing comments, words, or images described above
- Quid pro quo conduct:
  o Direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists
  o Offering employment benefits in exchange for sexual
favors
- Making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose
- Making or threatening reprisals after a negative response to sexual advances

b. Sexual Assault:

Sexual Assault: Having or attempting to have sexual intercourse with another individual:

- By force or threat of force;
- Without consent; or
- Where that individual is incapacitated.

Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact.

c. Non-Consensual Sexual Contact:

Non-Consensual Sexual Contact: Having sexual contact with another individual:

- By force or threat of force;
- Without consent; or
- Where that individual is incapacitated.

Sexual contact includes intentional contact with the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner.

d. Sexual Exploitation:

Sexual Exploitation: Occurs when an individual takes non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples of Sexual Exploitation include, but are not limited to:
• surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
• non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
• exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances;
• knowingly exposing another individual to a sexually transmitted disease or virus without their knowledge;
• sexually-based bullying; and
• inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

e. Harm to Others:

Harm to Others: Words or types of conduct that threaten or endanger the health or safety of any person including physical abuse, verbal abuse, threats, intimidation and/or harassment. This behavior is typically treated as a violation of the Student Conduct Code: http://www.wmich.edu/conduct/code. However, acts which constitute harm to others that are a form of sexual or gender-based harassment and violence, intimate partner violence, or stalking will be resolved under this policy.

f. Stalking:

Stalking: A course of physical or verbal conduct directed at another individual in a manner that could be reasonably regarded as likely to alarm, harass, or cause fear of harm or injury to that person or to a third party. A course of conduct consists of at least two acts. The feared harm or injury may be physical, emotional, or psychological, or related to the personal safety, property, education, or employment of that individual.

Stalking may include cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used as the manner of contact.

g. Intimate Partner Violence:

Intimate Partner Violence: Often referred to as dating violence, domestic violence or relationship violence. Intimate partner violence includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic or other intimate relationship with the Respondent. Intimate partner violence can encompass a broad range of
behavior including, but not limited to, physical violence, sexual violence, emotional violence, and economic abuse. It may involve one act or an ongoing pattern of behavior. Intimate partner violence may take the form of threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner.

Sexual harassment, sexual assault, sexual exploitation, harm to others, stalking, and retaliation all may be forms of intimate partner violence when committed by a person who is or has been involved in a sexual, dating or other social relationship of a romantic or intimate nature with the Complainant.

h. Retaliation:

**Retaliation:** Acts, words or attempts to take adverse action against the Complainant, Respondent, or any individual or group of individuals because of their good faith complaint or participation in an investigation and/or resolution of an allegation of prohibited conduct. Retaliation can be committed by any individual or group of individuals, including, but not limited to a Respondent or Complainant. Retaliation can take many forms, including threats, intimidation, pressuring, continued abuse, violence or other forms of harm to others.


a. Consent:

**Consent:** Consent consists of an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. Participants must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

The following are essential elements of effective consent:

*Informed and reciprocal:* All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.

*Freely and actively given:* Consent cannot be obtained through the use of force, coercion, threats, or intimidation, or by taking advantage of the incapacitation of another individual.

*Mutually understandable:* Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in sexual activity. In the absence
of clear communication or outward demonstration, there is no consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.

*Not indefinite:* Consent may be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed “no” or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.

*Not unlimited:* Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.

Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

b. Force:

**Force:** Force is the use or threat of physical violence or intimidation to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity. For the use of force to be demonstrated, there is no requirement that a Complainant resist the sexual advance or request. However, resistance by the Complainant will be viewed as a clear demonstration of non-consent.

c. Coercion:

**Coercion:** Coercion is the improper use of pressure to compel another individual to initiate or continue sexual activity against the individual’s will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and blackmail. A person’s words or conduct are sufficient to constitute coercion.
if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

d. Incapacitation:

Incapacitation: Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual interaction) and/or is physically helpless. An individual is also considered incapacitated, and therefore unable to give consent, when asleep, unconscious, or otherwise unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or other drugs. Consumption of alcohol or other drugs, impairment, inebriation or intoxication are insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's:

- decision-making ability;
- awareness of consequences;
- ability to make informed judgments; or
- capacity to appreciate the nature and the quality of the act.

Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have known that the Complainant was incapacitated when viewed from the position of a sober, reasonable person.

In general, sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person's decision-making capacity, awareness of the consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual and gender based harassment and violence, intimate partner violence, or stalking and does not diminish one's responsibility to obtain consent.

7. Relationships in Violation of Policy
Sexual or other intimate relationships in which one party maintains a direct supervisory or evaluative role over the other party are prohibited. In general, this includes all sexual or other intimate relationships between students and their employers, supervisors, professors, coaches, advisors, or other non-student University employees. Similarly, University employees (faculty and staff) who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under their direct supervision.

Faculty, administrators, and others who educate, supervise, evaluate, employ, counsel, coach or otherwise guide students or subordinates should understand the fundamentally asymmetrical nature of the relationship they have with students or subordinates. Intimate or sexual relationships where there is differential in power or authority produce risks for every member of our community and undermine the professionalism of faculty and supervisors. In either context, the unequal position of the parties presents an inherent element of risk and may raise sexual harassment concerns if one person in the relationship has the actual or apparent authority to supervise, evaluate, counsel, coach or otherwise make decisions or recommendations as to the other person in connection with their employment or education at the University.

Sexual relations between persons occupying asymmetrical positions of power, even when both consent, raise suspicions that the person in authority has violated standards of professional conduct and potentially subject the person in authority to charges of sexual harassment based on changes in the perspective of the individuals as to the consensual nature of the relationship. Similarly, these relationships may impact third parties based on perceived or actual favoritism or special treatment based on the relationship.

Therefore, persons with direct supervisory or evaluative responsibilities who contemplate beginning or are involved in such relationships are required to promptly: 1) discontinue any supervising role or relationship over the other person; and 2) report the circumstances to their direct supervisor. Failure to fully or timely comply with these requirements is a violation of this policy, and the person in authority could be subject to disciplinary action, up to and including dismissal from employment by the University.

The University does not intend to interfere with private choices regarding personal relationships when these relationships do not violate the goals and policies of the University.

Any individual may file a complaint alleging harassment or discrimination, including an aggrieved party outside the relationship affected by the perceived harassment or discrimination. Retaliation against persons who report good faith
concerns about consensual relationships is prohibited and constitutes a violation of this policy.

8. Resources and Reporting Options

Complainants have the right, and can expect, to have complaints taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through the procedures within this policy. Respondents have the right, and can expect, to be provided notice of the allegations and an opportunity to respond to the allegations before action is taken against a Respondent. Information will be only shared as necessary with investigators, witnesses, the Respondent, and appropriate University officials. Employees with access to this information are charged with preserving a Complainant's and Respondent's rights and privacy to the extent reasonable in the context of conducting an adequate, reliable, and impartial investigation.

a. Complainant Agency and Autonomy Not to Proceed

Where a Complainant requests that the Complainant's name or other identifiable information not be shared with the Respondent, that no investigation occur or that no formal action be taken, the University will balance this request with its obligations to provide a safe and non-discriminatory environment for all University community members, including the Complainant or person who reported the incident, and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a Respondent.

WMU’s Title IX Coordinator will consider the following in evaluating requests for confidentiality, that no investigation occur, or that no formal action be taken:

i. the nature and scope of the alleged conduct, including whether the reported misconduct involves the use of a weapon;
ii. the Complainant’s wish to pursue disciplinary action;
iii. the respective ages and roles of the Complainant and Respondent;
iv. the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
v. whether there have been other reports of misconduct by the Respondent;
vi. whether the Respondent threatened further sexual violence or other violence against the Complainant or others;
vii. whether the report reveals a pattern of misconduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group such that there is an increased risk of future acts of sexual violence under similar circumstances;
viii. whether the University possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence);
ix. considerations of fundamental fairness and due process with respect to the Respondent should the course of action include disciplinary action against the Respondent; and

x. the University's obligation to provide a safe and non-discriminatory environment.

The University will take reasonable steps to investigate and respond to the complaint consistent with the Complainant's request to maintain anonymity or to not pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. Where the University determines that action should be taken that is inconsistent with the request of the Complainant, the Title IX Coordinator will inform the Complainant about the chosen course of action, which may include the University initiating disciplinary action against a Respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve disciplinary action against a Respondent or disclosing the identity of the Complainant.

b. Confidential Resources and Reporting Options/Responsible Employees

The University provides two general categories of assistance and support. They are designated in this policy as Confidential Resources and Reporting Options/Responsible Employees. As detailed below, Confidential Resources are licensed or specially trained professionals who, by law, cannot share information without the consent of the individual seeking assistance. Reporting Options/Responsible Employees, on the other hand, encompass a wider range of University administrators and departments that will maintain an individual's privacy, but who are also required to share information with the Title IX Coordinator or other administrators within a small circle of those involved in responding to a report under this policy. Privacy has a different meaning from Confidentiality and is explained below.

c. Privacy and Confidentiality

WMU is committed to protecting the privacy of all individuals involved in a report of sexual and gender-based harassment and violence, intimate partner violence, and stalking. All WMU employees who are involved in WMU's Title IX response, including the Title IX Coordinator, investigators, and sanction panel members, receive specific instruction about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report.

Privacy and confidentiality have distinct meanings under this policy.
Privacy: Privacy generally means that information related to a report of misconduct will only be shared with a small circle of individuals. The use of this information is limited to those University employees who are directly involved in the resolution of a report under this policy. While not bound by legally-privileged confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

Confidentiality: Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual. Those campus and community professionals who can hold legally-privileged conversations recognized by law include medical providers, mental health providers, ordained clergy/pastoral counselors and rape crisis counselors. These individuals are prohibited from breaking confidentiality without express permission of the individual seeking services, unless there is an imminent threat of harm to self or others, or the conduct involves suspected abuse of a minor. When a report involves suspected abuse of a minor under the age of 18, these confidential resources are required by state law to notify child protective services and/or local law enforcement.

d. Confidential Resources

The following Confidential Resources are available to individuals seeking confidential assistance:

- Counselors at Counseling Services in Sincereuse Health Center (269) 387-1850 or the Center for Counseling and Psychological Services in Sangren Hall, (269) 387-5105, and Grand Rapids Clinic (616) 771-4171.

