



Western Michigan University
ScholarWorks at WMU

WMU Board of Trustees Meetings

Western Michigan University

6-25-2020

WMU Board of Trustees Formal Session June 25, 2020

WMU Board of Trustees

Follow this and additional works at: https://scholarworks.wmich.edu/trustee_meetings



Part of the Higher Education Administration Commons

WMU ScholarWorks Citation

WMU Board of Trustees, "WMU Board of Trustees Formal Session June 25, 2020" (2020). *WMU Board of Trustees Meetings*. 358.

https://scholarworks.wmich.edu/trustee_meetings/358

This Minutes is brought to you for free and open access by the Western Michigan University at ScholarWorks at WMU. It has been accepted for inclusion in WMU Board of Trustees Meetings by an authorized administrator of ScholarWorks at WMU. For more information, please contact wmu-scholarworks@wmich.edu.



Western Michigan University
BOARD OF TRUSTEES



Thursday, June 25, 2020 **Virtual Platform Amidst a Continued Global Pandemic**

Closed Informal Session – 9:00 AM

Formal Session – 11:00 AM Please view the live stream at <https://wmich.edu/trustees>

Individuals wishing to address the Board of Trustees during either Public Comments section must notify Dr. Kahler Schuemann at kahler.schuemann@wmich.edu by 5PM Wednesday, June 24th.

1. Acceptance of the Agenda – *Bolger*
2. Approval of the Minutes (*April 23, 2020 and May 26, 2020 Meetings*) – *Bolger*
3. Remarks by the Chair – *Bolger*
4. Remarks by the President – *Montgomery*
5. Comments by the Faculty Senate President – *Kritzman*
6. Comments by the Western Student Association President – *West*
7. Comments by the Graduate Student Association President – *Morris*
8. Presentation – WMU's Investment in the Future – Academic Tenure and Promotion – *Bott*
9. Public Comments Regarding Action Items – *Schuemann*

Action Items – *Bolger*

10. Academic Tenure and Promotion – *Bott*
11. Board of Trustees Assistant Treasurer Election – *Schuemann*
12. International Alliance of Theatrical Stage Employees Labor Agreement – *Van Der Kley*
13. General Fund Budget, Fiscal Year 2020-2021 – *Van Der Kley*
14. Student Room, Board, and Apartment Rates (Dynamic Pricing Strategy) – *Anderson*
15. Interim Sexual and Gender-Based Misconduct Policy – *Swartz*
16. Consent Items – *Bolger*
 - A. Curriculum Proposals
 - B. Personnel Report
 - C. Western Michigan University Board of Trustees Meeting Dates 2021
 - D. Operating Cash Investment Performance Report
 - E. Annuity and Life Income Funds Performance Report
17. General Public Comments – *Schuemann*

Supplemental and supporting agenda materials can be viewed at: <http://www.wmich.edu/trustees>

PROPOSAL: Academic Tenure and Promotion

Tenure

It is recommended tenure be approved for the following faculty members, effective with the beginning of the 2020/21 academic/fiscal year:

D. Eric Archer; Department of Educational Leadership, Research and Technology
Amy Bentz; Department of Teaching, Learning and Educational Studies
Devin Bloom; Department of Biological Sciences
Zbigniew Chajewski; Department of Physics
Elyse Connors; Department of Blindness and Low Vision Studies
Beth Ernst; Department of Business Information Systems
Gregory Jasperse; School of Music
Amanda Karsten; Department of Psychology
Stephen Kaczmarek; Department of Geological and Environmental Sciences
Nicholas Kuder; Frostic School of Art
Charles Kurth; Department of Philosophy
Mary Land; School of Music
Sangwoo Lee; Department of Human Performance and Health Education
Douglas Lepisto; Department of Management
Ryan Lewis; Frostic School of Arts
Adam Mathews; Department of Geography
Meghann Meeusen; Department of English
Whitney Moncrief; Department of Dance
Todd Morgan; Department of Management
Dave Nofsinger; Department of Theatre
Alisa Perkins; Department of Comparative Religion
Adrienne Redding; Department of English
Matthew Reeves; Department of Geological and Environmental Sciences
Lina Sawalha; Department of Electrical and Computer Engineering
Linda Shuster; Department of Speech, Language and Hearing Sciences
David Szabla; Department of Educational Leadership, Research and Technology
Kelly Wittenberg; School of Communication
German Zarate-Sandez; Department of Spanish

Promotions

It is recommended the following promotions be approved for the following faculty members, effective with the beginning of the 2020/21 academic/fiscal year:

Faculty Promoted to Professor

Ann Chapleau; Department of Occupational Therapy
Alamgir Choudhury; Department of Engineering Design, Manufacturing and Management Systems
Andrezj Dudek; Department of Mathematics
Sharon Gill; Department of Biological Sciences
Robert Harrison; Department of Marketing
Brian Horvitz; Department of Educational Leadership, Research and Technology
Jeffrey Jones; Department of Teaching, Learning and Educational Studies
Asghar Kayani; Department of Physics
Adriane Little; Frostic School of Art
Staci Perryman-Clark; Department of English
Sue Poppink; Department of Educational Leadership, Research and Technology
Paul Solomon; Frostic School of Art
Andre Venter; Department of Chemistry
Lisa Whitaker; Department of Aviation Sciences
Zachary Williams; Department of Marketing
Evelyn Winfield-Thomas; Department of Physician Assistant

Faculty Promoted to Associate Professor

D. Eric Archer; Department of Educational Leadership, Research and Technology
Devin Bloom; Department of Biological Sciences
Zbigniew Chajewski; Department of Physics
Elyse Connors; Department of Blindness and Low Vision Studies
Gregory Jasperse; School of Music
Stephen Kaczmarek; Department of Geological and Environmental Sciences
Nicholas Kuder; Frostic School of Art
Mary Land; School of Music
Sangwoo Lee; Department of Human Performance and Health Education
Douglas Lepisto; Department of Management
Ryan Lewis; Frostic School of Art
Adam Mathews; Department of Geography
Whitney Moncrief; Department of Dance

Faculty Promoted to Associate Professor (continued)

Todd Morgan; Department of Management

Dave Nofsinger; Department of Theatre

Alisa Perkins; Department of Comparative Religion

Matthew Reeves; Department of Geological and Environmental Sciences

Jill Rowe; School of Interdisciplinary Health Programs

Lina Sawalha; Department of Electrical and Computer Engineering

Kelly Wittenberg; School of Communication

German Zarate-Sandez; Department of Spanish

Faculty Promoted to Master Faculty Specialist

Ryan Seiler; Department of Aviation Sciences

Faculty Promoted to Faculty Specialist II

Sunday Bonifas; Department of Accountancy

Dawn Mason; Department of Accountancy

Adrienne Redding; Department of English

Robert Samples; Department of Marketing

Matthew Stoops; Department of Chemical and Paper Engineering

Step Increase

James Whittles; Department of Aviation Sciences

PROPOSAL: Board of Trustees Assistant Treasurer Election

Background

Patti Van Walbeck who has served diligently for several years as Assistant Treasurer to the Board of Trustees announced her retirement from WMU effective June 30, 2020. Her departure prompts the need for an unscheduled officer election for the Assistant Treasurer position.

According to the Board of Trustees bylaws (II.3.5) The treasurer and assistant treasurer shall advise the Board and the president regarding the university's financial matters, and on behalf of the Board are authorized to execute legal and financial documents which are in the best interests of the university.

Colleen D. Scarff is recommended for the post. She has served as the associate vice president for business at Western Michigan University since January, 2020.

