

**Report of Independent Investigation:  
Allegations of Faculty and Staff Misconduct  
Related to a Lansing Public Relations Firm**

**October 6, 2021**

## Table of Contents

<b>I. Summary of Findings</b> .....	1
<b>II. Investigation Methodology</b> .....	5
A. Document Review and Data Collection.....	5
1. <i>Collection of Subject Witnesses' Documents and Data</i> .....	6
2. <i>Retention of Relevant CMU Documents and Records</i> .....	7
3. <i>Review of Hard Copy Documentation</i> .....	7
B. Witnesses .....	7
1. <i>Definition of "Student Intern"</i> .....	8
2. <i>The Vanguard Reporting Witnesses</i> .....	8
3. <i>Former Vanguard Employees and Interns (other than the Vanguard Reporting Witnesses)</i> .....	8
4. <i>Investigative Gaps</i> .....	8
5. <i>Witness Identities</i> .....	9
6. <i>The Investigation Team</i> .....	9
<b>III. Independent Investigation</b> .....	9
<b>IV. Facts</b> .....	10
A. Reports of Allegations to CMU .....	10
B. Media Reports of Bucholz's Misconduct at Vanguard.....	12
C. CMU Students at Vanguard.....	12
D. CMU Graduates at Vanguard.....	12
<b>V. Policies</b> .....	13
A. CMU Sexual Misconduct Policy .....	13
B. CMU Workplace Violence Policy .....	15
C. Federal and State Civil Rights Laws.....	15
<b>VI. Analysis</b> .....	15
A. Dave Clark .....	15
B. Steve Coon.....	18
C. Jim Wojcik.....	20
D. T.J. Bucholz and Vanguard.....	22
<b>VII. Recommendations</b> .....	22
A. Remove Barriers to Reporting Sexual Harassment and Hostile Work Environments.....	23

B. Improve Internship Programs .....	26
C. Improve Faculty and Staff Processes and Procedures .....	28
<b>VIII. Conclusion</b> .....	29

## I. Summary of Findings

On or about March 17, 2021, reporter Todd Heywood (“Heywood”) telephoned Central Michigan University (“CMU” or the “University”) Vice President and Chief Marketing Officer, John Veilleux (“Veilleux”). Heywood told Veilleux that female CMU student interns and employees of the Lansing public relations firm Vanguard Public Affairs (“Vanguard”) stated they had been sexually harassed and subjected to a hostile work environment at Vanguard. Heywood reported that Vanguard’s president and owner, T.J. Bucholz (“Bucholz”) – a prominent CMU alumnus – subjected women to this discriminatory treatment, and that CMU faculty or staff members may have been aware of Bucholz’s conduct.

According to Heywood, former Vanguard employees alleged that CMU Journalism faculty member Steven (Steve) Coon (“Coon”), who worked as a Senior Consultant for Vanguard, had encouraged female CMU students or alumnae to intern or work for Vanguard. Specifically, Heywood told Veilleux that Coon had been “pimping out interns,” that is, that Coon was knowingly trafficking female interns to Vanguard and Bucholz to be exploited or abused.

In response to Heywood’s call, Veilleux communicated the information from Heywood to CMU President Robert Davies and senior University leaders. Two days later, on or about March 19, 2021, Heywood called Veilleux again. Heywood stated that David (Dave) Clark (“Clark”), CMU’s Director of Student Media and advisor for the University’s student newspaper, CM Life, knew about at least one CMU graduate’s negative experiences at Vanguard. Concurrently, multiple news outlets began to publish articles regarding allegations of sexual misconduct and other inappropriate behavior by Bucholz toward women at Vanguard.

The response from CMU’s leadership to these allegations was swift. Within days, the University placed Coon on paid administrative leave pending an investigation of his involvement in Bucholz’s mistreatment of women at Vanguard. The University placed Clark on administrative leave for the same reasons. On March 26, 2021, President Davies issued a statement acknowledging that CMU learned of a connection between the allegations and a CMU faculty member (Coon). The statement also disclosed that a CMU staff member (Clark) might have had knowledge of Bucholz’s misconduct at Vanguard. President Davies said that both the faculty and staff member had been placed on leave, pending an investigation, and he encouraged CMU students and graduates to contact the University’s Office of Civil Rights and Institutional Equity (“OCRIE”) if they had been affected by the Vanguard incident or any similar acts.

On March 29, 2021, the University’s Board of Trustees and President Davies retained this law firm, Honigman LLP (“Honigman”), to conduct an independent investigation into CMU faculty and staff members’ alleged association with, involvement in, or knowledge of Bucholz’s misconduct toward women at Vanguard. Honigman was asked to answer three questions in its investigation: (1) did any CMU faculty member, staff member, or University-affiliated person engage in conduct that violated CMU policies; (2) if any such violation occurred, was anyone at CMU aware of such conduct; and (3) was there any failure on the part of CMU to address this alleged improper conduct. CMU also charged us with providing the University with specific actions it should take to avoid future problems similar to those alleged.

CMU agreed that it would not place any restrictions on Honigman’s independence in gathering and analyzing facts for the investigation. We agreed that we would produce this report (the “Report”) at the end of the investigation, summarizing our investigative methodology, factual findings, and making recommendations to the University on ways to improve CMU policies and processes.

On March 30, 2021, Heywood published an article in the Lansing City Pulse in which he reported allegations of an “inordinate number of graduates from Central Michigan University” working for Vanguard and a “revolving door of young women from CMU” at Vanguard. Heywood detailed Coon’s and Clark’s potential involvement in, or knowledge of, Bucholz’s mistreatment of women at Vanguard. Heywood’s sources included former employees of Vanguard, some of whom were not CMU graduates and had no direct connection to the CMU Journalism Department or its internship program.

On March 31, 2021, a news outlet published an article connecting another CMU Journalism Department faculty member, James (Jim) Wojcik (“Wojcik” and collectively with Clark and Coon, the “Subject Witnesses”), to the Vanguard and Bucholz allegations. At the time of the article, Wojcik was the administrator of the CMU Journalism Department’s internship program and had been employed in various professional capacities at CMU for over five decades. The article stated that a former CMU student who interned at Vanguard in 2016 reported her negative experience at Vanguard to Wojcik. The student stated that Wojcik was dismissive and encouraged her to complete the internship despite her discomfort in the Vanguard office. On April 1, 2021, the University placed Wojcik on paid administrative leave pending an investigation of his knowledge of Bucholz’s mistreatment of women at Vanguard.