- Medical/clinical staff at Sincereuse Health Center (269) 387-3287.

- Off campus community resources, including rape crisis counselors, domestic violence resources, local state assistance agencies, ordained clergy/pastoral counselors.

- Employee Assistance Program (269) 372-4500; 1-800-523-0591.

University employees who are Confidential Resources may submit anonymous statistical information for Clery Act purposes, but will not otherwise share identifying information without the permission of the Complainant. Confiding in a Confidential Resource does not trigger an investigation or another action by the University.
e. Reporting Options

All individuals are encouraged to promptly report conduct that may violate this policy to the University. In addition, all individuals are encouraged to report conduct that may also violate criminal law to both the University and to local law enforcement. These processes are not mutually exclusive. Any University student, employee or third party who seeks to make a complaint or report may:

- Make an internal complaint/report to the Title IX Coordinator’s Office;
- Contact the Department of Public Safety for assistance in filing a criminal complaint and preserving physical evidence; and/or
- Contact local law enforcement to file a criminal complaint.

Complainants may pursue some or all of these steps at the same time (e.g., one may simultaneously pursue an internal complaint and a criminal complaint). When initiating any of the above, Complainants need not know whether they wish to request any particular course of action, nor how to label what happened. Choosing to make a complaint, and deciding how to proceed after making the complaint, can be a process that unfolds over time. Before or during this decision-making process, Complainants and other reporting persons are encouraged to seek support and information from a Confidential Resource.

The University has a strong interest in supporting individuals impacted by sexual and gender-based harassment and violence, intimate partner violence, and stalking. Reasonably available interim measures may be imposed that take into account the known facts and circumstances, the existence of a potentially hostile environment, and the interests of both the Complainant and Respondent.

f. Responsible Employees

Many University employees have reporting obligations under Title IX. Those employees are designated as Responsible Employees. Under Title IX, the University is required to take immediate and corrective action if a Responsible Employee knew or, in the exercise of reasonable care, should have known about sexual or gender-based harassment or violence prohibited under Title IX.

A Responsible Employee includes any employee who:

- Has the authority to take action to redress sexual or gender-based harassment or violence;
• Has the duty to report to appropriate school officials sexual or gender-based harassment or violence or any other misconduct covered by this policy;
• An individual could reasonably believe has the authority or responsibility to take action.

The University requires that all Responsible Employees immediately report allegations of violation of this policy to the Title IX Coordinator or designee. This connects a Complainant to information and resources and enables the University to take appropriate action to eliminate, prevent and address any hostile environment that may exist. The following officials have been designated as Responsible Employees for complaint reporting purposes:

• The Title IX Coordinator and any Deputy Coordinator
• Public Safety Officers and Employees
• President, Vice Presidents, Associate Vice Presidents, Assistant Vice Presidents, and Directors
• Administrative Unit heads
• Housing and Residence Life Staff, including Resident Assistants
• Student Affairs Staff
• Human Resources Staff
• Deans, Associate Deans, and Assistant Deans
• Academic Department and School Chairs and Directors, and other Academic Unit heads
• Athletic coaches, assistant coaches, trainers, directors, assistant directors, advisors, associate directors, and managers
• Academic advisors
• Faculty members, part time instructors, adjunct instructors, teaching assistants, research assistants, graduate assistants, and graduate service assistants.
• Office of Diversity and Inclusion/Multi-Cultural Affairs Staff with any Supervisory Responsibilities
• Other Administrators with Supervisory Responsibilities
• Individuals designated as Campus Security Authorities

Responsible Employees will safeguard an individual’s privacy and only share information with a small circle of individuals who are directly involved in the resolution of a report under this policy. Responsible Employees are nonetheless required by the University to immediately share all known details of the incident (date, time location), the names of the parties involved, and a brief description of the incident with the Title IX Coordinator or designee in person, by telephone or by email.

9. Reporting: Additional Considerations
a. **Timeliness and Location of Incident**

All individuals are encouraged to report sexual and gender-based harassment and violence, intimate partner violence, and stalking as soon as possible in order to maximize the University's ability to respond promptly and effectively. The University does not, however, limit the time frame for reporting. If the Respondent is not a member of the WMU community at the time of the report, the University will still seek to meet its Title IX obligations by providing reasonably available support for a Complainant, but its ability to investigate and/or take action may be limited. The University will, however, assist a Complainant in identifying external reporting options.

An incident does not have to occur on campus to be reported to the University. See Scope section.

b. **Anonymous Reporting**

Any individual may make an anonymous report concerning an act of sexual and gender-based harassment and violence, intimate partner violence, and stalking. Individuals may report the incident without disclosing their name, identifying the parties involved or requesting any action. Depending on the extent of information available about the incident or the individuals involved, however, the University's ability to respond to an anonymous report may be limited. An anonymous report may be made at the following site by email, online at https://secure.ethicspoint.com/domain/media/en/gui/32661/index.html or by telephone at: 855-247-3145.

The Title IX Coordinator will receive the anonymous report and determine any appropriate steps in light of the available information. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may impact the University's ability to respond or take further action. Where there is sufficient information, the University will ensure that anonymous reports are reviewed and included for compliance with the Clery Act.

c. **Amnesty for Alcohol or Other Drug Use**

To encourage reporting, individuals who in good faith report conduct prohibited by this policy, either as a Complainant or a witness, will not be subject to disciplinary action by the University for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

d. **Coordination with Law Enforcement**
The University encourages Complainants and Respondents to pursue their rights under Michigan law regarding claims of prohibited conduct that may also violate state law. The University will offer assistance to involved parties by directing them to law enforcement agencies regarding criminal reports and cooperating with law enforcement agencies. A Complainant has the right to notify, or decline to notify, law enforcement. This constitutes a recognized exception to the University Duty to Report policy, which generally requires that University employees report all potential criminal acts. (See: http://www.wmich.edu/policies/duty-report-criminal-acts.) In the context of sexual assault, intimate partner violence and stalking, federal law mandates that it is an adult Complainant’s option to notify or decline to notify law enforcement.

The University’s policy, definitions and burden of proof may differ from Michigan criminal law. The parties involved may seek recourse under this policy and/or pursue their rights under Michigan law. Neither law enforcement’s determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of this policy has occurred. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

At the request of law enforcement, the University may agree to defer its Title IX fact gathering until after the initial stages of a criminal investigation. The University will nevertheless communicate with the Complainant regarding Title IX rights, procedural options and the implementation of interim measures to assure safety and well-being. The University will promptly resume its Title IX fact gathering as soon as it is informed that law enforcement has completed its initial investigation.

e. Reports Involving Minors or Suspected Child Abuse

Under Michigan law, certain school administrators, school counselors, and school teachers are required to file a report of suspected child abuse when they have reasonable cause to suspect abuse or neglect. Please see the University's Minors on Campus website for applicable policies on this topic and more details:

http://www.wmich.edu/legal/minors-on-campus

All University employees, whether designated as a mandatory reporter (see Mandated Reporters’ Resource Guide http://www.michigan.gov/documents/dhs/Pub-112_179456_7.pdf) under Michigan state law or not, are required to comply with the Policy on Western Michigan University Programs and Activities Involving Minors (http://www.wmich.edu/policies/minors).
University employees are also required to immediately report any good faith suspected criminal acts against minors to the Western Michigan University Department of Public Safety. The source of the suspected crime does not need to be known in order to file a good faith report.

The University must act quickly regarding all reasonable suspicions of conduct that would constitute a violation of this policy and other policies involving minors. It is not the responsibility of any employee, student, or volunteer to investigate suspected child abuse or other criminal acts. This is the role of DHS and law enforcement authorities. In addition to notifying the Western Michigan University Department of Public Safety, or DHS, if a child is in immediate danger, an individual should call 911.

Individuals designated as mandatory reporters by Michigan state law are also required to report to the Michigan Department of Human Services (DHS).

The Department of Human Services may be reached at 1(855) 444-3911. DHS-3200 Form can be accessed at: www.michigan.gov/documents/F143200_11924_7.pdf or www.michigan.gov/dhs.

10. Interim Measures

Upon receipt of a report, the University will impose reasonably available interim measures designed to protect the parties involved. The provision of interim measures may be imposed at any time regardless of whether disciplinary action is sought by the Complainant or the University. Interim measures will be kept private to the extent that maintaining that privacy does not impair the ability of the University to provide the interim measures.

Interim Measures are initiated based on information gathered during a report and are not intended to be permanent resolutions; hence, they may be amended or withdrawn as additional information is gathered. The Title IX Coordinator/investigator, in consultation with other administrators, will maintain consistent contact with the parties so that all safety, emotional, and physical well-being concerns can be reasonably addressed.

Specific interim measures implemented and the process for implementing those measures will vary depending on the facts of each case. WMU will consider the following factors in determining what interim measure to take, including, for example, the specific needs expressed by the Complainant; the age of the students involved; the severity or pervasiveness of the allegations; any continuing effects on the Complainant; whether the Complainant and Respondent share the same residence hall, dining hall, class, transportation, or job location; and whether other judicial measures have been taken to protect the Complainant (e.g., civil protection orders). Interim measures will be imposed in a
way that minimizes the burden on the Complainant to the extent possible while still balancing the rights of the Respondent.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The University will take immediate and responsive action to enforce a previously implemented measure.

Interim measures will be implemented at the discretion of the University. Potential remedies, which may be applied to the Complainant and/or the Respondent, include:

- Changing residence hall
- Imposition of a "No Contact" order
- Change in class schedule, including the ability to take an "incomplete," drop a course without penalty or transfer sections (with the agreement of the appropriate faculty)
- Change in work schedule or job assignment
- Providing academic support services, such as tutoring
- Interim suspension or University-imposed leave
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy

**No Contact Order:** A campus no-contact order is issued by a University official and requires that an individual have no contact with a particular person or persons. Contact is considered any verbal, written, electronic, non-verbal gesture, third party messages, indirect loud talking in the vicinity of the person and could include indirect actions that appear to the University to be intimidating. The University may add to the terms of no contact within the context of the reported incident that preceded the order or concerns that have arisen during the investigation or conduct process. The determination to impose a no-contact order will be made on a case-by-case basis and will take into account the request of the Complainant.

