

# **Resolution Officer Decision**

*Case No. 2021-00771*

*Date: July 13, 2022*

***MSU Resolution Office***

*A Unit of the Office for Civil Rights and Title IX Education and Compliance*

## Michigan State University

In re: Matter of Grace Ketzner/Joseph Farah Case No. 2021-00771

Date: July 12, 2022

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On June 23, 2022, Michigan State University's Resolution Office facilitated a hearing to resolve a November 17, 2021 formal complaint (amended on December 20, 2021 by the Title IX Coordinator) by Claimant Grace Ketzner ("Claimant"), a third-year law student at Michigan State University ("MSU") College of Law, alleging she was subjected to sexual harassment from June through October 2021 and stalking from August to October 2021, by Respondent Joseph Farah ("Respondent"), an Adjunct Professor at the MSU College of Law and Michigan State 7th Circuit Court Judge, in violation of the Michigan State University Policy on Relationship Violence & Sexual Misconduct ("RVSM") and Title IX ("RVSM and Title IX Policy").<sup>1</sup>

Specifically, the allegations in the December 20, 2021 formal complaint alleged that Respondent engaged in conduct that constituted sexual harassment and stalking that the Title IX Coordinator determined the conduct fell under Sections VI. C.1 and VI.D of the RVSM and Title IX Policy, limited to the RVSM definitions. Claimant also raised claims that, if true, would be covered by the MSU Anti-Discrimination Policy (the "ADP") for discrimination and harassment on the basis of sex. During the time period at issue, June 2021 through October 2021, two RVSM and Title IX Policies were in effect: the first effective August 14, 2020, and the second effective August 24, 2021.

Accordingly, the alleged violations against Respondent that are the subject of this Decision are limited to:

1. Sexual Harassment, Section VI.C.1, of the RVSM and Title IX Policy effective August 14, 2020 for conduct from June 2021 to August 24, 2021, limited to the RVSM (non-Title IX) definition;
2. Sexual Harassment, Section VI.C.1 of the RVSM and Title IX Policy effective August 24, 2021 for conduct from August 24, 2021 through October 2021, limited to the RVSM (non-Title IX) definition;
3. Stalking, Section VI.D of the RVSM and Title IX Policy effective August 14, 2020 for conduct from August 1, 2021 to August 24, 2021, limited to the RVSM (non-Title IX) definition;

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<sup>1</sup> Claimant initially raised sexual harassment and stalking claims against Respondent under both the Title IX and RVSM definitions in her signed formal complaint; however, the Title IX Coordinator later clarified these allegations and limited to the RVSM definitions because the alleged misconduct occurred off campus but had continuing adverse effects on campus.

4. Stalking, Section VI.D of the RVSM and Title IX Policy effective August 24, 2021 for conduct from August 24, 2021 through October 2021, limited to the RVSM (non-Title IX) definition;
5. Harassment, Article III, Prohibited Discrimination Policy, ADP User's Manual, Sections VI (discrimination) and VII (harassment).

Prior to the hearing, this matter was investigated by MSU's Office of Institutional Equity ("OIE"), which provided a copy of the evidence gathered to the parties for their review and response on March 29, 2022. OIE sent the final investigation report and evidence to the parties on May 24, 2022 and referred this case for a hearing before the Resolution Officer, a neutral decision-maker.

## **I. Summary of Findings**

The Resolution Officer has determined that the evidence in the record **does support** by a preponderance of the evidence that:

- Respondent violated the RVSM and Title IX Policy for **sexual harassment under the RVSM** definition against Claimant;
- Respondent violated the **ADP for harassment on the basis of sex** for conduct against Claimant.

The Resolution Officer has determined that the evidence in the record **does not support** by a preponderance of the evidence that:

- Respondent violated the RVSM and Title IX Policy for **stalking under the RVSM** definition against Claimant;
- Respondent violated the **ADP for discrimination on the basis of sex** for conduct against Claimant.

The findings are limited to the Relationship Violence and Sexual Misconduct and Title IX Policy and Anti-Discrimination Policy and should not be construed that Respondent is or is not responsible for violations of any other University policy.

## **II. Standard of Review**

In evaluating allegations of a violation under both the RVSM and Title IX Policy and ADP, the "preponderance of the evidence" standard is used. Under this standard, individuals are presumed not to have engaged in the alleged conduct unless a "preponderance of the evidence" supports a finding that the conduct occurred. A preponderance of the evidence is the amount of evidence that causes one to conclude that an allegation is more likely than not true.