\* \* \*

Over the past months, we have conducted an extensive investigation of whether any CMU employees were aware of mistreatment of CMU students while they were working at Vanguard, and if so, whether that information was reported to CMU. We interviewed 53 witnesses, including male and female former CMU students who interned at Vanguard, current and former Vanguard employees (including Bucholz), CMU faculty and staff, CMU administrators, and the Subject Witnesses. We reviewed approximately 42,000 electronic documents (including email and text messages), and thousands of hard copy documents. Our investigation included an analysis of CMU’s current and past harassment and discrimination policies, a review of CMU’s practices and procedures governing student internship placements, and a comparative analysis of procedures at Michigan’s other public universities.

Our analysis began with a straightforward question: What did any CMU employee know about mistreatment of CMU student interns at Vanguard, and when did they know it?

Because our investigation concerned what CMU knew, it was not necessary to reach a conclusion as a matter of law whether Bucholz committed sexual harassment or misconduct. Even so, multiple witnesses described matters at Vanguard that were consistent with the harassment and objectification of women. Regardless of whether such actions did or did not occur, our investigation was to determine whether any CMU employees knew about those acts,

and having that knowledge, whether those employees violated any state or federal laws or CMU policies by failing to pass along their knowledge to the appropriate persons at CMU.

The focus of our investigation centered on the four CMU students who interned at Vanguard from 2016 to 2019. One of those students, S-1, provided no substantive information pertinent to our report. Another student, S-2, declined our requests to be interviewed. We interviewed the other two students, S-3 and S-4. The information they provided is summarized below. Also summarized below is pertinent information received from a CMU graduate who later worked at Vanguard, identified as G-1.

Although both the news media and social media have focused on the mistreatment of CMU *graduates* at Vanguard, as well as mistreatment of women *not affiliated with CMU*, this was not our focus. That is because CMU policies extend only to student interns, and not graduates. After a student graduates and separates from CMU, the University lacks jurisdiction to protect that student. In other words, University policy requires faculty and staff to report misconduct that affects CMU students, not CMU graduates.

Nevertheless, even if University policy extended to the protection of CMU graduates, which it does not, we found no evidence that anyone at CMU knowingly encouraged a CMU graduate to work in a hostile, dangerous, or sexually harassing environment at Vanguard.

In summary, we conclude:

- Using the definition of “sexual harassment” under the applicable laws and CMU policies, we found no evidence that any person reported sexual harassment of a CMU student intern at Vanguard to the Subject Witnesses.
- Using the definition of “hostile work environment” under the applicable laws and CMU policies, we found no evidence that any person reported a hostile work environment related to a CMU student intern at Vanguard to the Subject Witnesses.
- We found no evidence that the Subject Witnesses knowingly steered CMU students or graduates to Vanguard so that they could be exploited or harassed.
- The information supplied to CMU by reporter Todd Heywood directly led to the suspensions of Clark and Coon. But we found no evidence that there was a nefarious “pipeline” of CMU students being sent to Vanguard, and there was no evidence of any University employee “pimping out” CMU student interns to Vanguard or to Bucholz.
- Several Vanguard employees interviewed by the media were not CMU student interns, were not CMU graduates, and did not have a first-hand connection to the University.
- Witnesses were reluctant to come forward and report Bucholz’s conduct to CMU because of their fear of retaliation by CMU or its faculty members. We

offer recommendations regarding these concerns at the conclusion of this Report.

### **DAVID CLARK**

We found no evidence that Clark encouraged CMU students or graduates to intern or work at Vanguard with Clark's knowledge of Bucholz's mistreatment of women at Vanguard.

However, in or around October 2019, a Vanguard employee and CMU graduate (G-1) told Clark that Bucholz was temperamental, a "creep" or "creeper," and that he maintained shoddy business practices. G-1 told Clark her paychecks from Vanguard had bounced; she only had intermittent health care; Bucholz would sometimes ask G-1 to drive him around in his car, even when G-1 had pressing deadlines; and Bucholz sometimes kept a handgun in his car, and also kept the gun in his office. Further, Clark recalled G-1 describing Bucholz as a "jerk" who threw "temper tantrums" in the office. G-1 did not tell Clark information of a sexual nature, about discrimination or harassment based on sex, or about workplace violence. In this same conversation, G-1 told Clark that a CMU Journalism student (S-4) was at the time interning at Vanguard.

Clark later spoke with S-4. According to Clark, S-4 told him that she had a negative experience working at Vanguard, in that she was not paid appropriately, she was answering phones and performing menial tasks instead of gaining substantive work experience, and she rode in Bucholz's car with him, which Clark said S-4 found "weird." Clark further stated that S-4 told him her time at Vanguard was a waste and a "disaster," and she stopped working for Vanguard after just three weeks on the job. Based on Clark's recounting of the conversation, S-4 did not tell Clark information of a sexual nature, about discrimination or harassment based on sex, or about workplace violence.

Rather than immediately report the information from G-1 and S-4 to OCRIE or to the administrator of the CMU Journalism Department's internship program, Wojcik, Clark kept this information to himself.

### **STEVEN COON**

We found no evidence that Coon encouraged CMU students or graduates to intern or work at Vanguard with Coon having knowledge of Bucholz's mistreatment of women at Vanguard. We found no evidence that Coon knew of Bucholz's mistreatment of CMU students or graduates. No witness reported to us that Coon had such knowledge.

We found no evidence to support a conclusion that Coon knew about Bucholz's mistreatment of women at Vanguard until the time of Coon's leave of absence in March of 2021. Likewise, we found no evidence of Coon's involvement in any alleged "pipeline" of sending CMU students to Vanguard for nefarious reasons. Accordingly, based on the evidence presented to us, Coon did not violate any law or CMU policy.

## JAMES WOJCIK

We found no evidence that Wojcik encouraged CMU students or graduates to intern or work at Vanguard with Wojcik's knowledge of Bucholz's mistreatment of women at Vanguard. We likewise found no evidence that Wojcik was put on notice of Bucholz's sexual harassment or mistreatment of CMU students or alumni as defined by relevant laws or CMU policies, or that he failed to report it. No witness reported to us that Wojcik had such knowledge.