**Interim Suspension or Separation:** Where the report of prohibited conduct poses a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal University functions, WMU may place a student or student organization on interim suspension or impose leave for an employee. Pending resolution of the
report, the individual or organization may be denied access to campus, campus facilities and/or all other University activities or privileges for which the individual might otherwise be eligible, as the University determines appropriate. When interim suspension or leave is imposed, the University will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

The full provisions for Interim Suspension for students are contained in the WMU Student Code. (See: http://www.wmich.edu/conduct/code).

11. Resolution Options and Procedures

Any individual who reports sexual or gender-based harassment or violence, intimate partner violence or stalking can be assured that all reports will be investigated and resolved in a fair and impartial manner. All individuals involved can expect to be treated with dignity and respect. In every report under this policy, the University will make an immediate assessment of any risk of harm to the Complainant or to the broader campus community and will take steps necessary to address those risks. These steps will include interim measures to provide for the safety of the individual and the campus community.

a. Overview of Options

Upon receipt of a report, the Title IX Coordinator or designee will conduct an initial Title IX assessment. The goal of this assessment is to provide an integrated and coordinated response to reports of sexual and gender-based harassment and violence, intimate partner violence and stalking. As described in greater detail below, the assessment will consider the nature of the report, the safety of the individual and of the campus community, the Complainant’s expressed preference for resolution, and the necessity for any interim measures, remedies or accommodations to protect the safety of the Complainant or the community, and the appropriate considerations for the Respondent.

At the conclusion of the assessment, the Title IX Coordinator will determine the appropriate course of action, which may include informal/voluntary resolution that does not involve disciplinary action against a Respondent or an Investigation to determine if there has been a policy violation, and if so, whether sanctions are warranted. The specific procedures in determining responsibility following an investigation will be determined by the role of the Respondent (e.g., student, represented employee, unrepresented employee, faculty member). Each of the procedures is guided by the same considerations of fairness and equity, and both a Complainant and Respondent shall have the same opportunities and rights within those procedures. In determining whether this policy has been violated, the university will apply the preponderance of the evidence standard (more likely than not).
Resources are available for both students and employees, whether as Complainants, Respondents or third parties, to provide support and guidance throughout the investigation and resolution of the complaint.

Throughout the process, a Complainant or Respondent may have an advisor of their choice present at any meeting related to the investigation or disciplinary proceeding. An advisor of choice may include an attorney. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. The advisor is a silent and non-participating presence who is there solely to observe and provide support during the investigative process. The University has the right at all times to determine what constitutes appropriate behavior on the part of an advisor. Prior to participating in any meeting, the advisor will be required to meet with a University administrator for an orientation to the University’s policies and procedures, privacy protections and expected participation/decorum. The advisor may not be a fact witness or otherwise have any conflicting role in the process.

b. Title IX Assessment

When a report is made, the Title IX Coordinator or designee in the Office of Institutional Equity will conduct an initial Title IX assessment. In the course of this assessment, the University will consider the interest of the Complainant and the Complainant’s expressed preference for manner of resolution. As outlined in Section 8A (Complainant Agency and Autonomy Not to Proceed), where possible and as warranted by an assessment of the facts and circumstances, the University will seek action consistent with the Complainant’s request.

As part of the initial assessment of the facts, the University will:

- Assess the nature and circumstances of the report
- Address immediate physical safety and emotional well-being
- Notify the Complainant of the right to contact or decline to contact law enforcement if the conduct is criminal in nature, and if requested, assist the Complainant with notifying law enforcement
- Notify the Complainant of the availability of medical treatment to address physical and mental health concerns and to preserve evidence
- Notify the Complainant of the importance of preservation of evidence
• Assess the reported conduct for any necessary actions under Clery, including inclusion in the daily crime log, annual security report, or issuance of a timely warning

• Provide the Complainant and Respondent, if notified, with information about: on and off-campus resources, the range of interim accommodations and remedies, and an explanation of the procedural options

• Inform the Complainant and Respondent each may have an advisor of their choosing, which may include an attorney (at their own expense), colleague, or other person they identify, unless the advisor is a witness in the investigation; as noted above, the role of the advisor is to support the student, not to speak on behalf of or for the student during any part of the process

• Assess for pattern evidence or other similar conduct by Respondent

• Discuss the Complainant’s expressed preference for manner of resolution and any barriers to proceeding

• Explain the University’s policy prohibiting retaliation

The initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made, and the University has sufficient information to determine the best course of action.

At the conclusion of the Title IX Assessment, the Title IX Coordinator or designee will determine the appropriate manner of resolution. The University may: 1) pursue informal/voluntary resolution that does not involve disciplinary action against a Respondent; or, 2) initiate an Investigation to determine if there has been a policy violation, and if so, whether sanctions are warranted. The determination as to how to proceed will be communicated to the Complainant in writing, which may include an email. Depending on the circumstances and requested resolution, the Respondent may or may not be notified of the report or resolution. A Respondent will be notified when the University seeks action that would impact a Respondent, such as protective measures that restrict the Respondent’s movement on campus, the initiation of an investigation or the decision to request the Respondent’s involvement in informal/voluntary resolution.

c. Informal/Voluntary Resolution

Informal/voluntary Resolution is designed to eliminate a hostile environment by taking alternative actions that do not involve disciplinary action against a
Respondent. Where the Title IX assessment concludes that informal/voluntary resolution may be appropriate, the University will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to the educational, extracurricular, employment and other activities at the University and to eliminate any hostile environment. Participation in informal/voluntary resolution by a Complainant is voluntary, and a Complainant can request to end informal/voluntary resolution at any time.

Informal/voluntary resolution is typically used when a Complainant requests anonymity, does not consent to participation in an investigation, or the alleged conduct, even if it does not rise to the level of a policy violation, suggests the need for remedial, educational or preventive action. Depending on the form of informal/voluntary resolution used, it may be possible for a Complainant to maintain anonymity.

Examples of protective measures and accommodations are outlined in the Interim Measures section. Other potential remedies include targeted or broad-based educational programming or training, supported direct confrontation of the Respondent and/or indirect action as determined by the University.

The University may offer mediation for appropriate cases, but will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of informal/voluntary resolution. Mediation, requested by the parties, may not be used in cases involving sexual assault. The decision to use informal/voluntary resolution will be made when the University has sufficient information about the nature and scope of the conduct, which may occur at any time.

The Office of Institutional Equity will maintain records of all reports and conduct referred for informal/voluntary resolution, which will typically be completed within sixty (60) business days of the initial report.

d. Investigation

The University will designate an investigator(s) of its choosing. The investigator will typically be a member of the Office for Institutional Equity, although the investigator may be any appropriately designated employee of the University or an external investigator engaged to assist the University in its fact gathering. Any investigator chosen to conduct the investigation must be impartial and free of any actual conflict of interest and must have specific training and experience investigating allegations of sexual and gender-based harassment or violence.

The investigation will be thorough, impartial and fair, and all individuals will be treated with sensitivity and respect. As described in the Privacy and Confidentiality section, the investigation will be conducted in a manner that is
respectful of individual privacy concerns. All parties and witnesses are expected to provide truthful information. Knowingly providing false or misleading information is a violation of University policy and can subject a student or employee to disciplinary action. The investigator or designee will provide timely updates, as appropriate or requested, about the timing and status of the investigation.

It is the responsibility of the University, not the parties, to gather relevant evidence, to the extent reasonably possible. The investigator will conduct the investigation in a manner appropriate in light of the circumstances of the case. The investigator will coordinate the gathering of information from the Complainant, the Respondent and any other individuals who may have information relevant to the determination. The investigator will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate. The Complainant and Respondent will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. Witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual's character. The investigator will determine the relevancy of any proffered information, and will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait, including honesty.

Medical and counseling records of a Complainant or Respondent are privileged confidential records that individuals are not required to disclose. However, these records may contain relevant and material information and a party may voluntarily chose to share such records with the investigator. Any records provided by a party become part of the file and are available to review by the opposing party.

In gathering information, the investigators may consider other allegations of, or findings of responsibility for, similar conduct by the Respondent to the extent such information is relevant and available. Such information may be relevant to prove motive, intent, absence of mistake, pattern or another material fact.

In general, a Complainant's prior sexual history is not relevant and will not be admitted as evidence during an investigation. Where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges that consent was given, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of this policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is typically not relevant and will only be permitted under very limited circumstances, for example, to explain an injury or physical finding.
Any party seeking to introduce information about prior sexual history of the Complainant or prior misconduct by the Respondent should bring this information to the attention of the investigator at the earliest opportunity. The University, through the investigator, may choose to consider this information, with appropriate notice to the parties. With respect to pattern evidence or prior sexual history of either party, the investigator, in consultation with the Title IX Coordinator, will assess the relevance, form, and reliability of the information (hearsay will not be permitted) and determine if it is appropriate for consideration in the determination of responsibility. Evidence regarding a pattern of behavior of the Respondent or the sexual history of either party will be allowed only if it is directly relevant to a disputed fact.

The investigator and Title IX Coordinator have the discretion to consolidate multiple reports against a Respondent into one investigation and resolution if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident.

e. Review of Investigation

At the conclusion of the investigation, the investigator will prepare a written report that summarizes the complaint, details the information gathered, identifies the potential policy violations and synthesizes the areas of agreement and disagreement between the parties and any supporting information or accounts. In preparing the report, the investigator will review all facts gathered to determine whether the information is relevant and material to the determination of responsibility given the nature of the allegation. Before the report is finalized, the Complainant and Respondent will be given the opportunity to review a draft investigative report that contains all information relied upon in reaching a determination. A Complainant and Respondent may submit any additional comment or evidence to the investigators within five (5) business days of the opportunity to review the relevant portions of the report.

Upon receipt of any additional information by the Complainant or Respondent, or after the five (5) day comment period has lapsed without comment, the investigator will make a determination, by a preponderance of the evidence, whether a policy violation has occurred. In reaching this determination, the investigator may consult with the Title IX Coordinator, General Counsel or other appropriate administrator.