Scarff has been a staff member at WMU since 1997 when she was appointed assistant director of accounting services and has since held a series of progressively more responsible roles in business and finance and development at WMU. She has served as director of internal audit for 13 years, executive director for development administration for two years, and executive director for budget and financial planning for seven years.

Prior to joining the University, Scarff served as controller for seven years with Tasus Corp. in Bloomington, Indiana. She is a certified public accountant and a 1988 graduate of Creighton University. Her background also includes employment with what was then Coopers & Lybrand in Lincoln, Nebraska and Price Waterhouse in San Diego.

Recommended Action

It is recommended the Board of Trustees approve Colleen D. Scarff as Assistant Treasurer to the Board of Trustees beginning July 1, 2020 for the remainder of 2020 BOT officer election cycle.

PROPOSAL: International Alliance of Theatrical Stage Employees Labor Agreement

Background

In June 2020, Western Michigan University and the International Alliance of Theatrical Stage Employees (IATSE) reached a tentative agreement on a one-year extension to the current collective bargaining agreement. IATSE represents independent stage workers for major productions at Western Michigan University's venues such as Miller Auditorium, who fill the bulk of the need for part-time professional stage help beyond that provided by the University's permanent staff.

The IATSE membership, consisting of 15 employees, has already ratified the agreement. The agreement is effective from July 1, 2020 through June 30, 2021.

The agreement provides for no wage increase. IATSE members are not on the University's health or retirement plan. Instead, the University contributes benefit payments directly to IATSE. There is no increase in the benefit payments during the term of this agreement.

Recommended Action

It is recommended the Board of Trustees approve the 2020-2021 agreement between Western Michigan University and the International Alliance of Theatrical Stage Employees.

PROPOSAL: General Fund Budget, Fiscal Year 2020-2021

Background

The general fund is the primary operating fund of the University and provides the University with the financial resources to meet instructional, programmatic and operating needs. WMU wants to ensure a distinctive and supportive learning experience that fosters success in a diverse and inclusive culture while advancing economic and environmental sustainability practices and policies. Resource allocation should promote WMU being the school of choice, diversifying revenue streams, and recruiting and retaining students and ensuring their academic success.

COVID-19 began to significantly impact university operations in March 2020. As we, and every other university, continued to respond to the challenges created by the pandemic, uncertainty about the future persists. The pandemic has negatively impacted our country's and the world's economy. Michigan has indicated that between this fiscal year and next, the state will experience a \$6.1 billion revenue shortfall. The state has not yet signaled how this shortfall will impact future higher education appropriations. It is quite possible that the state may take budget action closer to its year end in September. In addition to the uncertainty with the State's budget, it is also recognized that the higher education sector is not able to determine the impact COVID-19 will have on future enrollment. Some of this unpredictability recognized the financial hardships that have been experienced by the student and student's family as a result of the pandemic. Enrollment unpredictability is also being magnified because current and future students have signaled they may sit out a year due to both health and instructional modality concerns. Across the country, higher education is predicting enrollment declines of 10 to 15%.

Recognizing the level of uncertainty that exists, WMU took early and proactive steps to begin budget planning for the 2020-21 fiscal year. Numerous scenarios were modeled and a range of likely outcomes determined. Mindful of our fiduciary responsibility to our students, faculty and staff, community and the state, we developed plans to meet the needs of the most conservative budget model that reflected a \$85M shortfall. We were transparent in our communications to our many stakeholders regarding the financial modeling and our budget planning. Each division has enacted its budget reduction plans for implementation with the 2020-21 year.

Recognizing the unprecedented level of uncertainty still facing us and having already implemented our budget reduction planning, we are recommending a continuation of the fiscal year 2019-20 Board approved general fund budget so the University can continue to perform necessary day-to-day operations with an enacted budget. This continuation is requested for up to a ninety (90) day period. It is our intent to bring the fiscal year 2020-21 general fund budget to the Board at its September 17, 2020 meeting.

Recommended Action

It is recommended the Board approve the continuation of the fiscal year 2019-2020 Board approved general fund budget for up to ninety (90) days so that the University is able to meet its instructional, programmatic and operating responsibilities, in alignment with the University strategic plan.

PROPOSAL: Student Room, Board, and Apartment Rates (Dynamic Pricing Strategy)

Background

Room and board rate recommendations are brought to the Board of Trustees on an annual basis for approval. In an effort to be nimble and agile in a market that is continuously changing, the Vice President for Student Affairs is requesting the ability to set dynamic pricing for room, board, and apartment rates. This general authority will allow the Vice President of Student Affairs to lower rates in order to be responsive in a timely matter, should a need arise. Room and board rate recommendations will continue to be brought to the Board of Trustees on an annual basis.

Recommended Action

Effective immediately, it is recommended the Vice President for Student Affairs be granted authority to dynamically price room, board, and/or apartment rates when it is deemed to be in the best interest of the students and the Student Affairs portfolio. Rates dynamically set by the Vice President for Student Affairs will not exceed those rates previously approved by the Board of Trustees.

PROPOSAL: Interim Sexual and Gender-Based Misconduct Policy

Background

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. Members of the WMU Community have the right to be free from sexual and gender-based discrimination, harassment, violence, and all other forms of prohibited conduct described in this Policy. All members of the Community are expected to conduct themselves in a manner that does not infringe upon the rights of others. This Policy has been developed to reaffirm these principles and to provide accountability for conduct that violates this Policy.

This Policy prohibits sexual discrimination, harassment, violence, and stalking committed by or against WMU community members of any gender, gender identity, gender expression, or sexual orientation. It also provides redress for those who have been victims of such behaviors or who have been accused of such behaviors.

This Policy has been updated to conform to the Board-approved Policy format; consolidate information; remove and relocate procedures that were contained in the Policy; and incorporate the 2020 Title IX Final Rule from the Department of Education Office of Civil Rights. This Policy subsumes and rescinds the previous Sexual Harassment Policy, the Sexism Policy, the AIDS Policy, the Human Rights Policy, and the Consensual Sexual Relations Policy.

Recommended Action

It is recommended the Board approve the Interim Sexual and Gender-Based Misconduct Policy.



Western Michigan University
Kalamazoo, MI 49008

Policy No: XX-xx

INTERIM SEXUAL AND GENDER-BASED MISCONDUCT POLICY

Statement of Policy This Policy prohibits sexual discrimination, harassment, violence, and stalking committed by or against WMU community members of any gender, gender identity, gender expression, or sexual orientation. It also provides redress for those who have been victims of such behaviors or who have been accused of such behaviors.

Summary of Contents/Major Changes: This Policy has been updated to conform to the Board-approved Policy format; consolidate information; remove and relocate procedures that were contained in the Policy; and incorporate the 2020 Title IX Final Rule from the Department of Education (ED) Office of Civil Rights (OCR). This Policy subsumes and rescinds the [date] Sexual Harassment Policy, the [date] Sexism Policy, the [date] AIDS Policy, and the [date] Human Rights Policy; Consensual Sexual Relations Policy [date]

Responsible Office and Responsible Enforcement Official: Office of Institutional Equity (IE), Title IX Coordinator

Classification:

- ☒ Board of Trustees Policy
- ☐ Board-delegated Policy

Categories:

Federal and State Civil Protections

History:

- a. Effective date of current version: August 14, 2020
 - b. Date first adopted: January 13, 2015 (?)
 - c. Revision history: September 2016; April 2018; January 2019
 - d. Proposed date of next review: July 2021
-

1. Purpose of Policy

Western Michigan University (WMU or 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.