That being said, in the autumn of 2016, a CMU Journalism student interning at Vanguard (S-3) told Wojcik that the atmosphere of her internship was toxic and uncomfortable. We interviewed this former student. S-3 confirmed that while she told Wojcik she did not like interning at Vanguard, she did not tell Wojcik that she or anyone else had been harassed, exploited, abused, or treated in a hostile or sexual manner, as defined by the pertinent laws or CMU policies in effect at that time. The student did not tell Wojcik information amounting to sexual harassment, a hostile work environment, or workplace violence. The student explained to us her opinion that the Subject Witnesses should never have been placed on administrative leave.

S-4 spoke with Wojcik before she started her internship at Vanguard. S-4 did not tell Wojcik information amounting to sexual harassment, a hostile work environment, or workplace violence as defined by the relevant laws or CMU policies in effect at that time.

\* \* \*

We have developed a list of specific actions CMU should take to more effectively address and prevent situations similar to the allegations here. To prepare our recommendations, we surveyed CMU community members – including faculty, staff, and administrators. We received feedback on CMU's practices and procedures governing student internships, the University's Sexual and Gender-Based Misconduct Policy, CMU's record retention policy, and the process for addressing accusations of harassment or misconduct. We also reviewed CMU's current policies, practices, and procedures in light of applicable laws such as Title IX of the Education Amendments Act of 1972 ("Title IX") and other state and federal civil rights laws.

We provide our recommendations at the conclusion of this Report.

## **II. Investigation Methodology**

We conducted an extensive document and information review and a significant number of witness interviews during the course of this investigation. In total, we reviewed approximately 42,000 electronic documents, thousands of hard copy records, and interviewed 53 witnesses. We will address each in turn.

### **A. Document Review and Data Collection**

Our investigation included extensive collection and review of hard copy documents and electronically stored information ("ESI"). The principal sources for the documents and ESI collected were: the Subject Witnesses' CMU-issued computers; the Subject Witnesses' cellular devices; hard copy documents located in the Subject Witnesses' CMU offices; and



documentation furnished by OCRIE.

We retained a computer forensics and e-discovery expert to assist with data collection and data storage throughout the investigation. In total, we collected more than 164,000 documents, consisting primarily of emails and text messages. We also imaged and reviewed the contents of the Subject Witnesses' CMU-issued computers for relevant information beyond email communications and reviewed hard copy files located in the Subject Witnesses' CMU offices.

### *1. Collection of Subject Witnesses' Documents and Data*

On April 1, 2021, the University delivered to us the contents of each of the Subject Witnesses' CMU email accounts. The data delivery included 51,615 emails and their attachments from Clark's CMU account; 50,889 emails and their attachments from Coon's CMU account; and 1,730 emails and their attachments from Wojcik's CMU account.

We began our review of the CMU domain emails by applying search terms to the entire database of ESI. A Honigman attorney reviewed every email containing one or more of the search terms applied. We further validated the thoroughness of our document review efforts by reviewing all of the correspondence between certain individuals during key timeframes, as well as conducting manual queries and reviews.

As noted above, the number of emails collected from Wojcik's CMU email account was drastically lower than the number of emails collected from Clark's and Coon's respective email accounts. We investigated the reason for this discrepancy and concluded that Wojcik had previously set up his CMU email account to automatically forward all emails to a personal Gmail account and then automatically delete the CMU account copy from his CMU email inbox. Wojcik later admitted that he did not solicit or receive authorization from CMU to set up his CMU email account in such a manner, nor did he rely on CMU personnel to construct the rules enabling the automated forwarding and deletion of CMU emails.

In the interest of collecting all emails pertinent to the investigation, we requested that Wojcik provide access to his Gmail communications to ensure that we could review the CMU information maintained thereon. Wojcik consented to the collection of his Gmail account. We collected that data – 22,335 emails and attachments – and ultimately reviewed close to 2,000 documents according to the same procedure used to review the CMU domain emails.

On April 27, 2021, our e-discovery expert secured the Subject Witnesses' CMU-issued laptops. The e-discovery expert then imaged the computers and we reviewed the contents of each laptop for relevant information stored thereon.

Finally, during the initial Subject Witnesses' interviews on July 13, 2021 (Wojcik and Coon) and July 26, 2021 (Clark), their cellular devices were collected and imaged by our e-discovery expert with each Subject Witness's written consent. Once the imaging process was completed, we again applied search terms to the data collected and reviewed the Subject Witnesses' text messages, notes, and other potentially relevant data according to a procedure similar to that used to review the CMU domain emails and emails from Wojcik's personal Gmail

account. In total, we reviewed 6,481 documents from Clark’s mobile device; 3,134 documents from Coon’s mobile device; and 27,713 documents from Wojcik’s mobile device.

## *2. Retention of Relevant CMU Documents and Records*

Early in the investigation, we received records of the University’s placement of the Subject Witnesses on paid administrative leave. These records included an email from the Executive Director of CMU Faculty Personnel Services (“FPS”), Dennis Armistead (“Armistead”), to Coon and Wojcik, attaching correspondence informing them of the University’s decision to place them on paid administrative leave; and a letter from CMU’s Director of Employee Relations (“ER”), Kevin Smart, informing Clark of the University’s decision to place him on paid administrative leave.

The University also provided a complete record of Coon’s and Wojcik’s faculty employment histories with CMU.

The University provided publications of current CMU policies, including CMU’s Sexual and Gender-Based Misconduct Policy, Record Retention Policy, and other policies applicable to the investigation. CMU provided us copies of the policies in place at the time of the alleged misconduct relevant to this investigation, including the University’s Sexual Misconduct policies pre-dating the current operative Sexual and Gender-Based Misconduct Policy.

## *3. Review of Hard Copy Documentation*

We conducted a search of each of the Subject Witnesses’ CMU offices and reviewed hard copy documentation located therein.

### B. Witnesses

In total, we interviewed 53 witnesses. While most interviews took place in person – including interviews of the Subject Witnesses – some interviews were also conducted via videoconference.<sup>1</sup>

The witnesses fell into the following categories:

- The Subject Witnesses: Clark; Coon; and Wojcik;
- Reporting witnesses who reported allegations of misconduct by Bucholz to the news media on the record, including former Vanguard employees and interns (hereafter referred to as the “Vanguard Reporting Witnesses”);
- Reporting witnesses who participated in OCRIE’s investigation into the allegations at issue;<sup>2</sup>

---

<sup>1</sup> Our investigation began in March 2021, during the ongoing COVID-19 pandemic and before the State of Michigan lifted Michigan’s COVID-19 restrictions. Accordingly, we accommodated some interviewees who expressed a preference to be interviewed virtually as opposed to in-person.