The Title IX Investigator will prepare a final report with the outcome and the rationale for the outcome finding regarding responsibility for alleged misconduct and any violations.
At the conclusion of the investigation, both the Complainant and Respondent will receive simultaneous written notification of the outcome and the rationale for the outcome.

f. Imposition of Sanction

The University will use its best efforts to complete its investigation and impose sanctions within 60 calendar days of the commencement of an investigation, although this time frame may be extended for good cause. Good cause may exist for a variety of factors, including the complexity of the circumstances of each allegation, the integrity and completeness of the investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for University breaks or vacations, or to address other legitimate reasons. In the event a time frame is extended, both the Complainant and Respondent will be notified of any delay, the reason for the delay, and an anticipated time frame.

The procedure used to determine the appropriate sanction will be determined by the role of the Respondent. In all cases, the sanction will be imposed by an individual, referred to as the disciplinary authority, who will consider the imposition of a sanction designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the University’s educational mission and Title IX obligations. Sanctions or interventions may also serve to promote safety or deter individuals from similar future behavior.

The disciplinary authority may consider the following factors:

- the nature and violence of the conduct at issue;
- the impact of the conduct on the Complainant;
- the impact or implications of the conduct on the community or the University;
- prior misconduct by the Respondent, including the Respondent’s relevant prior discipline history, both at the University or elsewhere, and any criminal convictions;
- whether the Respondent has accepted responsibility for the conduct;
- maintenance of a safe and respectful environment conducive to learning;
- protection of the University community; and,
- any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.

In reaching a determination about the appropriate sanction, the disciplinary authority will provide the Complainant, the Respondent and other affected parties, as appropriate, the opportunity to provide a written impact or mitigation
statement for consideration. The disciplinary authority will also consult with the Title IX Coordinator, General Counsel or other appropriate administrator.

The disciplinary authority may impose any sanction deemed appropriate after a consideration of all of the relevant information.

The Complainant, the Respondent and the Office of Institutional Equity will be notified, in writing, of the sanction and the rationale for the sanction. The Respondent will be informed of any sanctions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. The Complainant will be informed of any sanctions that directly relate to the Complainant. The outcome letter will also provide each party with their appeal options. If, under extenuating circumstances, there are any changes to the outcome, both parties will be simultaneously notified at the earliest possible time.

The University may also notify appropriate administrators, including a direct supervisor of a Respondent, as necessary to implement the outcome and/or sanctions.

g. Sanction Process for Faculty and Staff as Respondents

With regard to faculty and staff as Respondents, sanctions will be determined as follows:

- For represented employees, sanctions will be imposed in accordance with the applicable collective bargaining agreement.

- For unrepresented employees, sanctions shall be determined in accordance with Human Resources' policies and procedures, individual contracts, and/or appointment letters.

All rights afforded to the employees as Respondents in a collective bargaining agreement, Human Resources policy or procedure, individual contract or appointment letter will be afforded to the Complainant as well.

The potential sanctions for an employee include training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination.

There is no appeal. However, the specific procedures set forth in the collective bargaining agreements may allow for further review. The underlying investigation and the determination of responsibility, however, will provide the foundation for any further review; no new investigation or finding with respect to responsibility will occur.

h. Sanction Process for Student Respondents
Sanctions for student Respondents will be determined by the Director of the Office of Student Conduct (OSC) or designee. The OSC Director/designee shall review the Investigator's Report and will consult with the Title IX Coordinator, General Counsel, or other offices as appropriate in determining sanctions. The Complainant and Respondent may submit an impact statement and a mitigation statement, respectively, to the Office of Student Conduct for review by the OSC Director/designee. Complainants and Respondents will be given equal time to submit these statements for review. The sanction will be imposed by Office of Student Conduct.

The following sanctions may be imposed upon any student found to be responsible for violation of this policy. Sanctions may be used independently or in combination depending on the particular circumstance of the violation. More than one of the sanctions may be imposed for any single violation; previous violations of this policy and/or any policies listed in the Student Code shall increase the severity of sanctions applied. Sanctions are listed in order of severity from least severe to most severe.

**Warning:** verbal or written notice that specific inappropriate conduct is unacceptable

**Reprimand:** an official written censure containing three components: A reprimand for inappropriate behavior, notice that the conduct associated with the violation must stop immediately and permanently, and notice that additional violations shall result in more severe sanctions

**Behavior Contract:** a written contract between the student and the University wherein the student agrees to correct inappropriate behaviors.

**Discretionary Sanctions:** Service to the University, service to the community, attendance at educational seminars, classes, or workshops, written assignments, or other activities deemed appropriate by the conduct body. The student is required to submit written proof of participation in and/or completion of the sanction to the conduct body. (Some seminars, classes, and workshops may require a registration fee.)

**Loss of Privileges:** Denial of specified privileges for a designated period of time. Examples of privileges that can be denied include: academic program dismissal, campus registration of an automobile, parking in a specific area or during specific time periods, access to a building or portion of a building, access to a program, on-campus living, holding of an office in a Registered Student Organization, participation in extra-curricular activities, access to a particular living group and any other privilege that the conduct body deems appropriate to deny.

**Probation:** Probation requires that a student's conduct be reviewed for a specified period of time. Conditions of the probationary period will be specified to
the student by the hearing body and may be applied during the probationary period. All conditions must be satisfied and verified prior to the completion of the probationary period. If a student is found responsible for violation of any institutional policy(s) during the probationary period, more severe sanctions could be applied.

**Suspension:** Separation of the student from the University or a University program for a period of time, after which the student is eligible to return. During this time, the student under suspension shall forfeit all rights of her/his student status for the duration of her/his suspension and may have her/his privileges of access to University premises revoked. Conditions for readmission and/or continued enrollment after readmittance may be specified. All conditions for readmission must be satisfied, completed and certified to the Office of Student Conduct/or designee prior to readmittance. Also, a written plan for adherence to conditions of continued enrollment after readmittance from a suspension shall be provided to the Office of Student Conduct/or designee for review and approval.

**Expulsion:** Permanent separation of the student from the University. An expelled student shall have no access to University premises and shall forfeit all rights of her/his student status immediately and permanently upon expulsion.

**Revocation of Degree:** A degree awarded from WMU may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation. Being a degree holding alumnus is sufficient association with the University and basis for application of this sanction.

**Withholding Degree:** The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this policy, including the completion of all sanctions imposed, if any.

For a student employee who is acting within the scope of his/her employment at the time of the incident, the outcome may involve additional sanctioning imposed by the supervisor.

i. **Appeals Process Involving Students as Respondents**

At the discretion of the Title IX Coordinator and Director of the Office of Student Conduct, in some cases, the imposition of sanctions may take effect immediately and will not be stayed pending the resolution of the appeal. In most instances, however, decisions made regarding student sanctions shall not be final until an appeal deadline has passed with no appeal by either party or at the conclusion of the appeal process.
The Complainant or Respondent may submit written appeal within five (5) University business days of the notice of the outcome. The following are the only accepted bases for an appeal:

- To determine whether there was a procedural error that significantly affected the outcome of the investigation or sanctioning;
- To consider newly discovered evidence, not reasonably available during the Investigation, that could substantially impact the outcome;
- To determine whether the sanction(s) imposed were appropriate for the violation committed and were not excessively lenient or excessively severe.

The appeal will be reviewed by the Vice President for Student Affairs or designee. Any appellate authority must be an impartial decision-maker with appropriate training to hear an appeal under this policy.

An appeal must be submitted in writing to the Office of Student Conduct within five (5) University business days of the date the outcome is provided to the Complainant and Respondent. The appeal shall consist of a plain, concise and complete written statement outlining the basis for appeal and all relevant information to substantiate the claim.

The receipt of the appeal will be acknowledged in writing by the Office of Student Conduct, which may include email. Each party will be given the opportunity to review and respond in writing to the other party's appeal. Any review of the other party's appeal and any subsequent response by the opposing party must be submitted to the Office of Student Conduct within five (5) University business days from the notification of the appeal. All appeal documents from each party will be considered together in one review process.

The Vice President for Student Affairs or designee shall forward the appeal decision in writing to the Office of Student Conduct and the Office of Institutional Equity. The Office of Student Conduct will contact the Complainant and Respondent with the outcome. The appeal decision of the Vice President for Student Affairs or designee is final.

12. Prevention, Education and Training

The University is committed to the prevention of sexual and gender-based harassment and violence, intimate partner violence, and stalking through education and awareness programs. The University is also committed to the protection of minors and the prevention of child abuse. Throughout the year, the University offers educational programs to promote awareness of sexual and gender-based harassment and violence, intimate partner violence and stalking. Prevention programs include an overview of the University's policies and
procedures, relevant definitions, including prohibited conduct, discussion of the impact of alcohol and drug use, effective consent, safe and positive options for bystander intervention, and information about risk reduction. Incoming first year students and new employees will receive primary prevention and awareness programming as part of their orientation. The University's Title IX Coordinator oversees the education and prevention calendar and tailors programming to campus needs and climate. All educational programs include a review of resources and reporting options available for students, faculty and staff.

The Office of Health Promotion and Education coordinates the following education opportunities regarding sexual and gender-based harassment and violence, intimate partner violence and stalking. The focus is on primary prevention, bystander intervention, and reporting/referral support.

- Theatre for Community Health offers applied theater performances and flash mob dances on topics including, but not limited to, relationships, alcohol and other drugs, dehumanization/violence prevention, consent, and bystander intervention.

- The Sexual Health Peer Education program offers presentations and awareness events on topics including, but not limited to, relationships, consent, and healthy communication.

- The FIRE (Fighting Ignorance and Rape through Education) peer education program offers presentations and awareness events on topics including relationships, consent, violence (including dating and domestic), stalking, sexual assault, sexual harassment, dehumanization, and bias incidents.

- The FIRE Place is a support and resource center offering education, healing arts, resources, referrals, and reporting assistance for survivors and friends of survivors of sexual assault, sexual harassment, intimate partner violence, and any other form of bias incident.