Members of the WMU Community have the right to be free from sexual and gender-based discrimination, harassment, violence, and all other forms of prohibited conduct described in this Policy. All members of the Community are expected to conduct themselves in a manner that does not infringe upon the rights of others. This Policy has been developed to reaffirm these principles and to provide accountability for conduct that violates this Policy.

2. Stakeholders Most Impacted by the Policy

The WMU Community.

3. Definitions

- 3.1. **Campus Security Authority (CSA):** designated University official who has an obligation to report certain crimes and sexual misconduct.
- 3.2. **Clery Act:** “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act”; a federal statute requiring colleges and universities participating in federal financial aid programs to maintain and disclose campus crime statistics and security information. Defines Campus Security Authorities and the grievance process requirements for sexual assault, intimate partner violence and stalking.
- 3.3. **Complainant(s):** the person alleged to have been subjected to the Covered Behavior.
- 3.4. **Confidential:** a category of information that, when disclosed to someone on a specific list of individuals (see § ___, below), may only be shared if there is an imminent threat of harm to self or others.
- 3.5. **Contact:** any direct or indirect verbal, written, electronic, or third-party messages, any physical touch or non-verbal gesture.
- 3.6. **Covered Behavior or Sexual Misconduct:** the following activities, as defined herein: sexual or gender-based harassment; harm to others; intimate partner violence; non-consensual sexual contact; sexual assault; sexual exploitation; stalking; and other covered behaviors and actions where such behavior is based on an individual’s sex, gender, or gender identity.
- 3.7. **Elliot-Larsen Civil Rights Act:** Michigan law that prohibits discrimination on the basis of “religion, race, color, national origin, age, sex, height, weight, familial status, or marital status” in employment, housing, education, and access to public accommodations.

- 3.8. **Formal Complaint:** a written statement filed by a Complainant or signed by the Title IX Coordinator alleging Covered Behavior against a Respondent requesting investigation of the alleged behavior.
- 3.9. **Grievance Process:** process that the University uses to assess a report and resolve a Formal Complaint.
- 3.10. **Intimate Partner:** person who is, or has been involved in, a sexual, dating, domestic or other intimate relationship with the initiating individual
- 3.11. **Intimate Parts:** include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner.
- 3.12. **Mandated Reporter:** individuals designated by the Michigan Child Protection Law as those who must report suspected child abuse or neglect.
- 3.13. **No Contact Order:** An Order issued by a University official that requires that an individual have no contact with a particular person or persons.
- 3.14. **Party:** either the Complainant(s) or Respondent(s) in an investigation or action relating to a complaint of Covered Behavior.
- 3.15. **Private:** a category of information related to a report of Covered Behavior that may be shared with a small circle of individuals who have a need to know.
- 3.16. **Report:** information about an allegation of sexual misconduct shared with Institutional Equity, Public Safety or a Campus Security Authority.
- 3.17. **Respondent:** the person(s) accused of the Covered Behavior.
- 3.18. **Sexual Contact:** intentional contact with the Intimate Parts of another, causing another to touch one's Intimate Parts, or disrobing or exposure of another's Intimate Parts without permission.
- 3.19. **Sexual Intercourse:** vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object; oral penetration involving mouth to genital contact.
- 3.20. **Student(s):** any person taking one or more courses at the University, pursuing undergraduate, graduate, or professional studies; any person who withdraws from WMU after a charge of an alleged violation of the WMU Student Code or any University policy; or, someone who is not officially enrolled for a particular term, but who has a continuing relationship with the University as a student (e.g., someone who was enrolled for Spring and plans to enroll for Fall, but who is not enrolled for Summer).
- 3.21. **Title IX:** Federal law that protects people from discrimination based on sex in education programs or activities that receive federal financial assistance.

3.22. **Title IX Coordinator:** Person designated by WMU to receive all Reports of Covered Behavior and oversee the University's centralized review and resolution of those Reports in compliance with the law and this Policy and who advises the WMU Community about the Grievance Procedures and courses of action in the broader community. The Title IX Coordinator may designate someone (Designee) to assist with carrying out these responsibilities.

3.23. **WMU Community or Covered Individuals:** all WMU students, faculty, staff, administrators, Board members, consultants, vendors, others engaged to do business with the University, guests and visitors.

4. Policy

4.1. Under Title IX of the Higher Education Act, "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 programs and activities and requires that the University not discriminate on such bases. Title IX prohibits retaliation against any individual who files a good faith complaint or participates in an investigation under Title IX. This Policy meets and, in some areas, exceeds the scope of Title IX and its implementing regulations.

4.2. In addition, the University's response to sexual assault, intimate partner violence and stalking are governed by the Clery Act and Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA).

4.3. The University prohibits all forms of sexual and gender-based harassment and violence, intimate partner violence, and stalking prohibited by Title IX, VAWA, Title VII of the Civil Rights Act of 1964, and other applicable statutes, including the Elliott Larsen Civil Rights Act. This Policy prohibits a broad continuum of behaviors, some of which are not prohibited under Title IX or other law. Their inclusion in this Policy reflects the University's standards and expectations for a respectful working and learning environment.

4.4. The University will investigate and attempt to resolve all complaints of Covered Behavior in a prompt, fair and impartial manner. The University will treat all individuals involved with dignity and respect. All processes are driven by objective fact-finding and approached from a neutral standpoint;

5. Scope

This Policy applies to any WMU Community member engaging in Covered Behavior and any WMU Community member being subjected to Covered Behavior.

6. Location

6.1. The Policy applies to Covered Behavior that takes place:

6.1.1. on campus;

- 6.1.2. in the context of a WMU education program or activity, regardless of location including, but not limited to, service-learning activities, study abroad placements, student internship programs, the workplace and work-related events;
- 6.1.3. at a location where either the Complainant or the Respondent involved in a particular claim is a member of the WMU community;
- 6.1.4. outside the context of a WMU education program or activity when the Covered Behavior has continuing adverse effects on campus or in an off-campus education program or activity.
- 6.2. On-line and/or social media conduct may also violate this Policy if it meets the definition of Covered Behavior. Online postings are in the public sphere and are not private. These postings may subject an individual to allegations of Covered Behavior or misconduct. The University does not regularly search for this information, but it may take action if and when such information is brought to its attention. See Employee Computer Use Policy; Acceptable Use Policy. The University will view any Report of online Covered Behavior with the Respondent's Free Speech rights in mind.

7. Covered Behavior and Related Key Definitions

- 7.1. The University will treat attempts to commit any Covered Behavior as if those attempts had been completed.
- 7.2. **Sexual Harassment:** any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal, electronic or physical conduct of a sexual nature when:
 - 7.2.1. 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 (e.g., *quid pro quo*);
 - 7.2.2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual (e.g., *quid pro quo*); or
 - 7.2.3. 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 an objective standard.
 - 7.2.4. A single isolated incident of Sexual Harassment may jeopardize equal access to a program or activity if it is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to be found responsible for a Policy violation, particularly if the Behavior is physical. Examples of conduct that may constitute Sexual Harassment are listed in the Procedures.
- 7.3. **Gender-Based Harassment:** acts of verbal, nonverbal, or physical aggression or contact, intimidation, threats, abuse or hostility based on sex or sex stereotyping, even if

those acts do not involve conduct of a sexual nature; sexual harassment based on gender, gender identity, gender expression, or sexual orientation.