<sup>2</sup> We spoke with former CMU students during the investigation. Some aspects of those interviews concerned students’ academic records, including internships completed for credit. Such

- Former Vanguard principals, employees, and interns (other than the Vanguard Reporting Witnesses), including Bucholz;
- CMU Journalism Department faculty and staff members; and
- CMU leaders and employees within relevant University departments, such as the Office of the President, the Office of General Counsel, University Communications, FPS, Human Resources, ER, and OCRIE.

CMU faculty members, including Coon and Wojcik, were entitled to union representation during their interviews. Although CMU staff members, such as Clark, were not entitled to union representation, staff members were welcome to have an attorney or representative present should they so desire.

No CMU faculty or staff member declined to be interviewed for the investigation. We used our best efforts – including telephone calls, emails, social media platforms, and assistance from the University – to contact non-CMU-affiliated witnesses for interviews. Despite our efforts, some witnesses did not respond to our interview requests or declined to be interviewed.

#### 1. *Definition of “Student Intern”*

The term “student intern” as used herein means a student at CMU who worked at Vanguard prior to graduation, whether or not the student was paid, whether or not the student received University credit, and whether or not the student transferred to CMU from another higher educational institution.

#### 2. *The Vanguard Reporting Witnesses*

We sought to interview nine Vanguard Reporting Witnesses. We completed six of the nine requested interviews. Three of the Vanguard Reporting Witnesses did not respond to our interview requests, or otherwise declined to be interviewed in connection with our investigation.

#### 3. *Former Vanguard Employees and Interns (other than the Vanguard Reporting Witnesses)*

We sought to interview 10 former Vanguard employees and student interns who did not report allegations about Bucholz to the news media on the record. We completed six of the ten requested interviews. The remaining witnesses declined to be interviewed or did not cooperate with our interview requests.

#### 4. *Investigative Gaps*

This Report describes actions and events supported by the evidence collected during our investigation. The Report does not detail every piece of information we collected. Rather, it contains the information deemed necessary to explain the events at issue, our findings, and our

---

discussions are protected by the Family Educational Rights and Privacy Act (FERPA). Therefore, while we may reference these interviews or information learned from the interviews, this Report does not include the students’ names or attribute any statements or information to a particular former student.

recommendations to CMU. Moreover, our investigation did not always yield a complete record of events. For example, as noted above, some individuals did not respond to our interview requests, and still others refused to speak to us in an interview setting. Thus, while our Report embodies factual findings that we believe to be accurate and complete, it is possible that information unavailable to us would shed additional light on some of the events described herein.

#### *5. Witness Identities*

We reference by name witnesses and individuals affiliated with CMU who played a material role in the events described in this Report. We refer generically to other investigation witnesses. We anonymize all individuals who were alleged to have been subject to misconduct by Bucholz or who were otherwise affiliated with Vanguard to preserve their privacy. When possible, we have additionally withheld the description or name of some of the positions held by these anonymized individuals in an effort to avoid revealing their identities. A general description of anonymized witnesses described in this Report includes the following:

- **S-1:** Male CMU Journalism student who interned at Vanguard from September 2016 to December 2016.
- **S-2:** Female CMU Journalism or Integrative Public Relations student who interned at Vanguard from Summer 2017 to Autumn 2019.
- **S-3:** Female CMU Journalism student who interned at Vanguard from September 2016 to December 2016.
- **S-4:** Female CMU Journalism student who interned at Vanguard from September 2019 to October 2019.
- **G-1:** 2015 CMU graduate who worked at Vanguard from April 2018 to November 2019.

#### *6. The Investigation Team*

Our investigation team was headed by two Honigman partners with decades of experience in public- and private-sector investigations. They were assisted by several other Honigman lawyers as well as outside computer forensic, e-Discovery, and investigative experts retained to assist us with our investigation. The team has significant prior collective experience in investigating sensitive matters, including matters involving sexual misconduct.

### **III. Independent Investigation**

The University engaged us to conduct this independent investigation on March 29, 2021. As part of the engagement, President Davies and CMU's Board of Trustees agreed that they would place no restrictions on our independence in gathering the facts related to this matter. CMU's Board of Trustees, the Office of the President, the Office of General Counsel, OCRIE, and every other CMU administrative entity cooperated fully in this investigation.

CMU placed no restrictions on our methodology, fact-gathering, or analysis, and CMU did not require that we take any specific investigative steps. As such, the University did not conduct, direct, or otherwise attempt to manage or influence the outcome of the investigation. The facts, findings, and recommendations set out in this Report are our own.

The University required that our Report be completed expeditiously.

#### **IV. Facts**

##### **A. Reports of Allegations to CMU**

On or about March 17, 2021, Todd Heywood, a writer for the online publication Lansing City Pulse, called CMU Vice President and Chief Marketing Officer John Veilleux. According to Veilleux, Heywood told Veilleux that he had spoken with several current and former student interns and employees at the Lansing public affairs firm Vanguard Public Affairs. Heywood stated that interns or employees described Vanguard as “a toxic work environment,” “sexist,” and described a culture of intimidation, bullying, and systemic sexual harassment. Heywood reported that Vanguard’s president and owner, T.J. Bucholz – a prominent CMU alumnus – subjected women to this discriminatory treatment.

Heywood added that he received reports that CMU faculty member and Vanguard Senior Consultant Steve Coon had been “pimping out” female CMU students to Vanguard; that is, that Coon knowingly sent and trafficked female interns to Vanguard to be exploited or abused by Bucholz.

Upon hearing these allegations from Heywood, Veilleux’s office notified the University’s leadership and OCRIE. Veilleux, realizing that these allegations were now in the hands of a reporter, began drafting a public statement to be issued by the University relating to the allegations.

On or about March 19, 2021, Heywood called Veilleux again. Heywood again told Veilleux about the allegations of misconduct by Bucholz and CMU’s alleged connection to the misconduct. This time, Heywood told Veilleux that a female CMU graduate and former Vanguard employee reported to Heywood that she had previously disclosed her negative experiences at Vanguard to CMU staff member Dave Clark, Director of Student Media and advisor for the University’s student newspaper, CM Life.