- The Western HEROES program offers trainings on bystander intervention skills as they apply to the health and safety of the campus community on topics including, but not limited to, dehumanization, violence (dating, domestic, hazing), sexual harassment, relationships, alcohol and other drugs, and mental health.

As part of the University's commitment to provide an educational and work environment free from sexual and gender-based harassment and violence, intimate partner violence and stalking, this Policy will be disseminated widely to the University community through email communication, publications, websites, new employee orientations, student orientations, and other appropriate channels of communication.
13. Review of Policy

This policy will be reviewed on a periodic basis to incorporate evolving law and guidance, evaluate the supports and resources available to the parties, and assess the effectiveness of the investigation and resolution process.

14. Effective Date and Policy Effect

This Policy shall apply to all complaints made on or after January 13, 2015, regardless of when the conduct was alleged to have occurred. This policy supersedes any policies and procedures to the contrary.
Western Michigan University Whistleblower and Retaliation Policy

This Whistleblower and Retaliation Policy applies to all students, employees, members of boards, contractors, volunteers, and other individuals acting on behalf of or providing services to Western Michigan University.

Western Michigan University encourages all students, employees, members of boards, volunteers, contractors, and other individuals acting on behalf of or providing services to the University to report acts they in good faith perceive as being a violation of law and/or University policy, rules, or other requirements. This policy is intended to encourage the disclosure to the appropriate officials so that prompt and appropriate action can be taken.

The University is committed to protecting individuals from interference in making a good-faith report of violation under this policy and from retaliation as a result of such good-faith reporting. Individuals may not retaliate against any other individual on the basis of that individual making a good faith report of a violation. Individuals may not use or attempt to use authority or influence related to their University position or association to interfere with another individual’s rights to make a report of violation as provided for in this policy.

Reporting and Additional Policy Requirements

False or misleading information or report of violation

Individuals who knowingly or with disregard for the truth give false or misleading information in conjunction with a report of violation, or knowingly make a false report of violation, are not entitled to the protections of this policy, and shall be subject to appropriate disciplinary, law enforcement, and/or other action. Reports of violation made pursuant to this policy that are not eventually substantiated, yet are still made in good faith, do not subject the reporting individual to such disciplinary action.

Retaliation prohibited

In accordance with the provisions of applicable law, an individual shall not be discharged, receive or be threatened with adverse employment action, or otherwise be retaliated against regarding the individual’s compensation, terms, conditions, location, or privileges of employment on the basis that the individual, or a person acting on behalf of the individual, makes a good faith report of violation, or because an individual is requested by a public body or court to participate in an authorized investigation, hearing, inquiry, or court action.

An individual whom the University finds to have taken such retaliatory action against an individual who has filed a report of violation is subject to action deemed appropriate by the University, which may include discipline up to and including termination from the University.
Confidentiality; Anonymous and Other Reporting

A report of violation may be submitted anonymously. However, without sufficient information or a contact who can provide additional needed information, an investigation may not be able to be successfully concluded. Good faith reports of violation will be kept confidential except on a need to know basis and in order to investigate and take appropriate action in response to the report of violation as determined by the University. In some instances, reporting may also be required under law or University policy.

In the event individuals are uncertain about their reporting obligation, they should consult with the University’s Office of Internal Audit.

Procedures; Implementation; Clarifications and Revisions

The president or his/her designee is authorized to enact procedures to implement this policy and to make interpretations and clarifications and revisions of this policy in accordance with applicable law; provisions of collective bargaining agreements consistent with law and University policy; and other policies, rules, and requirements applicable to the University. Nothing in this policy shall be interpreted to preclude anyone from reporting criminal matters to law enforcement agencies or exercising any reporting rights protected by applicable law.

Required Cooperation

To the greatest extent allowed by law, policy, and contract, all individuals are required to cooperate and provide requested information to University personnel authorized under this policy or procedures enacted to implement this policy, and/or to investigate and determine the merits of reports of violation and/or complaints of retaliation. Any individual in violation of this policy is subject to action deemed appropriate by the University, which may include discipline up to and including termination from the University.
Elson S. Floyd Hall

Pursuant to its Bylaws, the Western Michigan University Board of Trustees reserves final authority to name institutional facilities and memorials. In 2006, the Western Michigan University Board of Trustees passed a revised policy indicating that the President may provide recommendations to name University facilities in honor of an individual in recognition of exceptional service to Western Michigan University, with consideration to be given when the individual retires from full-time employment at the University or academe elsewhere. The Board reserves the right to consider all conditions and circumstances relevant to each naming decision and to grant a naming honor as deemed appropriate.

The Board wishes to acknowledge the overwhelming exceptional service by WMU’s sixth president, Dr. Elson S. Floyd, to Western Michigan University. It is with deep sorrow that his untimely and early death prevented his future retirement from academe.

Background

The accomplishments and contributions of Dr. Elson S. Floyd to Western Michigan University are considerable. The service he provided relative to WMU’s College of Engineering and Applied Sciences and the Business Technology and Research Park is a superb example of his WMU legacy.

Less than three months after beginning his tenure as WMU’s sixth president, Dr. Elson S. Floyd used his first meeting with the Board of Trustees to affirm the importance of using the University’s land holdings both on and off campus to maximize the potential for research and growth in its engineering and life sciences initiatives. Within weeks of that 1998 gathering, a massive infusion of donated technical equipment from the paper industry and the need for a facility to house that equipment led to a decision to curtail engineering expansion plans on central campus.

Dr. Floyd instead envisioned the consolidation of all of WMU’s engineering programs in a new location away from the main campus and with room for private development in the form of a planned development park. Additional acreage, he maintained, would facilitate private companies locating near the College and develop relationships that would benefit students and faculty, promote research, highlight and enhance the University, and strengthen the region and State of Michigan. After much deliberation regarding various proposals, it was determined that WMU’s new $50 million College of Engineering and Applied Sciences would be sited in Kalamazoo on what is now the Parkview Campus.
The College proved to be the attraction Dr. Floyd knew it would be. Today, the College is the flagship of a Business Technology and Research Park that is the workday home to more than 1,200 employees, including some 400 faculty and staff members from the College of Engineering and Applied Sciences. Student interns routinely work in the 41 surrounding private firms and research partnerships benefit from the synergy so easily developed in a high-tech neighborhood.

Asked about that successful effort at the end of his WMU presidency, Dr. Floyd said, "I'm proud to have enjoyed the confidence of the community and the faculty and staff here, but also for the opportunity to establish some best practices in higher education. The College of Engineering and the Business Technology and Research Park are good examples of that . . . I think we have set a new standard in higher education and I am very proud of that."

**Recommended Motion**

It is recommended that the Board of Trustees authorize naming the facility which houses the University’s College of Engineering and Applied Sciences “Elson S. Floyd Hall.” Before this action becomes effective, WMU will confer with Carmento Floyd, Dr. Floyd’s surviving spouse, regarding its intent to honor him for his exceptional service while president of Western Michigan University. With her concurrence, the attached resolution will be effective.
WHEREAS, the Western Michigan University Board of Trustees has reserved final authority through its Bylaws to name University facilities and memorials;

IT IS HEREBY RESOLVED ON THIS EIGHTH DAY OF JULY, 2015, THAT:

The Board of Trustees honors the exceptional service to Western Michigan University by its sixth president, Dr. Elson S. Floyd, and hereby authorizes naming the facility which houses the University’s College of Engineering and Applied Sciences “Elson S. Floyd Hall.”
New Alumni Center Name

Background

In 2012, Western Michigan University announced plans to renovate the original campus building into an Alumni Center. After a period of careful planning and conversations with many stakeholders, construction is underway and will be completed in October.

Through the project, the University is revitalizing Prospect Hill to preserve and transform the University’s birthplace into a facility that serves both the Kalamazoo and campus communities and showcases the relationship between the two. The University is dedicated to preserving the building’s historic character, presenting its history and traditions, and incorporating a high level of sustainable building features.

Situated atop Prospect Hill, the building overlooks downtown Kalamazoo and forms a visual connection between the University and Kalamazoo residents. The 53,000 square-foot building will include: a library that features the restored North Hall fireplace, a ballroom overlooking downtown Kalamazoo, a board room, four conference rooms, a lobby, a café, and office space for the Office of Development and Alumni Relations. The building will feature history galleries utilizing materials from the Charles C. and Lynn L. Zhang Legacy Collections Center.

The venue will be available for use by members of the greater Kalamazoo and University communities. The building will be capable of hosting large-scale events, becoming an upscale and accessible meeting space that can be used to host visitors, formal dinners, retirement celebrations, weddings, and other events. The board and conference rooms will enable small and large groups to hold gatherings or meetings. The landscaped grounds will provide new outdoor space for community celebrations, concerts, reunions, homecomings and other activities.

When complete, the renovated space will be a new resource for alumni, students, faculty, staff and the greater community to learn about and participate in our heritage as an institution.

Recommended Motion

It is recommended that the Board of Trustees approve the name for the building as Western Michigan University’s Heritage Hall.
PERSONNEL REPORT

ACADEMIC

Administrative Appointments
Mary Lagerwey; Director; WMU Bronson School of Nursing; effective July 1, 2015 through June 30, 2018.

Edwin Martini; Associate Dean; Extended University Programs; effective July 1, 2015 through June 30, 2020.

Ann Tyler; Associate Dean; College of Health and Human Services; effective July 1, 2015 through June 30, 2018.

Administrative Resignations
Barbara Liggett; Director; School of Public Affairs and Administration; effective January 3, 2016.

Louise Ann Wurst; Chair; Department of Anthropology; effective July 31, 2015.

Return to Faculty
Barbara Liggett; Professor; School of Public Affairs and Administration; effective January 4, 2016.

Appointments – Tenure Track
Kristi Block; Faculty Specialist II – Clinical Specialist; WMU Bronson School of Nursing; effective August 17, 2015 through August 14, 2016.

Heather Dichter; Assistant Professor; Department of Human Performance and Health Education; effective August 17, 2015.

Crystal Duncan Lane; Assistant Professor; Department of Family and Consumer Sciences; effective August 17, 2015.

Sangwoo Lee; Assistant Professor; Department of Human Performance and Health Education; effective August 17, 2015.

Meghann Meeusen; Faculty Specialist II – Lecturer; Department of English; effective August 17, 2015.