- 7.4. **Non-Consensual Sexual Intercourse:** having or attempting to have Sexual Intercourse with another individual by force or threat of force, without Consent or when that individual is Incapacitated.
- 7.5. **Non-Consensual Sexual Contact:** Sexual Contact with another individual by force or threat of force, without Consent or when that individual is Incapacitated.
- 7.6. **Sexual Exploitation:** taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit or for the benefit or advantage of anyone other than the one being exploited. Examples include, but are not limited to:
 - 7.6.1. 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;
 - 7.6.2. Non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity, or distributing such without the knowledge and Consent of all parties involved;
 - 7.6.3. exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances;
 - 7.6.4. knowingly exposing another individual to a sexually transmitted disease or virus without their knowledge;
 - 7.6.5. sex based bullying; or
 - 7.6.6. inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.
- 7.7. **Harm to Others:** behaviors that threaten or endanger the health or safety of any person, which include physical abuse, verbal abuse, threats, intimidation and/or harassment. Non-sexual or non-gender-based Harm to Others will be treated as a violation of the WMU Student Code and will be referred accordingly.
- 7.8. **Stalking:** a course of physical or verbal conduct directed at another individual on the basis of sex or gender identity, 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, in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of Contact are used.

- 7.9. **Intimate Partner Violence:** often referred to as dating violence, domestic violence or relationship violence; one act or ongoing behavior that includes but is not limited to:
- 7.9.1. Any actual or threatened act of physical, sexual, emotional violence or economic abuse against an intimate partner (person who is, or has been involved in, a sexual, dating, domestic or other intimate relationship with the initiating individual);
 - 7.9.2. Threats, assault, property damage, violence or threat of violence to oneself, an intimate partner, or to the family members or friends of that partner; or
 - 7.9.3. Sexual Harassment, Non-Consensual Sexual Intercourse, Sexual Exploitation, Harm to Others, Stalking, or Retaliation of an intimate partner.
- 7.10. **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 a Complaint. Retaliation may be committed by any individual or group of individuals.
- 7.10.1. Retaliation may take many forms, including threats, intimidation, pressuring, continued abuse, violence, other forms of harm to others.
 - 7.10.2. Retaliation may also occur by moving someone to a less desirable workspace, altering work hours, removing or limiting privileges. All forms of Retaliation are prohibited under this Policy as well as under state and federal law.
 - 7.10.3. Individuals may not retaliate against persons who report good faith concerns about a consensual relationship.
- 7.11. When the University evaluates responsibility for alleged Covered Behavior, it considers the existence or non-existence of the following:
- 7.11.1. **Coercion:** the improper use of pressure to compel another individual to initiate or continue sexual activity against the individual's will. Coercion may include intimidation, manipulation, threats and blackmail. Words or conduct may constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether to engage in sexual activity. Examples include: threatening to "out" someone based on sexual orientation, gender identity or gender expression; threatening to harm oneself if the other party does not engage in the sexual activity.
 - 7.11.2. **Consent:** affirmative, conscious decision by a participant to engage in sexual activity. Consent must be freely and voluntarily given with knowledge of the nature of the act or transaction involved. The University will consider the following when evaluating whether the Complainant has given Consent:
 - 7.11.2.1. Level of mutual understanding of the nature and scope of the act to which the individual Consented and a willingness to do the same thing, at the same time, in the same way;

- 7.11.2.2. Whether Consent was obtained through the use of force, coercion, threats, or intimidation, or by taking advantage of the Incapacitation of another individual;
- 7.11.2.3. Whether communication regarding Consent used mutually understandable words and/or actions that indicated an unambiguous willingness to engage in sexual activity. If there is no evidence of clear communication or outward demonstration, the University will find that Consent was not given;
- 7.11.2.4. Whether Complainant withdrew Consent; and/or
- 7.11.2.5. Whether, once withdrawn, the sexual activity ceased immediately and/or all parties received mutually expressed or clearly stated Consent before continuing further sexual activity.
- 7.11.2.6. The University will not consider Consent to one form of sexual contact as Consent to all forms of sexual contact; nor will it consider Consent to sexual activity with one person as Consent to activity with any other person. Each participant in a sexual encounter must Consent to each form of sexual contact with each participant.
- 7.11.2.7. Even in the context of a current or previous intimate relationship, the University will evaluate whether each party Consented to each instance of sexual contact each time.
- 7.11.2.8. Complainant need not resist the sexual advance or request to demonstrate lack of Consent; however, the University will view Complainant's resistance as a clear demonstration of non-Consent.
- 7.12. **Force:** the use or threat of physical violence, restraint or intimidation to overcome an individual's choice whether to participate in Sexual Activity.
- 7.13. **Incapacitation:** a state in which an individual cannot make the informed and rational decision to engage in Sexual Activity because the individual lacks conscious knowledge of the nature of the act (e.g., cannot understand the who, what, when, where, why or how of the sexual interaction) and/or is physically helpless.
- 7.13.1. An Incapacitated person is unable to give Consent. An individual is Incapacitated when asleep, unconscious, or otherwise unaware that sexual activity is occurring. This includes an individual incapable of giving consent because of their age or their temporary or permanent mental incapacity. Incapacitation may result from the use of alcohol and/or other drugs.
- 7.13.2. Because the impact of alcohol and drugs varies from person to person, the University will not find an individual Incapacitated solely based on that person's consumption of alcohol or other drugs, impairment, inebriation or intoxication. Instead, it will conduct a case-by-case evaluation to assess 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 behavior.

7.13.3. In any particular claim, the University will evaluate whether Respondent knew or should have known that Complainant was Incapacitated when viewed from the position of a sober, reasonable person.

7.13.4. The University will not accept being intoxicated or impaired by drugs or alcohol as an excuse for Covered Behavior; nor will it consider intoxication or such impairment to diminish a Respondent's responsibility to obtain Consent.

8. Privacy and Confidentiality

8.1. WMU is committed to protecting the Privacy of all individuals involved in a Report of Covered Behavior. All WMU employees who are involved in a Report, including the Title IX Coordinator, investigators, hearing officers, committee members, and discipline authority shall receive specific instruction and training about respecting and safeguarding Private information. Throughout the Grievance 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. Privacy and Confidentiality have distinct meanings under this Policy.

8.2. Pursuant to Michigan statute, the Title IX Coordinator is required to share aggregated, non-personally identifiable information regarding the scope and frequency of Covered Behaviors with the Board of Trustees.

8.3. [NSF] personally identifiable allegations

8.4. **Privacy**

Private information may only be shared with those University employees who are directly involved in the resolution of a Report under this Policy and who need to know the information in order to resolve the Report. While not bound by legally privileged Confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

8.5. **Confidentiality**

8.5.1. Unless there is an imminent threat of harm to self or others, Confidential Information that is shared with designated campus or community professionals may not be revealed to any other individual without express permission from the individual disclosing the information or about whom the information pertains. Designated campus and community professionals that may hold legally privileged conversations recognized by law include medical providers, mental health providers, ordained clergy/pastoral counselors, and rape crisis counselors.

8.5.2. Confidential Resources are licensed or specially trained professionals who, by law, may not share information without the consent of the individual seeking assistance,

except for very specific circumstances. A list of Confidential Resources is under Section __, Contact Information.

8.5.3. WMU Confidential Resources must submit anonymous report information regarding Covered Behaviors to WMU Public Safety for Clery Act purposes, but will not share identifying information without the permission of the person disclosing the information or about whom the information pertains. When a Report involves suspected abuse of an individual under the age of 18, Confidential Resources are Mandated Reporters and must notify child protective services and/or local law enforcement. Confidential Resources are not required to report behaviors to Public Safety that fall outside of those contemplated by the Clery Act (behavior that occurs off campus, sexual and gender-based harassment, sexual exploitation and retaliation).