After the second phone call, Veilleux updated CMU President Dr. Robert Davies. Veilleux also asked Dennis Armistead, the Executive Director of FPS, to determine how many interns CMU had sent to Vanguard over the past several years. Armistead solicited CMU faculty member Jim Wojcik to help determine how many Journalism and Integrative Public Relations students had interned at Vanguard. At first, Wojcik mistakenly identified only one student – S-2 – who completed an internship in 2019. Armistead accordingly reported to Veilleux that only one CMU intern had interned at Vanguard for credit since 2015.

Veilleux had several additional conversations with Heywood in March 2021. Heywood largely repeated the same allegations that he shared during the first and second phone calls. As

he had done in his previous calls, Veilleux did not volunteer any information to Heywood regarding CMU's preliminary response to the allegations or its present knowledge of its faculty or staff members' connection (or lack thereof) to the misconduct at Vanguard. Instead, Veilleux received the information from Heywood and passed it to the appropriate CMU officials.

Based largely on the information received from Heywood, CMU determined that it would place Coon on administrative leave. On March 23, 2021, Armistead emailed Coon informing him of the University's decision. Armistead instructed Coon to return his CMU office keys, campus ID, and computer; notified him that his access to online CMU systems would be suspended; and informed him that other faculty would begin teaching his classes. Armistead directed Coon "to remain away from the non-public areas of CMU's campus and refrain from contacting any CMU students (past or present) or co-workers in the Journalism Department."

On March 25, 2021, the Executive Director of OCRIE, Mary Martinez, asked Clark to make himself available for an interview with herself and Kevin Smart, Director of ER for CMU Human Resources. The interview took place that same day. During the interview, which lasted approximately one hour, Martinez asked Clark about his relationship with Vanguard and Bucholz and his communications with a CMU graduate and former Vanguard employee about her experience at Vanguard.

Following Clark's interview, on March 25, Smart sent Clark an email informing him of the University's decision to place him on paid administrative leave. A letter attached to the email instructed Clark to remain off campus; refrain from contacting "any members of the university community, including but not limited to your staff, or any CMU CMED students, faculty or staff," including "voice, phone, email, cell phone, or text contact, whether initiated by you or by others"; and refrain from accessing any CMU or departmental administrative computing systems, files or records, either directly or through others.

On March 26, 2021, President Davies issued a statement to CMU students, faculty, and staff regarding the Vanguard and Bucholz allegations. The statement did not name Coon or Clark, but noted that the University had placed one faculty member and one staff member on administrative leave pending an investigation. It also announced that the University had retained outside, independent counsel to conduct an investigation. Finally, the statement encouraged current or past students or graduates who have been impacted by "this incident or similar acts" to contact OCRIE.

On March 31, 2021, WCMU Public Radio reported that a CMU graduate and former Vanguard student intern had confided in CMU faculty member and Journalism Department internship coordinator Jim Wojcik about her negative experiences while interning at Vanguard in 2016. Specifically, the article stated that she told Wojcik about "workplace toxicity" relating to "erratic and angry outbursts from Bucholz" and her personal "discomfort in the office." According to the article, the former intern did not use the words "sexual harassment" during her conversation with Wojcik. The article reported that she said Wojcik was "dismissive" in response to her complaints and told her, "'Stick it out. You need [the internship credit] to graduate. T.J. [Bucholz]'s a great guy, he will give you a good grade, it will all work out.'"

On April 1, 2021, Armistead emailed Wojcik to schedule a meeting with him and his union representative to discuss a “personnel matter.” Shortly afterwards, before Wojcik responded to Armistead’s email, Armistead sent Wojcik notice of the University’s decision to place him on paid administrative leave. The letter instructed Wojcik to return his CMU office keys, campus ID, and computer; notified him that his access to online CMU systems would be suspended; and informed him that other faculty would begin teaching his classes. Like the letter addressed to Coon, Wojcik’s letter directed him “to remain away from the non-public areas of CMU’s campus and refrain from contacting any CMU students (past or present) or co-workers in the Journalism Department.”

#### B. Media Reports of Bucholz’s Misconduct at Vanguard

Multiple Michigan-based news outlets published articles and blog posts in late March and April 2021 relating to Bucholz’s mistreatment of women at Vanguard. Of the former Vanguard employees and interns who reported Bucholz’s misconduct to the media, some were former CMU student interns or CMU graduates. Others had no CMU affiliation. Collectively, the articles named three CMU alumnae who worked at Vanguard after graduating from CMU and two CMU student interns who reported experiencing or witnessing Bucholz’s misconduct at Vanguard.

Following the extensive media coverage of allegations of misconduct by Bucholz at Vanguard, several senior-level Vanguard staff members resigned. The majority of Vanguard’s website was removed from the internet. Bucholz issued a statement to the media addressing the complainants’ allegations and apologizing to those he had “offended with [his] comments in the past.”

#### C. CMU Students at Vanguard

We identified four former CMU students who completed internships or part-time work at Vanguard while enrolled at CMU as undergraduate students or transfer undergraduate students. Students S-1, S-2, and S-3 completed their Vanguard internships for CMU course credit. S-4 did not perform work for Vanguard for course credit; accordingly, the University did not have any oversight over, or record of, S-4’s working affiliation with Vanguard. All of these students have since graduated. None of them returned to work for Vanguard after graduation.

#### D. CMU Graduates at Vanguard

We identified five CMU alumnae who worked as employees or contractors at Vanguard after graduating from CMU. CMU does not have records of their employment by Vanguard because their positions were not affiliated with, and their employment was not facilitated by, the University. Three of the five CMU alumnae participated in interviews for this investigation. Of the remaining two alumnae, one did not respond to our interview requests and one declined our requests to be interviewed.

## V. Policies

To determine whether any CMU faculty, staff member, or other affiliated personnel engaged in conduct that violated laws or CMU policies, we examined federal and state laws as well as CMU policies relevant to the questions presented in this investigation. We ultimately narrowed our analysis to the following policies and laws most applicable to the allegations in this investigation, including:

- CMU Sexual Misconduct Policy
- CMU Workplace Violence Policy
- Federal and State Civil Rights Laws

### A. CMU Sexual Misconduct Policy

CMU's Sexual Misconduct Policy (the "SMP") provides information regarding how CMU will proceed once it becomes aware of allegations of sexual misconduct, in order to prevent the recurrence of such conduct, remedy its effects, promote safety, and deter individuals from similar future behavior. Sexual misconduct is defined in the SMP as "unwelcome conduct of a sexual nature committed without Consent or by force, intimidation, coercion, or manipulation" and includes, but is not limited to, acts of sexual exploitation and sexual harassment.