Jennifer Richardson; Assistant Professor; Department of Gender and Women’s Studies; effective August 17, 2015.

July 8, 2015
Appointments – Tenure Track (Continued)
Amy Wagenfeld; Assistant Professor; Department of Occupational Therapy; effective January 1, 2016.

Joint Appointment
Todd Ellis; Assistant Professor; Mallinson Institute for Science Education and Department of Geography; effective August 17, 2015.

Appointments – Term
Dawn Anderson; Faculty Specialist I – Lecturer; Department of Blindness and Low Vision Studies; effective June 22, 2015 through June 21, 2016.

Rebecca Beronja; Faculty Specialist II – Counseling Specialist; Department of Counseling Services, Sindecuse Health Center; effective July 1, 2015 through June 30, 2016.

Lori Boothroyd; Assistant Professor; Department of Physician Assistant, Integrative Health and Wellness Program; effective July 1, 2015 through June 30, 2016.

Charles Bruce; Instructor; Department of Family and Consumer Sciences; effective August 17, 2015 through August 14, 2016.

Jou-Chen Chen; Assistant Professor; Department of Family and Consumer Sciences; effective August 17, 2015 through August 14, 2016.

Rich Compton; Instructor; Department of Management; effective August 17, 2015 through August 14, 2016.

Francisco Cordero; Faculty Specialist I – Professional Specialist; Department of Family and Consumer Sciences; effective August 17, 2015 through August 14, 2016.

Virginia David; Assistant Professor; Department of Special Education and Literacy Studies; effective August 17, 2015 through August 14, 2016.

Sheryl Earley; Instructor; Department of Family and Consumer Sciences; effective August 17, 2015 through August 14, 2016.

Nicole Eckerson; Instructor; Department of Family and Consumer Sciences; effective August 17, 2015 through August 14, 2016.

Scott Friesner; Faculty Specialist I – Lecturer; Lee Honors College; effective August 17, 2015 through August 14, 2016.

Brian Fuller; Faculty Specialist II – Counseling Specialist; Department of Counseling Services, Sindecuse Health Center; effective July 1, 2015 through June 30, 2016.
Appointments – Term (Continued)
Sarah Good; Faculty Specialist II – Counseling Specialist; Department of Counseling Services, Sindecuse Health Center; effective August 17, 2015 through August 14, 2016.

Holly Grieves; Faculty Specialist I – Clinical Specialist; Department of Occupational Therapy; effective July 1, 2015 through June 30, 2016.

Christine Heffron; Faculty Specialist II – Counseling Specialist; Department of Counseling Services, Sindecuse Health Center; effective August 17, 2015 through August 14, 2016.

Donna Hetzel; Instructor; Department of Accountancy; effective August 17, 2015 through August 14, 2016.

Matthew Hoge; Assistant Professor; Department of Special Education and Literacy Studies; effective August 17, 2015 through August 14, 2016.

Yufeng Hu; Assistant Professor; Department of Civil and Construction Engineering; effective August 17, 2015 through August 14, 2016.

Beth Jarl; Instructor; Department of Family and Consumer Sciences; effective August 17, 2015 through August 14, 2016.

Gregory Jasperse; Assistant Professor; School of Music; effective August 17, 2015 through August 14, 2016.

Barcley Johnson; Instructor; Department of Management; effective August 17, 2015 through August 14, 2016.

Philip Johnson; Faculty Specialist II – Counseling Specialist; Department of Counseling Services, Sindecuse Health Center; effective July 1, 2015 through June 30, 2016.

Mary Beth Kennedy Janssen; Assistant Professor; Department of Family and Consumer Sciences; effective August 17, 2015 through August 14, 2016.

Hsiao-Chin Kuo; Assistant Professor; Department of Special Education and Literacy Studies; effective August 17, 2015 through August 14, 2016.

Zahida Luqmani; Instructor; Department of Marketing; effective August 17, 2015 through August 14, 2016.

Daniel Miller; Instructor; Department of Business Information Systems; effective August 17, 2015 through August 14, 2016.

Javier Montefort-Sanchez; Assistant Professor; Department of Mechanical and Aerospace Engineering; effective August 17, 2015 through August 14, 2016.

July 8, 2015
Appointments – Term (Continued)
Deanna Roland; Faculty Specialist I – Professional Specialist; Department of Special Education and Literacy Studies; effective July 1, 2015 through June 30, 2016.

Robert Samples; Instructor; Department of Marketing; effective August 17, 2015 through August 14, 2016.

Lori Stegmier; Faculty Specialist II – Professional Specialist; School of Interdisciplinary Health Programs; effective July 1, 2015 through June 30, 2016.

Nicholene Stiemsma; Faculty Specialist II – Counseling Specialist; Department of Counseling Services, Sinecuse Health Center; effective July 1, 2015 through June 30, 2016.

Zhanbo Sun; Assistant Professor; Department of Civil and Construction Engineering; effective August 4, 2015 through August 3, 2016.

Nathan Tabor; Assistant Professor; Department of Comparative Religion; effective August 17, 2015 through August 14, 2016.

Appointments – Grant/Contract
Janet Hahn; Assistant Professor; School of Interdisciplinary Health Programs; effective July 1, 2015 through June 30, 2016.

Joseph Kuchenbuch; Faculty Specialist I – Clinical Specialist; Department of Physician Assistant/Behavioral Health Services at Unified Clinics; effective June 15, 2015 through June 30, 2016.

Appointments – Adjunct
Jeffrey Abshear; Adjunct Assistant Professor; Frostic School of Art; July 1, 2015 through June 30, 2018.

David Smith; Adjunct Professor; Department of Chemical and Paper Engineering; effective July 1, 2015 through June 30, 2018.

Faculty Resignations
Kirsten Harvey; Assistant Professor; Department of Dance; effective August 16, 2015.

John Mueller; Assistant Professor; Department of Management; effective December 31, 2015.

Gayle Thompson; Assistant Professor; Department of Human Performance and Health Education; effective August 16, 2015.

Lindsay Toth; Faculty Specialist I – Lecturer; Department of Human Performance and Health Education; effective August 16, 2015.

July 8, 2015
Faculty Resignations (Continued)
Louise Ann Wurst; Professor; Department of Anthropology; effective July 31, 2015.

Sabbatical Leave
Barbara Ligget; Professor; School of Public Affairs and Administration; effective Spring 2016.

NON-ACADEMIC

Retirements
Cynthia Bradley; Office Associate; Department of Human Performance and Health Education; effective July 31, 2015.

Deborah Goostrey; Coordinator Building Services; College of Health and Human Services; effective June 19, 2015.

Blaine Kalafut; Deputy Chief of Police; Department of Public Safety; effective June 30, 2015.

Judith King; Office Coordinator; College of Health and Human Services; effective July 31, 2015.

Craig Wolford; Financial Systems Analyst; Accounting Services; effective June 30, 2015.
GIFT REPORT

Background

This report includes activity for the month of May. The year-to-date total gifts, pledges and deferred commitments for the current period ending May 31, 2015 is $83,379,789. Information regarding major gifts for May is provided.

Recommended Motion

It is recommended that this gift report including activity for the month of May be approved.
### WMU Foundation

#### Summary Gift & Commitment Report

**By Area of Designation**

**7/1/14-5/31/15**

<table>
<thead>
<tr>
<th>Support by Area of Designation</th>
<th>Cash Received</th>
<th>Cash Pledged</th>
<th>Planned Gifts Received</th>
<th>Planned Gifts Pledged</th>
<th>Inkind Received</th>
<th>Inkind Pledged</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Donors</td>
<td>Dollars</td>
<td>Donors</td>
<td>Dollars</td>
<td>Donors</td>
<td>Dollars</td>
<td>Donors</td>
</tr>
<tr>
<td>Athletics</td>
<td>1,589</td>
<td>$2,978,571</td>
<td>783</td>
<td>$7,113,993</td>
<td>0</td>
<td>$ -</td>
<td>3</td>
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<tr>
<td>Arts and Sciences</td>
<td>1,431</td>
<td>646,249</td>
<td>165</td>
<td>29,351</td>
<td>2</td>
<td>2,660</td>
<td>7</td>
</tr>
<tr>
<td>Aviation</td>
<td>158</td>
<td>104,687</td>
<td>29</td>
<td>154,754</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Education &amp; Human Development</td>
<td>952</td>
<td>182,166</td>
<td>193</td>
<td>55,844</td>
<td>2</td>
<td>21,650</td>
<td>5</td>
</tr>
<tr>
<td>Engineering &amp; Applied Sciences</td>
<td>422</td>
<td>164,669</td>
<td>58</td>
<td>65,513</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Fine Arts</td>
<td>1,372</td>
<td>710,352</td>
<td>73</td>
<td>233,381</td>
<td>4</td>
<td>1,208,024</td>
<td>5</td>
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<tr>
<td>Health and Human Services</td>
<td>706</td>
<td>398,883</td>
<td>113</td>
<td>42,612</td>
<td>1</td>
<td>10,000</td>
<td>2</td>
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<tr>
<td>Business</td>
<td>931</td>
<td>771,030</td>
<td>161</td>
<td>391,629</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Hoenicke Institute</td>
<td>24</td>
<td>30,336</td>
<td>8</td>
<td>3,095</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Lee Honors College</td>
<td>184</td>
<td>341,062</td>
<td>10</td>
<td>1,057</td>
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<td>0</td>
<td>0</td>
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<tr>
<td>Medallion Scholarship Program</td>
<td>38</td>
<td>427,521</td>
<td>4</td>
<td>2,038</td>
<td>1</td>
<td>346,758</td>
<td>0</td>
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<tr>
<td>Medical School</td>
<td>406</td>
<td>31,708,416</td>
<td>77</td>
<td>25,012,262</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Other**</td>
<td>1,654</td>
<td>511,779</td>
<td>128</td>
<td>65,100</td>
<td>0</td>
<td>0</td>
<td>3</td>
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<tr>
<td>Paper Technology Foundation</td>
<td>93</td>
<td>259,375</td>
<td>5</td>
<td>5,400</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Student Affairs</td>
<td>245</td>
<td>43,429</td>
<td>19</td>
<td>7,654</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Student Financial Aid</td>
<td>263</td>
<td>369,791</td>
<td>11</td>
<td>1,849</td>
<td>4</td>
<td>135,478</td>
<td>0</td>
</tr>
<tr>
<td>University Libraries</td>
<td>187</td>
<td>27,780</td>
<td>12</td>
<td>1,663</td>
<td>1</td>
<td>92,500</td>
<td>0</td>
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<tr>
<td>Unrestricted</td>
<td>1,733</td>
<td>363,771</td>
<td>268</td>
<td>20,152</td>
<td>2</td>
<td>52,542</td>
<td>1</td>
</tr>
<tr>
<td>WMUUK-FM Radio</td>
<td>3,603</td>
<td>432,802</td>
<td>418</td>
<td>115,868</td>
<td>1</td>
<td>4,631</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>15,991</strong></td>
<td><strong>40,472,669</strong></td>
<td><strong>2,536</strong></td>
<td><strong>33,323,215</strong></td>
<td><strong>18</strong></td>
<td><strong>1,881,243</strong></td>
</tr>
</tbody>
</table>

*In this column, the donor is counted only once per category. For example, if a donor gave a cash gift to Athletics and one to Business the donor would be counted twice. However, if the same donor gave a cash gift and an inkind gift to Business they would be counted only once.