8.5.4. 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 related and material information. During the Grievance Process, a Party may voluntarily choose to share such records with the investigator. Any records provided by a Party become part of the file, and any information that relates to the current claim will be made available for review by the opposing Party and Advisor, with personal identifiers and non-related information removed as set forth in the Procedures. The Party who provided the records for review is presumed to have consented to such disclosure. The reviewing Party and Advisor agree to keep any such information Confidential unless its disclosure during the hearing or hearing preparation is necessary to make a good faith argument in support of their position.

9. Reporting Options

9.1. Any individual may file a Report alleging Covered Behavior or discrimination, including someone who is not the subject of the perceived Behavior or discrimination.

9.2. All individuals are encouraged to promptly report conduct that may violate this Policy to the Title IX Coordinator, or designee, in IE. Individuals are also encouraged to report conduct that may violate criminal law to both IE and local law enforcement. These processes are not mutually exclusive. See Section __, Contact Information for reporting.

9.3. The Report is presumed to be credible and the Respondent is presumed not responsible. The University will quickly assess every report of Covered Behavior for risk of harm to the Complainant or to the broader campus community and will take steps necessary to address those risks.

9.4. Amnesty Considerations. Individuals who in good faith report will not be subject to University disciplinary action for their own 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 non-disciplinary, educational remedies regarding alcohol or drug use. Such Amnesty will also apply to collateral consequences related to a student's status as a Resident Advisor, Student Athlete, or other position with privileges at the

University. The University will not ask about or investigate the citizenship status of any individual who submits a Report.

9.5. Complainant Reporting

- 9.5.1. When reporting to IE or law enforcement, Complainants do not need to know whether they wish to request any particular course of action, nor how to label what happened. Deciding how to proceed can be a process that unfolds over time. Before or during the decision-making process, Complainants and other reporting persons are encouraged to seek support and information from a Confidential Resource.
- 9.5.2. Complainants are encouraged to preserve any physical evidence related to the Report.
- 9.5.3. Complainant may contact the Title IX Coordinator, the Department of Public Safety or the YWCA for assistance with filing a criminal complaint or a civil protective order and for information on a forensic exam and preserving evidence. See Section ____, Contact Information.
- 9.5.4. 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 wmich.edu/policies/criminal). 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.

9.6. Anonymous Reporting

- 9.6.1. Any individual may make an anonymous Report concerning Covered Behavior. Individuals may report an incident without disclosing their name, identifying the parties involved or requesting any action. However, depending on the extent of information available about the incident or the individuals involved, the University's ability to respond to an anonymous report or take further action may be limited. An anonymous report may be made online at wmich.edu/sexualmisconduct/report or by telephone at (269) 387-6316.
- 9.6.2. The Title IX Coordinator will review each anonymous Report to determine available actions. Where there is sufficient information, the University will ensure that anonymous reports are reviewed and included for compliance with the Clery Act.

9.7. Required Reporting

- 9.7.1. When Designated Officials are notified of Covered Behavior, they must immediately report the information to the Title IX Coordinator or designee in Institutional Equity. The Designated Official will keep all information they receive private. Designated Officials include the President, members of the President's Cabinet, Deans, Academic Advisors and administrators and staff in Intercollegiate Athletics, Human Resources, Residence Life, Office of Student

Conduct, Public Safety and Institutional Equity. Supervisors have a responsibility to Report allegations or observations of Employees engaging in Covered Behavior.

9.7.2. Anyone with information regarding suspected child abuse or neglect must immediately report known or suspected mental or physical abuse or neglect of a child made known to them in their professional or official capacity directly to Michigan's Department of Human Services by calling 855-444-3911 (24/7 toll free number). You must submit a written report to the Department of Human Services within 72 hours of the initial verbal report. Reporters must also inform the Program Director or the Office of Precollege Programming. For purposes of this requirement, a "child" is anyone age 17 or younger.

9.8. Timeframes for Reporting

9.8.2. There is no time limit for reporting Covered Behavior; however, all individuals are encouraged to report the behavior as soon as possible in order to maximize the University's ability to respond promptly and effectively. If the Respondent is not a member of the WMU Community at the time of the report, the University will still provide Supportive Measures to Complainant; however, its ability to investigate and/or take action may be limited. The University will assist a Complainant in identifying external reporting options.

9.8.3. If Complainant chooses not to file a Formal Complaint at the time of the Report, they may file a Formal Complaint at a later date.

10. Complainant Agency and Autonomy Not to Proceed

10.1. Where Complainant requests that their name or other identifiable information not be shared with 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 Complainant or the person who reported the incident. The University must also remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a Respondent.

10.2. The Coordinated Response Team assists the University in assessing threats and consists of representatives from Student Affairs, Human Resources, Public Safety and IE. Title IX Coordinator (in consultation with the Coordinated Response Team, as needed) will consider the following in evaluating a Complainant's requests for confidentiality, that no investigation occur, or that no formal action be taken:

10.2.1. the nature and scope of the alleged conduct, including whether the reported Covered Behavior involves the use of a weapon;

10.2.2. the Complainant's wish to pursue disciplinary action;

10.2.3. the respective ages and roles of the Complainant and Respondent;

- 10.2.4. the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- 10.2.5. whether there have been other reports of misconduct by the Respondent;
- 10.2.6. whether the Respondent threatened further sexual violence or other violence against the Complainant or others;
- 10.2.7. 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;
- 10.2.8. whether the University possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence);
- 10.2.9. considerations of fundamental fairness and due process with respect to the Respondent should the course of action include disciplinary action against the Respondent; and
- 10.2.10. the University's obligation to provide a safe and non-discriminatory environment.

10.3. Where the University determines that action should be taken that is inconsistent with Complainant's request not to proceed, the Title IX Coordinator will inform the Complainant about the University's chosen course of action. As part of providing Supportive Measures, the University may pursue steps to limit the effects of the alleged Behavior and prevent its recurrence in ways that do not involve disciplinary action against a Respondent or disclosing the identity of the Complainant. See section ____, Supportive Measures.

11. Formal Complaint

- 11.1. The Complainant may initiate a Formal Complaint at any time during or after an initial Report by contacting IE and submitting the Complaint in writing. A parent or legal guardian may file a Formal Complaint on behalf of their minor dependent or dependent with a disability.
- 11.2. The Title IX Coordinator may sign a Formal Complaint related to Covered Behaviors of which they have been made aware. In doing so, the Title IX Coordinator does not become a Complainant or a Party for the case.

12. Support Provisions

12.1. Support Person and/or Advisor

- 12.1.1. Complainant(s) and Respondent(s) may each have a support person and/or advisor of their choice present at any meeting related to the Report of Covered Behavior.

12.1.2. During investigative meetings, the advisor and support person are both silent and non-participating entities who are there solely to observe and provide support.

12.1.3. If the case proceeds to a hearing, the advisor is then responsible for asking questions on behalf of the Party. An advisor is required; if a Party does not have an advisor, the University will provide one at no charge. See ____ for the procedure for selecting an advisor.

12.1.4. An advisor may be an attorney. Advisors should make themselves available for meetings throughout the process.

12.1.5. The advisor and/or support person will be required to review and agree to the University's policies and procedures, privacy protections and expected rules of participation and decorum. Neither the advisor nor the support person may be a fact witness or otherwise have any conflicting role in the Grievance Process. The University shall determine what constitutes appropriate behavior on the part of a support person and advisor.