Between May 2015 and December 8, 2020, the SMP was updated four times. The original SMP was in effect from March 16, 2015 through January 23, 2017. This policy was in effect when two CMU students interned at Vanguard. The second iteration of the SMP was in effect from January 23, 2017 through October 19, 2017; the third version was in effect from October 19, 2017 through April 29, 2019. During these periods, one CMU student interned at Vanguard. The fourth version of the SMP was in effect from April 29, 2019 through December 8, 2020. One CMU student interned for Vanguard during this period. Although there have been four updates to the SMP since December 8, 2020, both its purpose and its definitions of terms relevant to this investigation have remained constant throughout.

This investigation focused on whether CMU personnel were aware of, and failed to report, misconduct by Bucholz that was directed toward CMU student interns working at Vanguard. The allegations against Bucholz involve multiple forms of misconduct. We examined whether three specific acts of misconduct may have occurred as defined in the SMP: (1) Intimidation; (2) Sexual Exploitation; and (3) Sexual Harassment.

Under the SMP, Intimidation means "to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack." The SMP defines Sexual Exploitation as "conduct involving a person taking, or attempting to take, non-consensual or abusive sexual advantage of a Complainant." The SMP defines Sexual Harassment as "nonconsensual sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where: 1) submission to such conduct is made either explicitly or implicitly a condition of a Complainant's employment or academic standing; 2) submission to or rejection of



such conduct is used as the basis for employment decisions or for academic evaluation, grades, or advancement; or 3) such conduct has the purpose or effect of unreasonably interfering with a Complainant's work or academic performance, or creating an intimidating or hostile environment regarding education, employment, housing, or participation in CMU activities.”

The SMP applies to all CMU faculty, staff, students, student employees, visitors and contractors. Additionally, the SMP prohibits acts of sexual misconduct, both on and off CMU campus. Acts of sexual misconduct that occur off-campus are covered under the SMP if “the Sexual Misconduct affects a University Community Member's participation in a CMU activity or otherwise affects the interests of the University.” This includes, but is not limited to, sexual misconduct that occurs during CMU-sponsored activities such as student internships. The SMP does not apply off campus to CMU graduates who are not participating in a CMU activity.

CMU encourages all members of its community to disclose sexual misconduct. The SMP requires, however, all “Responsible Employees” to immediately report allegations of Sexual Misconduct, as well as any other unwelcome conduct of a sexual nature, to CMU's Title IX Coordinator or designee. Responsible Employees under the SMP consist of “all CMU employees including, but not limited to . . . Regular Faculty, Fixed Term Faculty . . . [and] Professional and Administrative Staff.”<sup>3</sup>

Responsible Employees are required to report incidents of sexual misconduct, regardless of whether the reporting individual is the victim, a witness of the misconduct, or learned of the misconduct second-hand. If an allegation of sexual misconduct is reported, the Responsible Employees must inform the person(s) with whom they are discussing the allegations of sexual misconduct that: (a) they are a Responsible Employee; (b) they have a duty to report the alleged sexual misconduct to the Title IX Coordinator; and (c) CMU provides confidential resources for the reporter and victim.

Once a Responsible Employee reports an allegation of sexual misconduct, OCRIE may initiate an investigation into the alleged misconduct. OCRIE's investigation may be more difficult, or even impossible, if there is a delay in the reporting of sexual misconduct allegations. The policy indicates that it is therefore imperative that Responsible Employees immediately report allegations.

On December 8, 2020, CMU replaced its Sexual Misconduct Policy with the currently operative Sexual and Gender-Based Misconduct Policy (the “SGBMP”). Similar to the SMP, the SGBMP outlines CMU procedure once the University becomes aware of allegations of sexual misconduct. The SGBMP also expands the scope of the SMP, adding prohibitions on *quid pro quo* sexual harassment, hostile work environments, sexual assault, dating violence, domestic violence, and stalking.

No CMU student interned at Vanguard after November 2019. Thus, while the SGBMP is the operative sexual misconduct policy at CMU, the SGBMP was not applicable to the events

---

<sup>3</sup> The Subject Witnesses all fall within the SMP's definition of “Responsible Employee.”

surrounding this investigation and is therefore not analyzed further in this Report.

#### B. CMU Workplace Violence Policy

CMU's Workplace Violence Policy ("WVP") prohibits any form of workplace violence, including, but not limited to: (1) acts of aggression including verbal abuse or physical abuse that reasonably create fear of bodily harm, or threaten the safety of others; and (2) other aggressive behaviors indicating potential for violence (throwing objects, shaking fists, destroying property, etc.).

Under the WVP, "any employee who . . . is informed of . . . any threat or violent act is strongly encouraged to immediately report the matter to the CMU Police Department, Human Resources, or Faculty Personnel Services." For situations that present immediate danger, or if there are any weapons visible or implied, CMU employees are required to call 911.

#### C. Federal and State Civil Rights Laws

Title VII of the Civil Rights Act of 1964 ("Title VII"), as amended, prohibits employers from harassing or discriminating against employees on the basis of sex, race, color, national origin, and religion. Claims under Title VII are typically based on the employee and employer relationship. United States Federal Courts and the United States Equal Employment Opportunity Commission have historically held that civil rights protections under Title VII do not extend to unpaid interns and individuals otherwise identified as volunteers. Paid interns are not volunteers, and therefore have different considerations. In these cases, courts must weigh all aspects of the intern's relationship with the employer, focusing in particular on whether the employer controls the means and manner of the intern's work performance.

Title IX states that "[n]o 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." Enforced by the U.S. Department of Education's Office for Civil Rights, programs and activities subject to Title IX include, among others: admissions; counseling; financial assistance; athletics; sex-based harassment, assault, and other sexual violence; and employment. Sexual harassment is misconduct "by an employee, by another student, or by a third-party that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an education program or activity."

Michigan's Elliott-Larsen Civil Rights Act of 1976, as amended, prohibits discriminatory practices, policies, and customs in the exercise of civil rights based upon religion, race, color, national origin, age, sex, height, weight, familial status, or marital status.

### **VI. Analysis**

#### A. Dave Clark

The allegations against Clark are, generally, that: (1) he was aware of misconduct at Vanguard involving CMU student interns that amounted to misconduct under the pertinent CMU policies; and (2) that he failed to report such misconduct to CMU authorities.