**This includes funds for areas such as Alumni Association, Miller Auditorium, Landscape Services, Campus Facilities, etc. that don't fall into categories listed above.
# WMU Foundation

## Summary Gift & Commitment Report

### Five Year Comparison

<table>
<thead>
<tr>
<th>Support by Area of Designation</th>
<th>FY2010-11 Total</th>
<th>FY2011-12 Total</th>
<th>FY2012-13 Total</th>
<th>FY2013-14 Total</th>
<th>As of 5/31/15 Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Donors* Dollars</td>
<td>Donors* Dollars</td>
<td>Donors* Dollars</td>
<td>Donors* Dollars</td>
<td>Donors* Dollars</td>
</tr>
<tr>
<td>Athletics</td>
<td>3,134 $1,611,623</td>
<td>2,958 $2,432,834</td>
<td>2,423 $3,935,717</td>
<td>2,396 $2,913,156</td>
<td>2,160 $11,173,566</td>
</tr>
<tr>
<td>Arts and Sciences</td>
<td>3,331 $3,335,949</td>
<td>2,931 $791,323</td>
<td>2,698 $2,681,615</td>
<td>2,001 $1,260,553</td>
<td>1,572 $1,331,575</td>
</tr>
<tr>
<td>Aviation</td>
<td>328 $837,392</td>
<td>345 $1,329,478</td>
<td>335 $511,952</td>
<td>273 $385,918</td>
<td>180 $461,031</td>
</tr>
<tr>
<td>Education &amp; Human Development</td>
<td>2,870 $410,464</td>
<td>2,421 $1,000,978</td>
<td>2,414 $332,250</td>
<td>1,277 $3,488,638</td>
<td>1,135 $1,370,460</td>
</tr>
<tr>
<td>Engineering &amp; Applied Sciences</td>
<td>1,151 $1,122,856</td>
<td>1,179 $558,583</td>
<td>1,055 $2,784,560</td>
<td>681 $1,271,047</td>
<td>478 $269,297</td>
</tr>
<tr>
<td>Fine Arts</td>
<td>2,090 $1,256,406</td>
<td>2,144 $1,160,598</td>
<td>2,183 $2,522,061</td>
<td>1,672 $829,678</td>
<td>1,433 $3,617,164</td>
</tr>
<tr>
<td>Health and Human Services</td>
<td>1,303 $1,108,975</td>
<td>1,375 $1,977,236</td>
<td>1,488 $640,457</td>
<td>1,109 $1,551,299</td>
<td>807 $883,239</td>
</tr>
<tr>
<td>Business</td>
<td>2,318 $1,004,382</td>
<td>2,674 $837,954</td>
<td>2,132 $1,418,849</td>
<td>1,522 $1,420,506</td>
<td>1,074 $1,164,157</td>
</tr>
<tr>
<td>Haenick Institute</td>
<td>37 $218,368</td>
<td>39 $615,259</td>
<td>101 $20,855</td>
<td>45 $34,728</td>
<td>27 $33,431</td>
</tr>
<tr>
<td>Lee Honors College</td>
<td>183 $564,219</td>
<td>160 $215,405</td>
<td>186 $528,104</td>
<td>130 $128,575</td>
<td>191 $342,119</td>
</tr>
<tr>
<td>Medallion Scholarship Program</td>
<td>65 $116,016</td>
<td>65 $64,789</td>
<td>101 $103,024</td>
<td>71 $61,637</td>
<td>41 $779,317</td>
</tr>
<tr>
<td>Medical School</td>
<td>46  $104,907,395</td>
<td>38  $20,627,020</td>
<td>204 $41,534,440</td>
<td>407 $46,969,031</td>
<td>42 $56,727,649</td>
</tr>
<tr>
<td>Other**</td>
<td>677 $1,554,050</td>
<td>767 $3,965,341</td>
<td>989 $3,388,623</td>
<td>646 $1,601,372</td>
<td>1,773 $2,747,513</td>
</tr>
<tr>
<td>Paper Technology Foundation</td>
<td>143 $196,427</td>
<td>101 $164,737</td>
<td>76 $157,801</td>
<td>92 $289,289</td>
<td>98 $655,275</td>
</tr>
<tr>
<td>Student Affairs</td>
<td>211 $412,028</td>
<td>271 $34,069</td>
<td>289 $22,881</td>
<td>155 $27,915</td>
<td>254 $51,872</td>
</tr>
<tr>
<td>Student Financial Aid</td>
<td>603 $1,016,285</td>
<td>699 $550,988</td>
<td>395 $1,046,366</td>
<td>722 $3,711,982</td>
<td>270 $511,118</td>
</tr>
<tr>
<td>University Libraries</td>
<td>387 $206,634</td>
<td>383 $4,365,758</td>
<td>282 $889,845</td>
<td>276 $608,297</td>
<td>218 $123,150</td>
</tr>
<tr>
<td>Unrestricted</td>
<td>2,719 $308,770</td>
<td>3,072 $393,235</td>
<td>2,768 $1,855,557</td>
<td>1,910 $367,353</td>
<td>1,986 $584,465</td>
</tr>
<tr>
<td>WMUK-FM Radio</td>
<td>4,777 $543,714</td>
<td>4,222 $483,604</td>
<td>4,452 $496,876</td>
<td>3,923 $442,670</td>
<td>3,621 $553,301</td>
</tr>
<tr>
<td>Total</td>
<td>26,373 $120,731,953</td>
<td>25,844 $41,575,189</td>
<td>24,571 $64,871,813</td>
<td>19,308 $67,363,644</td>
<td>17,360 $83,379,789</td>
</tr>
</tbody>
</table>

*In this column, the donor is counted only once per category. For example, if a donor gave a cash gift to Athletics and one to Business the donor would be counted twice. However, if the same donor gave a cash gift and an inkind gift to Business they would be counted only once.

**This includes funds for areas such as Alumni Association, Miller Auditorium, Landscape Services, Campus Facilities, etc. that don't fall into categories listed above.
Western Michigan University
Board of Trustees

Grant Report

Background

The grant report for the month of May 2015 indicates a total of $4,540,704.04 in externally funded awards. The year-to-date total is $31,463,958.84.

May 2015

<table>
<thead>
<tr>
<th>Awards by Category</th>
<th>May 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Instruction</td>
<td>4,024,821.00</td>
</tr>
<tr>
<td>Research</td>
<td>248,793.75</td>
</tr>
<tr>
<td>Public Service</td>
<td>263,000.00</td>
</tr>
<tr>
<td>Academic Support</td>
<td>0.00</td>
</tr>
<tr>
<td>Student Services</td>
<td>4,089.29</td>
</tr>
<tr>
<td>Institutional Support</td>
<td>0.00</td>
</tr>
<tr>
<td>Operations and Maintenance of Plant</td>
<td>0.00</td>
</tr>
<tr>
<td>Scholarships and Fellowships</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Total for May 2015</strong></td>
<td><strong>$4,540,704.04</strong></td>
</tr>
</tbody>
</table>

Notable awards for this period were from the U.S. Department of Education, Michigan Department of Community Health, and University of Michigan.

Recommended Motion

It is recommended that the grant report for May 2015 be approved.
### Instruction

<table>
<thead>
<tr>
<th>Description</th>
<th>Sponsor</th>
<th>Director</th>
<th>Amount</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>To establish WMU's Autism Center of Excellence, to increase enrollment in behavior analysis training programs and provide more services to children with autism and their families (New)</td>
<td>Michigan Department of Community Health</td>
<td>Dr. Stephanie M Peterson &lt;br&gt;Psychology &lt;br&gt;Dr. R Wayne Fuqua &lt;br&gt;Psychology</td>
<td>$4,000,000.00</td>
<td>5/21/2015</td>
</tr>
<tr>
<td>To build on WMU's partnership with the University of DeLaSalle in Mexico related to migration by offering a cultural exchange and service learning experience for US/Mexican students working in migrant communities (New)</td>
<td>Partners of the Americas</td>
<td>Ms. Denise J Bowen &lt;br&gt;Physician Assistant</td>
<td>$24,821.00</td>
<td>5/14/2015</td>
</tr>
</tbody>
</table>