12.2. Supportive Measures

12.2.1. As part of its Assessment, the University may provide Supportive Measures based on information gathered from a Report or investigation. The Title IX Coordinator, or designee, has the discretion to implement these measures as they see fit.

12.2.2. Supportive Measures are designed to protect the Parties involved. They are not sanctions. Supportive Measures are non-disciplinary, non-punitive measures available to either Party regardless of whether the Complainant chooses to pursue an investigation.

12.2.3. Supportive Measures may include:

12.2.3.1. Changing residence building;

12.2.3.2. Public safety escort on campus;

12.2.3.3. Changing class schedule, including the ability to take an "incomplete," drop a course without penalty, or transfer sections (with the agreement of the appropriate faculty);

12.2.3.4. Changing work schedule or job assignment;

12.2.3.5. Referral for academic support services, such as tutoring;

12.2.3.6. Instituting a no contact order; or

12.2.3.7. Any other remedy that can be tailored to the individuals involved in order to achieve the goals of this Policy

- 12.2.4. While evaluating the need for Supportive Measures, the University may consider whether Emergency Removal of the Respondent is necessary. After conducting an individualized safety and risk analysis, the University may remove a Respondent from a University program or activity on an emergency basis, if it determines that a Respondent poses an immediate threat to the physical health or safety of any individual arising from the allegations of Sexual Misconduct that justifies removal.
- 12.2.4.1. The Emergency Removal will remain in place pending the results of an investigation or until the threat to health or safety has passed.
- 12.2.4.2. If the University institutes Emergency Removal, Respondent will receive notice and an opportunity to challenge the decision immediately following their removal. For students, Emergency Removal follows the Interim Suspension provisions and process set forth in the WMU Student Code (see wmich.edu/conduct/code). Employees will be placed on Administrative Leave.
- 12.2.4.3. For employees, Administrative Leave may also be warranted when circumstances suggest the presence of Respondent would significantly hinder the investigation.
- 12.2.5. Selection of Supportive Measures and whether to implement Emergency Removal will vary depending on the facts of each case. WMU will consider a number of factors, including:
- 12.2.5.1. the specific needs expressed by the Complainant and/or Respondent;
- 12.2.5.2. the age of the Parties involved;
- 12.2.5.3. the severity or pervasiveness of the allegations;
- 12.2.5.4. any continuing effects on either Party or the Campus Community;
- 12.2.5.5. whether the Complainant and Respondent share the same residence building, dining hall, class, transportation, or job location;
- 12.2.5.6. overall safety of the campus community;
- 12.2.5.7. whether judicial measures have been taken to protect the Complainant (e.g., civil protection orders); and
- 12.2.5.8. Respondent's due process rights.
- 12.2.6. While Supportive Measures are in place, the Title IX Coordinator, in consultation with other University administrators, may maintain contact with the Parties so that all safety, emotional, and physical well-being concerns can be reasonably addressed.
- 12.2.7. Supportive Measures will be kept Private to the extent that maintaining that privacy does not impair the University's ability to provide assistance.

13. Grievance Process

When responding to a Report of Covered Behavior, the University will undertake a Grievance Process. The Grievance Process will include: assessment (including Supportive Measures or Emergency Removal); informal resolution or formal resolution (investigation, hearing, finding, appeal of finding, sanction, appeal of sanction). The Grievance Process and Procedures are available at (include URL and link)

14. Evidentiary Standard

The University will determine responsibility for violation of Policy using the preponderance of the evidence standard.

15. Relationships in Violation of this Policy

- 15.1. A relationship may constitute Sexual Misconduct when one of the individuals is in a position to evaluate or otherwise influence the education, employment, housing or participation in a University program or activity of the other. Such relationships may contain a subtle yet powerful element of coercion. They give rise to a conflict of interest and are potentially exploitative. Moreover, such relationships may affect the environment for students and/or employees or the manner in which they are treated.
- 15.2. Sexual or other intimate relationships in which one party maintains a supervisory or evaluative role over the other party are prohibited. In general, this includes all sexual or other intimate relationships between students and employers, supervisors, professors, coaches, advisors, or other non-student University employees.
- 15.3. University employees (faculty and staff) who supervise or otherwise hold positions of authority over others, including students, are prohibited from having a sexual or other intimate relationship with an individual under their direct supervision.
- 15.4. Employees with direct supervisory or evaluative responsibilities who contemplate beginning or who are involved in such relationships are required to promptly discontinue any supervising role or relationship over the other person and 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. Such relationships, if not disclosed, could also violate the University's Conflict of Interest for Employees Policy.
- 15.5. Administrators, faculty and staff should be aware that any romantic involvement with students or subordinates may require formal action against them if a Formal Complaint is filed. Because of the asymmetrical nature of such relationships, a Respondent's assertion that a relationship was consensual will be thoroughly evaluated based on the factors stated above.
- 15.6. The University will not purposely investigate or interfere with private choices regarding personal relationships that do not violate this Policy.

16. First Amendment Protections

- 16.1. Nothing in this Policy is intended to limit constitutionally protected First Amendment Rights, Due Process Rights of the 5th and 14th Amendments, or restrict any other Constitutional rights.
- 16.2. First Amendment free speech rights protect speech on matters of public interest. They do not protect illegal activity, sexual harassment as defined by this Policy, destruction of property, or material and substantial disruption of classes or campus activities.

17. Exceptions: none

18. Accountability

- 18.1. WMU Community: For students, failure to follow this Policy could lead to sanctions under the Student Code, up to and including expulsion. For administrators, faculty and staff, failure to follow this Policy could lead to disciplinary action up to and including dismissal consistent with Human Resources policy any applicable bargaining agreements.
- 18.2. Federal and State Law: Federal and state funding is premised on compliance with the laws and guidance referenced in this Policy. The University could lose Federal or state funding for failure to comply.

19. Title IX and Sexual Misconduct

- 19.1. Title IX defines Sexual Harassment as conduct on the basis of sex that satisfies one or more of the following: (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct; (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).¹ The University's definition of Sexual Misconduct is broader than the behavior covered solely by Title IX.
- 19.2. For Title IX to apply, the incident must be reported while the Parties are all associated with the University (as current students or employees), and must have occurred on property owned or operated by the University, in the United States. Individuals who were subjected to Sexual Harassment that meets this definition and criteria under Title IX, and who believe the University's response was deliberately indifferent and/or failed to meet procedural requirements, have a right to contact the ED Office for Civil Rights (OCR). Additionally, Employees have a right to contact the Equal Employment Opportunity Commission (EEOC) regarding their rights under Title VII. See section ___,

¹ See Section ___ for further definitions.

Contact Information.

20. Related Procedures and Guidelines

Resources for assistance following incidents of sexual or gender-based harassment and violence available at wmich.edu/sexualmisconduct/resources

Procedures and Guidelines for the Grievance Process

21. Additional Information

21.1. Other forms of prohibited discrimination and/or harassment, including race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, protected veteran status, height, weight, and marital status, are governed by the University's Non-Discrimination Policy which is located at wmich.edu/policies/non-discrimination-policy.

21.2. Coordination with Law Enforcement

21.2.1. The University encourages Complainants and Respondents to pursue their legal rights regarding criminal claims of Covered Behavior that may also violate federal or state law. The University will offer assistance to involved parties so they may file criminal reports and/or cooperate with law enforcement agencies.

21.2.2. The University's Policy, definitions and burden of proof may differ from Michigan or federal criminal law. Neither law enforcement's determination of whether to prosecute a Respondent, nor the outcome of any criminal prosecution, determine 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.