Clark has been employed by CMU as Director of Student Media since 2013. Clark oversees CM Life, the University's student newspaper. In this capacity, Clark has had regular interactions with students who graduate into careers in journalism and public relations.

Clark acknowledged that he has known Bucholz since the two were in college at CMU approximately 30 years ago. Clark did not describe a close relationship with Bucholz. He described a personal relationship that largely consisted of having mutual friends. He also described a professional relationship with Bucholz that involved occasionally soliciting Bucholz for donations for CMU events, such as the CM Life 100th Anniversary Dinner in November 2019. Clark also visited with Bucholz at Vanguard in 2018 or 2019 for a meeting relating to the CMU Journalism Hall of Fame.

We questioned Clark about his involvement with student internships at CMU. Clark told us he was not involved in coordinating or supervising internships. Sometimes, according to Clark, students approached him to inquire about an internship opportunity at a particular newspaper or radio station with which Clark was familiar. Other times, newspapers or radio stations approached Clark with information about a job or internship opening and asked Clark to advertise the opportunity within the CM Life community. Clark also reported that he recommended Vanguard to two male students who were interested in politics.

Clark had conversations with two persons with information relevant to our investigation – a CMU graduate (G-1) and a CMU student intern (S-4).

**Clark's conversations with G-1.** Clark told us he had three conversations with G-1 about Vanguard: first in Spring 2018; next in August 2019; and finally in October 2019.

In the first conversation, Clark met with G-1 after she had graduated and shortly after G-1 started working at Vanguard. G-1 told Clark about the type of work she was doing at Vanguard in general terms. G-1 did not say anything negative to Clark about Vanguard or Bucholz during this conversation.

The second conversation occurred at the wedding reception of a mutual friend of Clark and G-1. Clark stated that during the reception, G-1, who had been working at Vanguard for over a year by that time, mentioned to Clark that she was looking for a new job. Clark does not recall G-1 explaining why she was leaving Vanguard or stating anything unusual about her experience working for Bucholz.

According to Clark, the third conversation occurred over lunch. Clark said G-1 stated she was unhappy with Vanguard and said Vanguard was not a good place to work. Clark specifically said G-1 told him that: her paychecks from Vanguard had bounced; she only had intermittent health care; Bucholz would sometimes ask G-1 to drive him around in his car, even when G-1 had pressing deadlines and work to do; and Bucholz sometimes kept a gun in his car and also kept the gun in his office. Further, Clark recalled G-1 describing Bucholz as a "jerk" who threw "temper tantrums" and using the word "creep" or "creeper" to describe Bucholz. Clark also said G-1 told him that a CMU student, S-4, recently started working for Vanguard, and G-1 had told S-4 to leave Vanguard. According to Clark, G-1 did not tell Clark that Bucholz

sexually harassed her or any other Vanguard employee and did not describe anything related to Bucholz acting violently in the workplace.

We asked Clark if he told anyone at CMU about his October 2019 conversation with G-1. Clark said he told the substance of the conversation to Coon and Wojcik. However, in our supplemental interviews with Coon and Wojcik, both Coon and Wojcik denied that Clark ever notified them of Clark's conversation with G-1. Furthermore, during Clark's interview with OCRIE on March 25, 2021, Clark did not tell OCRIE investigators that he told Coon or Wojcik about the conversation with G-1. Clark told OCRIE only that he may have told CMU's Journalism Department Chair about his conversation with G-1.

We interviewed G-1 twice. In our first interview, G-1 told us she spoke with Clark in late 2019 at the wedding of a mutual friend. G-1 said she told Clark she was leaving Vanguard, but did not go into specific detail about her experience. G-1 said she warned Clark about the bounced checks from Vanguard and told him not to send students to intern at Vanguard. G-1 said Clark appeared confused by the information she was sharing. In this initial interview, G-1 said she did not recall having any other conversations about Vanguard with Clark. G-1 said she did not speak with any other CMU faculty about Vanguard. When asked whether there was a pipeline or funnel of CMU students to Vanguard, G-1 stated, "No, the allegation that there was a CMU-Vanguard funnel does not make sense." G-1 added that Bucholz kept his firearm locked in his office drawer or locked in his car's glove compartment.

We interviewed G-1 again after our interview with Clark. G-1 then recalled that she had three separate conversations with Clark.

G-1 said in the first conversation, G-1 and Clark met for lunch and G-1 did not say anything negative to Clark about Vanguard or Bucholz during this conversation.

G-1 said in the second conversation, G-1 and Clark attended the wedding of a mutual friend. G-1 said she sat at the same table as Clark. She told Clark that Bucholz was a "creep" and she advised Clark to be careful to cash checks from Vanguard quickly. She did not remember talking to Clark about S-4 at that point. G-1 said Clark looked confused about this discussion.

G-1 said the third conversation took place at the CM Life 100th Anniversary Dinner. G-1 told Clark she quit working at Vanguard because "things got weird, inappropriate." She also explained that she tried to deter S-4 from working at Vanguard, but S-4 still went to work there.

**Clark's conversation with S-4.** Clark told us he recalled one conversation with S-4 about Vanguard. According to Clark, S-4 approached Clark in his office at CM Life in November 2019 and told him about her negative experience working at Vanguard, including that: she was not paid; she never received a promised parking pass; and she had ridden in Bucholz's car with him, and this was "weird" for her. Clark reported that in response, he asked S-4 if "anything happened" with respect to her car rides with Bucholz. S-4 said no. S-4 went on to describe her time at Vanguard, according to Clark, as a waste and a "disaster," at least in part because she was answering phones and performing menial tasks, rather than gaining substantive

work experience. S-4 told Clark that she stopped working for Vanguard after just three weeks on the job. Clark said he encouraged S-4 to share her concerns about Vanguard with Coon and Wojcik, and that he later independently informed Coon of his conversation with S-4.

We interviewed S-4. She told us she did not approach Clark to talk to him about Vanguard. Instead, to the best of S-4's recollection, Clark reached out to her to discuss a CM Life matter, and during that conversation, Clark asked her about Vanguard. S-4 remembers telling Clark that she quit her job. The conversation then moved on to another subject. S-4 does not recall Clark encouraging her to talk to Coon or Wojcik about her negative experience at Vanguard.