**TOTAL INSTRUCTION** $4,024,821.00

### Research

<table>
<thead>
<tr>
<th>Description</th>
<th>Sponsor</th>
<th>Director</th>
<th>Amount</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>To work with community colleges to increase enrollment of underrepresented minority students in STEM fields who have the potential to complete a bachelor of science degree (Supplemental)</td>
<td>University of Michigan</td>
<td>Dr. Edmund Tsang &lt;br&gt;College of Engineering and Applied Sciences &lt;br&gt;Dr. Andrew A Kline &lt;br&gt;Chemical and Paper Engineering</td>
<td>$86,729.00</td>
<td>5/13/2015</td>
</tr>
<tr>
<td>To develop a system for generating conductive pathways on a substrate (New)</td>
<td>Appvion, Inc.</td>
<td>Dr. Massood Zandi Atashbar &lt;br&gt;Electrical and Computer Engineering &lt;br&gt;Dr. Paul D Fleming III &lt;br&gt;Dr. Margaret Joyce &lt;br&gt;Chemical and Paper Engineering</td>
<td>$55,000.00</td>
<td>5/5/2015</td>
</tr>
<tr>
<td>To improve vehicle fuel economy within drivability and performance constraints through real-time and robust optimal shift scheduling and lock-up scheduling (Supplemental)</td>
<td>Ford Motor Company</td>
<td>Dr. Jennifer Hudson &lt;br&gt;Mechanical and Aerospace Engineering</td>
<td>$40,000.00</td>
<td>5/4/2015</td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>SPONSOR</td>
<td>DIRECTOR</td>
<td>AMOUNT</td>
<td>DATE</td>
</tr>
<tr>
<td>-------------</td>
<td>---------</td>
<td>----------</td>
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</tr>
<tr>
<td>Research</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To conduct consultant work for focus groups with children and their families regarding out-of-school time care and education (New)</td>
<td>Early Childhood Investment Corporation</td>
<td>Dr. Kristin Everett&lt;br&gt;Dr. Maryanne Sydlik&lt;br&gt;SAMPI</td>
<td>$40,000.00</td>
<td>5/13/2015</td>
</tr>
<tr>
<td>To map the surficial deposits and landforms of the Indian Town and Wood Island SE 7.5 minute quadrangles in the Pictured Rocks National Lakeshore area of Michigan (New)</td>
<td>U.S. Geological Survey</td>
<td>Dr. Alan Kehew&lt;br&gt;Geosciences</td>
<td>$14,493.00</td>
<td>5/1/2015</td>
</tr>
<tr>
<td>To analyze vehicle noise by characterizing brake squeal with standard drum and shoes over a range of pressures using Bendix instrumentation (New)</td>
<td>Bendix Spicer Foundation Brake LLC</td>
<td>Dr. Muralidhar K Ghantasala&lt;br&gt;Mechanical and Aerospace Engineering</td>
<td>$6,571.75</td>
<td>5/20/2015</td>
</tr>
<tr>
<td>To support Research Experience for Undergraduate (REU) participants in the NSF Laser Assisted Drilling project (New)</td>
<td>National Science Foundation</td>
<td>Dr. John A Patten&lt;br&gt;Industrial and Entrepreneurial Engineering and Engineering Management</td>
<td>$6,000.00</td>
<td>5/5/2015</td>
</tr>
<tr>
<td><strong>TOTAL RESEARCH</strong></td>
<td></td>
<td></td>
<td><strong>$248,793.75</strong></td>
<td></td>
</tr>
</tbody>
</table>

| Public Service | | | |
|----------------|---------|----------|--------|------|
| To increase the rate at which first generation and/or low income students complete secondary education and enroll in and graduate from postsecondary institutions (Non-Competing Continuation) | U.S. Department of Education | Dr. Erika Ann Carr<br>Division of Multicultural Affairs | $250,000.00 | 5/1/2015 |
## Public Service

<table>
<thead>
<tr>
<th>Description</th>
<th>Sponsor</th>
<th>Director</th>
<th>Amount</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>To expand and develop teacher leadership to improve the teaching and writing</td>
<td>National Writing Project Corporation</td>
<td>Dr. Jonathan Bush English</td>
<td>$10,000.00</td>
<td>5/15/2015</td>
</tr>
<tr>
<td>and learning in the nation's schools (Supplemental)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To provide mentorship and leadership opportunities for new leaders in the</td>
<td>Michigan Council for Arts and Cultural Affairs</td>
<td>Dr. Joan F Herrington Theatre</td>
<td>$3,000.00</td>
<td>5/26/2015</td>
</tr>
<tr>
<td>producing and presenting of a new play festival (New)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL PUBLIC SERVICE** $263,000.00

## Student Services

<table>
<thead>
<tr>
<th>Description</th>
<th>Sponsor</th>
<th>Director</th>
<th>Amount</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>To provide meals and snacks to children receiving nonresidential daycare</td>
<td>Michigan Department of Education</td>
<td>Ms. Kathryn Marie Gilbert</td>
<td>$4,089.29</td>
<td>5/7/2015</td>
</tr>
<tr>
<td>at WMU Children's Place Learning Center (Non-Competing Continuation)</td>
<td></td>
<td>The Children's Place</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL STUDENT SERVICES** $4,089.29

**TOTAL GRANTS AWARDED TO WESTERN MICHIGAN UNIVERSITY** $4,540,704.04
PROPOSAL: General Business Major

Background

The Undergraduate Studies Council of the Faculty Senate has approved the deletion of the General Business major. Enrollment in this program has dwindled from 39 in 2005 to 5 in 2014. Students are typically choosing a major that has more specific coursework such as accounting or management. The Haworth College of Business faculty believe that this program is not serving the needs of the students in the college and feel it is time to delete the program.

Recommended Motion

Delete the General Business major.
PROPOSAL: Embedded Systems Venture Undergraduate Certificate

Background

The Undergraduate Studies Council of the Faculty Senate has approved the creation of the Embedded Systems Venture Undergraduate Certificate. This 18 credit hour undergraduate certificate program is composed of courses from the Department of Computer Science and the Department of Electrical and Computer Engineering. This program is designed to help students gain professional experience with embedded, mobile and real-time system development. Participating students will operate a full-scale consulting and development firm that specializes in embedded, mobile and real-time systems. This will ultimately serve both industry and the local community by conducting interdisciplinary research and promoting economic development through harnessing the latest in embedded and mobile technologies.

Recommended Motion

Create the Embedded Systems Venture Undergraduate Certificate.
LIQUOR LICENSE APPLICATION

Background
WMU Catering has been asked to sell alcohol at the following campus events:

1. A special one-day liquor license is requested to be used for beer and wine sales at Kanley Track for a pre-game tailgate event prior to the football game between WMU and Michigan State University, on Friday, September 4, 2015 from 4 p.m. to 6:30 p.m. (this time is approximate and may change pending official game time announcement). WMU Catering will serve the alcohol and be responsible for checking identification of all participants prior to service.

2. A special one-day liquor license is requested to be used for beer and wine sales on the field immediately northeast of Stadium Drive apartments for a Michigan State University sponsored pre-game tailgate event prior to the football game between WMU and Michigan State, on Friday, September 4, 2015 from 4 p.m. to 6:30 p.m. (this time is approximate and may change pending official game time announcement). WMU Catering will serve the alcohol and be responsible for checking identification of all participants prior to service.

3. A special one-day liquor license is requested to be used for beer and wine sales at Kanley Track for a pre-game tailgate event prior to the football game between WMU and Central Michigan University, on Saturday, October 10, 2015, time TBA. WMU Catering will serve the alcohol and be responsible for checking identification of all participants prior to service.

4. A special one-day liquor license is requested to be used for beer and wine sales in parking lot one (next to the new Alumni Center) as part Homecoming prior to the football game between WMU and Miami University, on Saturday, October 24, 2015, time TBA. WMU Catering will serve the alcohol and be responsible for checking identification of all participants prior to service.

Recommended Motion
Resolved that Western Michigan University, through its duly authorized officers, make application to the Michigan Liquor Control Commission for four (4) special one-day licenses: two pre-game tailgate events on September 4, 2015 prior to the WMU-Michigan State football game, one pre-game tailgate event on October 10, 2015 prior to the WMU-Central Michigan football, and one pre-game tailgate event on October 24, 2015 prior to the WMU-Miami University football game (Homecoming).
EASEMENT FOR NATURAL GAS PIPELINE

Background

The Administration is requesting authority from the Board of Trustees to enter into an easement agreement with Consumer’s Energy for a natural gas pipeline. This pipeline, and the related easement, is necessary for adjusting and improving a natural gas distribution line that currently supplies gas to several of our existing buildings on main campus.

The easement consists of a strip of land 12 feet wide, most of which will be located along Arcadia Road. The location and placement of the pipeline has been agreed upon by both Western Michigan University and Consumers. The terms and details of the agreement are still being developed.

Recommended Motion

It is recommended that the Board of Trustees authorize the Treasurer or the Assistant Treasurer to the Board of Trustees to take the necessary actions to enter into this easement agreement between Western Michigan University and Consumer’s Energy, and to negotiate and execute any other documents or agreements necessary to effectuate and complete the transaction contemplated herein.
Reaffirmation of Adoption of Student Code Revisions

Background

In September 2014, amendments were made to the Student Code in accordance with the provisions of a resolution agreement with the U.S. Department of Education, Office of Civil Rights (OCR), signed by the University on September 30, 2013. The OCR has requested further information to show that the revisions were formally adopted indicating that it has implemented paragraph I.B. of the resolution agreement.

Recommended Action

It is recommended that the Board of Trustees adopt the attached resolution reaffirming the formal adoption of revisions of the Student Code in accordance with the resolution agreement with the OCR which were made effective in September 2014.
RESOLUTION OF THE WESTERN MICHIGAN BOARD OF TRUSTEES

WHEREAS, the Western Michigan University Board of Trustees ("Board of Trustees") has previously authorized that questions about the processes, rules, or policies, or any other concern not specifically covered by the Student Code, shall be decided solely by the Vice President for Student Affairs (VPSA)/Dean of Students/or designee; and also that the Student Code may be extended or amended to apply to new and unanticipated situations which may arise; and

WHEREAS, the Board of Trustees also recognizes that the Student Code was amended in September 2014 in accordance with the resolution agreement with the U.S. Department of Education, Office of Civil Rights (OCR), signed by the University on September 30, 2013.

IT IS HEREBY RESOLVED THAT:

The Board of Trustees reaffirms the above referenced authority relative to resolving questions about the University’s Student Code and for the Vice President for Student Affairs/Dean of Students/ or designee to amend and clarify the Student Code to apply to new and unanticipated situations which may arise; and

The Board of Trustees further formally confirms that the above cited Student Code revisions relayed to the OCR in October 2014 were adopted in September 2014, and were effectuated in September 2014 in accordance with paragraph I.B of the resolution agreement and remain in effect.