21.2.3. At the request of law enforcement, the University may defer its Grievance Process until after the initial stages of a criminal investigation. If the University delays for this reason, it will communicate with the Complainant regarding Supportive Measures, rights, and procedural options under this Policy to assure safety and well-being during the criminal investigation. The University will promptly resume the Grievance Process under this Policy as soon as it is informed that law enforcement has completed its initial investigation.

21.3. Training requirements

Every person involved in the resolution of a Report of Covered Behavior must complete all legally required training. These individuals include the Executive Director of IE, the Title IX Coordinator and their designees, Coordinated Response Team members, Investigators, Hearing Officers, Appeals Committee members, Disciplinary Authorities (designated Office of Students conduct staff, designated Human Resources staff, Directors of Collective Bargaining, the Vice President for Student Affairs and their designee), designated Public Safety staff and CSA's. IE will post all training material on a University web page so it is accessible to the public.

22. Contact Information

22.1. Confidential Resources

22.1.1. Counselors at Counseling Services in Sindecuse Health Center wmich.edu/healthcenter/counseling (269) 387-1850 or the Center for Counseling and Psychological Services in Sangren Hall, (269) 387-5105, and Grand Rapids Clinic (616) 771-4171.

22.1.2. Medical/clinical staff at Sindecuse Health Center wmich.edu/healthcenter/clinic (269) 387-3287.

22.1.3. The FIRE Place, a student peer-support and resources center located in Sindecuse Health Center, (269) 387-2990 or hpe-firepeered@wmich.edu.

22.1.4. Ordained clergy/pastoral counselors acting as advisor of any faith or spiritual-focused registered student organization.

22.1.5. Off campus community resources, including rape crisis counselors and domestic violence resources (such as the YWCA, ywcakalamazoo.org, (269) 385-3587), local state assistance agencies and ordained clergy/pastoral counselors.

22.1.6. Employee Assistance Program, wmich.edu/hr/resources/eap, (269) 372-4500; 1-800-523-0591.

22.2. WMU Resources for reporting Covered Behavior

Title IX Coordinator: Felicia Crawford

Postal Address: WMU Office of Institutional Equity
1903 West Michigan Avenue
Kalamazoo, MI 49008-5405 USA

Campus Location: 1220 Trimpe Building
e-mail: Email: oie-info@wmich.edu

Telephone: (269) 387-6316

Online Incident Report: wmich.edu/sexualmisconduct/report

WMU Department of Public Safety (WMU DPS)*

Postal Address: 511 Monroe Street
Kalamazoo, MI 49006 USA

Emergency Telephone: 911

Telephone: (269) 387-5555

*WMUDPS must direct incidents outside of their jurisdiction to the appropriate local law enforcement authority

22.3. Contact Information for filing a State or Federal Complaint

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

23. FAQs

23.1. If I am a high school student who is taking a class at WMU, does this Policy apply to me?

Yes. This Policy applies to anyone who is taking “one or more classes” at WMU.

23.2. How does this Policy apply to criminal proceedings arising out of the same facts that led to the Title IX investigation?

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.

23.3. How can the University subject someone to discipline under this Policy when the alleged behavior or location is explicitly excluded from the Title IX implementing Regulations?

The Title IX regulations merely set the floor for what the University considers Sexual Misconduct. Although you cannot file a complaint with the Department of Education based on the University’s handling of behavior that does not meet the definition of Sexual Harassment, the University may still consider that behavior to violate its code.

23.4. Does an incident have to occur on campus to be reported to the University?

No. Anyone may report any incident at any time. See section ____ regarding reporting options.

23.5. If my guest violates this Policy or is otherwise found responsible for misconduct, will I be held responsible for their behavior?

Yes. Please refer to your housing conduct rules or contact the Office of Student Conduct for additional information.

23.6. Are faculty required to Report disclosures of Covered Behavior?

Faculty who receive a disclosure in their role as instructor are not required to Report. A faculty member acting in a capacity listed under Designated Official is required to Report as described. Faculty and other employees are not required to Report, but are encouraged to contact the Title IX Coordinator to confidentially discuss how to best support the person who disclosed.

24. Related Policies:

Student Code
Minors on Campus Policy
Non-Discrimination Policy
Acceptable Use Policy
Duty to Report Policy

References:

Title IX Civil Rights Act and implementing regulations at 34 C.F.R. Part 106
Elliot Larsen Civil Rights Act
Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, 20 U.S.C. § 1092(f)
Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA)
The Michigan Child Protection Law, 1975 PA 238, MCL 722.621 et. seq.

Certified by:
Responsible Enforcement Official

At the Direction of:
The Board of Trustees

/s/
[Position/Title]
[Date]

/s/
[Title]
[Date]

PROPOSAL: Accelerated Graduate Degree Program in Data Science

Background

The Undergraduate Studies Council and the Graduate Studies Council of the Faculty Senate have approved the creation of the Accelerated Graduate Degree Program in Data Science. This proposal allows students to earn a Master of Science in Data Science in less time for a reduced cost. This proposal would allow talented students to double count up to 12 credit-hours of course work for both the Bachelor of Science in Data Science and the Master of Science in Data Science programs.

Recommended Action

Create the Accelerated Graduate Degree Program in Data Science.

PROPOSAL: Bachelor of Science in Healthcare Services and Sciences: Clinical Practice in Health

Background

The Undergraduate Studies Council of the Faculty Senate has approved creating the Bachelor of Science in Healthcare Services and Sciences: Clinical Practice in Health. This program is designed for students that have obtained a current allied health professional license through an associate's degree and is one of four current tracks (informal designation) of the degree that is being revised and pulled out as a standalone concentration (formal designation). This revision is designed to help students better understand the various options within the degree and enhance planning and attention to the needs of this subset of students.

Recommended Action

Create the Bachelor of Science in Healthcare Services and Sciences: Clinical Practice in Health.

PROPOSAL: Bachelor of Science in Engineering in Mechanical Engineering: Automotive

Background

The Undergraduate Studies Council of the Faculty Senate has approved the creation of the Bachelor of Science in Engineering in Mechanical Engineering: Automotive concentration. This concentration will require students to complete 4 of the 5 required elective courses in the Mechanical Engineering major from a selected list of 8 currently offered courses related to automotive engineering.

Recommended Action

Create the Bachelor of Science in Engineering in Mechanical Engineering: Automotive concentration.

PROPOSAL: Minor in Mechanical Engineering

Background

The Undergraduate Studies Council of the Faculty Senate has approved the creation of the minor in Mechanical Engineering. This 15 credit-hour minor is designed to complement other majors in the College of Engineering and Applied Sciences as well as in other colleges such as the College of Arts and Sciences (good synergy with a physics major for example). This added minor is likely to provide students with an advantage in the job market and if they want to pursue an advanced degree in engineering. The minor consists of fundamental courses at the 2000 and 3000 level.

Recommended Action

Create the Minor in Mechanical Engineering.

PROPOSAL: Bachelor of Science in Engineering in Mechanical Engineering: Solid Mechanics and Structures

Background

The Undergraduate Studies Council of the Faculty Senate has approved the creation of the Bachelor of Science in Engineering in Mechanical Engineering: Solid Mechanics and Structures concentration. This concentration will require students to complete 4 of the 5 required elective courses in the Mechanical Engineering major from a selected list of 8 currently offered courses related to solid mechanics and structures.

Recommended Action

Create the Bachelor of Science in Engineering in Mechanical Engineering: Solid Mechanics and Structures concentration.

PROPOSAL: Minor in Leadership for Social Change

Background

The Undergraduate Studies Council of the Faculty Senate has approved the creation of the minor in Leadership for Social Change. This 15-credit hour minor will provide any student the opportunity to explore leadership from an education and human development perspective. The program is designed around the seven critical values of the model of social change leadership (developed in 1994 at UCLA): consciousness of self, congruence, commitment, collaboration, common purpose, controversy with civility and citizenship with the added value of change which makes more explicit the creative process of leadership to make a better world and a better society for self and others. Leadership Studies programs have been on the rise across Michigan, and the nation, and this program will use the expertise in the Department of Educational Leadership, Research and Technology to provide students with the value-added skills to make a difference in a changing world.

Recommended Action

Create the minor in Leadership for Social Change.

PROPOSAL: Personnel Report

ACADEMIC

Administrative Appointments

Steven Butt; Dean; College of Engineering and Applied Sciences; effective June 1, 2020 through June 30, 2023.

Christine Byrd-Jacobs; Dean; The Graduate College; effective June 1, 2020 through June 30, 2023.

John Clark; Chair; Department of Political Science; effective July 1, 2020 through June 30, 2023.

Koorosh Naghshineh; Acting Chair; Department of Mechanical and Aerospace Engineering; effective July 1, 2020 through August 13, 2020.

Ilana Nash; Chair; Department of Gender and Women's Studies; effective July 1, 2020 through June 30, 2023.

Stephanie Peterson; Chair; Department of Psychology; effective July 1, 2020 through June 30, 2023.

Return to Faculty

Susan Freeman; Associate Professor; Department of Gender and Women's Studies; effective July 1, 2020.

Timothy Greene; Professor; Department of Industrial and Entrepreneurial Engineering and Engineering Management; effective August 15, 2020.

David Reinhold; Associate Professor; Department of Chemistry; effective July 1, 2020.

Susan Stapleton; Professor; Department of Chemistry; effective July 1, 2020.

Appointments – Tenure Track

Amanda Remo; Faculty Specialist I – Lecturer; Department of Accountancy; effective August 15, 2020.

Appointments – Term

Jennifer Rock; Assistant Professor; Department of Theatre; effective August 15, 2020 through August 14, 2021.

Sabbatical Leave

Alisa Perkins; Associate Professor; Department of Comparative Religion; effective academic year 2020/21.

Silvia Rossbach; Professor; Department of Biological Sciences; effective academic year 2021/22 (change in date only).

Jill Rowe; Associate Professor; School of Interdisciplinary Health Programs; effective academic year 2020/21.

Lina Sawalha; Associate Professor; Department of Electrical and Computer Engineering; effective academic year 2021/22.

Andrea Smith; Professor; Department of Teaching, Learning and Educational Studies; effective fall 2021 (change in date only).

Jesse Smith; Associate Professor; Department of Sociology; effective Spring 2021 (change in date only).

Faculty Retirements with Emeriti Status

Elizabeth Bradburn; Associate Professor Emerita of English; Department of English; effective May 1, 2021.

Barbara Cockrell; Associate Professor Emerita of University Libraries; University Libraries; effective June 30, 2020.

Alyce Dickinson; Professor Emerita of Psychology; Department of Psychology; effective August 31, 2020.

Mary Lagerwey; Professor Emerita of the WMU Bronson School of Nursing; WMU Bronson School of Nursing; effective June 30, 2021.

Yirong Mo; Professor Emeritus of Chemistry; Department of Chemistry; effective July 31, 2020.

Susan Nelson; Master Faculty Specialist Emerita of Nursing; WMU Bronson School of Nursing; effective August 15, 2021 (change in date only).

Faculty Resignations

Héctor Díaz; Professor; School of Social Work; effective May 31, 2020.

Karen Farwell; Faculty Specialist I – Counseling Specialist; Department of Counseling Services; effective May 19, 2020.

Georgiana Fisher; Assistant Professor; Department of Statistics; effective July 5, 2020.

Faculty Resignations (Continued)

Nicholene Stiemsma; Faculty Specialist II – Counseling Specialist; Department of Counseling Services; effective August 14, 2020.

Beverly Vandiver; Professor; Department of Counselor Education and Counseling Psychology; effective June 30, 2020.

NON-ACADEMIC**Administrative Retirement**

Patti Van Walbeck; Associate Vice President Finance; Vice President for Business and Finance; effective July 1, 2020.

Retirements

Lynnette Abbate; Administrative Assistant I; Frostic School of Art; effective May 1, 2020.

Daniel Barrett; First Cook; Davis Dining Services; effective April 23, 2020.

Carol Bukant; Coordinator, Clinical Support Services; Sindecuse Health Center; effective June 1, 2020.

Deborah Coder; Skilled Trades Helper; Facilities Management – Maintenance Service; effective August 1, 2020.

Robert D'Amelio; Associate Athletic Director, Business; Intercollegiate Athletics; effective July 1, 2020.

Susan Dame; Administrative Assistant II; Center for Disability Services; effective June 15, 2020.

Pamela Danielson; Assistant Director, Private Loans/Reconciliation/Auditing; Office of Student Financial Aid; effective April 25, 2020.

Marilyn Duke; Manager, Academic Resource Center; Center for Academic Success Programs; effective July 1, 2020.

Shirley Everett; Office Assistant Senior; Residence Life; effective April 21, 2020

Richard Haynes; Millwright/Maintenance Mechanic; Facilities Management – Maintenance Service; effective June 1, 2020.

James Hiatt; Locksmith; Department of Public Safety; effective July 1, 2020.

Debora Karnemaat; Administrative Assistant I; School of Communication; effective June 1, 2020.

Non-Academic Retirements (Continued)

Robert Monck; Project Manager, Construction; Facilities Management – Maintenance Service; effective August 1, 2020.

Judy O'Donnell; Coordinator, Scheduling; Office of the Registrar; effective June 1, 2020.

Lori Prichard; Assistant Director, Facilities/Debt Planning; effective July 1, 2020.

Wendy Proeschl; Assistant Director, Development Research; Office of University Advancement; effective July 1, 2020.

Ronald Robyn; Project Manager Senior, Construction; Facilities Management – Associate Vice President; effective May 1, 2020.

Perry Scrivener; Coordinator, Evening Services; University Libraries; effective July 1, 2020.

Bethany Timmerman; Finance Assistant Senior; WMUx; effective July 1, 2020.

Sheryl Todd; Administrative Assistant II; Department of Computer Science; effective June 27, 2020.

Ralph Yingling; Director, Information Technology; Haworth College of Business; effective August 15, 2020.

PROPOSAL: Western Michigan University Board of Trustees Meeting Dates 2021

Background

The following dates have been vetted through the University Calendar, Religious Holiday Observances, Executive Leadership, and Trustee availability. Locations are suggested but may shift to a virtual platform to conform with health and safety considerations linked to the global pandemic.

Thursday, January 21st, Heritage Hall

Thursday, March 18th, (Possible Offsite Location)

Thursday, April 22nd, Heritage Hall

Thursday, June 24th, Bernhard Center

Thursday, September 16th, Bernhard Center

Thursday, November 4th, Heritage Hall

Thursday, December 16th, Bernhard Center

Recommended Action

It is recommended the Board approve the proposed Board of Trustee meeting dates for 2021.

PROPOSAL: Operating Cash Accounts

*Additional materials can be obtained through the Board of Trustees Office.

PROPOSAL: Annuity and Life Income Funds

*Additional materials can be obtained through the Board of Trustees Office.