\* \* \*

We compared Clark's account of his conversations with G-1 and S-4, as well as G-1's and S-4's own accounts of those conversations, to Clark's obligations under the applicable CMU policies and the state and federal laws described above. Regarding the allegation that Clark was aware of, and failed to report, sexual harassment or intimidation toward CMU student interns at Vanguard, G-1 told Clark that S-4 was working at Vanguard under Bucholz, whom G-1 described as a "creep" or "creeper." G-1 did not elaborate on the meaning of the term "creep" or "creeper," nor imply that her use of the term referred to sexual harassment or intimidation. G-1 explained she quit working at Vanguard because "things got weird, inappropriate," and did not further elaborate or explain whether she meant inappropriate personal interactions, business practices, actions within the workplace, or anything else. G-1 did inform Clark that she did not have reliable health insurance; her paychecks from Vanguard bounced; Bucholz occasionally asked G-1 to drive him around in his car; Bucholz occasionally kept a gun in his car; and Bucholz threw temper tantrums in the office, but none of these allegations amount to sexual harassment under the applicable laws or CMU policies. Nor do these allegations constitute intimidation, particularly given that G-1 did not convey to Clark that Bucholz's actions put her or any other Vanguard employee in fear of coercion or bodily harm, and G-1 did not convey any threats of violence.

According to Clark, S-4 told him she had not been paid for her work at Vanguard and performed largely menial tasks. S-4 stated in her interview with us only that she told Clark she had quit working at Vanguard. Either way, these allegations do not amount to sexual harassment or intimidation. Clark also said S-4 told him she rode in Bucholz's car with him, and that this experience was "weird" for her. When Clark asked S-4 if "anything happened" with respect to her car rides with Bucholz, S-4 said no. S-4 did not elaborate on what she meant by the term "weird," nor imply that her use of the term "weird" referred to sexual harassment, intimidation, or fears of bodily harm.

#### B. Steve Coon

The allegations against Coon are, generally, that: (1) Coon was aware of misconduct at Vanguard involving CMU student interns that amounted to misconduct under CMU policies; and (2) that Coon failed to report such misconduct to CMU authorities. A related allegation is that

Coon facilitated the trafficking of female students from CMU to Vanguard while knowing they would be mistreated.

Coon acknowledged that he had been friends with Bucholz since the two attended CMU together approximately 30 years ago. Shortly after college, Coon and Bucholz also worked at the same newspaper together. During that time period, they became quite close, but their friendship subsided, according to Coon, after Bucholz moved to Lansing and Coon and Bucholz spoke less and saw one another less frequently.

In May 2014, Bucholz offered Coon an independent contractor position of “Senior Consultant” at Vanguard. This arrangement appeared to be the result of three things: (1) Bucholz’s desire to make the newly-formed Vanguard appear to have a larger number of employees; (2) the need to provide writing or editorial assistance when Vanguard was understaffed; and (3) Bucholz’s established familiarity with Coon. As consultant for Vanguard, Coon said he visited the Vanguard office approximately eight times – typically when he was already otherwise traveling to Lansing – and was paid approximately \$1,000 per year between 2014 and 2017. Coon said Vanguard had not paid him for any consulting services since 2017, and though Coon had a Vanguard domain email address, he had not checked that account since 2017. Coon further stated that he never checked the Vanguard website to confirm whether he was still listed as a consultant until the allegations against Bucholz went public in March 2021. Coon also noted that Bucholz listed several people as employees on the Vanguard website that did not actually work there.

Coon reported that of the four student interns who are the focus of this investigation, he only discussed Vanguard with S-4.

We interviewed others about Coon’s knowledge of misconduct at Vanguard. S-4 was the only person to substantively discuss Coon’s knowledge of Vanguard or Bucholz. S-4 stated that, at her request, Coon facilitated her application to and interview with Bucholz for her Vanguard internship. S-4 said she did not believe Coon knew about Bucholz’s alleged misconduct. S-4 otherwise remained neutral in her discussion of Coon and volunteered few details of their conversation.

We questioned Coon about what S-4 told us. Coon acknowledged that he may have assisted S-4 in obtaining an internship with Vanguard. Coon relayed additional details about a brief discussion with S-4. According to Coon, S-4 told him that she did not enjoy working with certain members of Vanguard’s executive leadership (not referencing Bucholz) during her internship. Coon also said S-4 asked him whether he was familiar with rumors of sexual harassment by Bucholz at Vanguard. Coon told S-4 that he had discussed those rumors with Bucholz, and Bucholz had asserted that these were false rumors spread by Bucholz’s business and political rivals in an effort to undermine Bucholz and Vanguard in the public relations industry. Whether or not Bucholz’s account was credible, Coon stated that he did not interpret S-4’s question about sexual harassment rumors as an intended message or suggestion from S-4 that she had been the victim of sexual harassment. Coon further stated S-4 never told him or

implied that she was the victim of sexual harassment or any other harassment or intimidation while at Vanguard.

We compared the witness accounts of Coon's conduct to Coon's obligations under the applicable CMU policies and the state and federal laws listed above. Regarding the allegation that Coon was aware of, and failed to report, sexual harassment or intimidation toward CMU student interns at Vanguard, S-4 stated in her interview that she did not discuss with Coon any specific details of her Vanguard internship experience, and never informed Coon of any behavior by Buchholz that could constitute harassment or intimidation. Wojcik confirmed that Coon was not involved in the internship program, as that was exclusively Wojcik's responsibility. None of the other 52 interviewees offered a statement or other evidence that Coon was aware of Buchholz's misconduct toward interns. In his own defense, Coon stated that he was not aware of misconduct toward CMU student interns. He further stated that he was not involved with CMU's Journalism Department's internship program, and thus students' internship complaints would not have been directed toward him. Coon did from time to time alert Wojcik of Vanguard internship openings to the extent he learned of such opportunities.

There was similarly no information identified in the tens of thousands of documents we reviewed that suggested Coon was aware of misconduct by Buchholz directed at the CMU student interns at Vanguard, or that would otherwise contradict Coon's statements pertaining to this allegation.

Regarding the allegation that Coon knowingly trafficked students to Vanguard at Buchholz's behest, or that Coon was facilitating a "pipeline" of female CMU students or "pimping out" students to Buchholz, the consensus of the witnesses was that no CMU student-intern pipeline existed. Most importantly, none of the former Vanguard CMU student interns interviewed for this investigation stated they believed such a pipeline existed. We similarly saw no evidence in the review of tens of thousands of text messages, emails, and hard copy documents that demonstrated the existence of a pipeline. And Coon stated that he was not involved in facilitating a pipeline of female CMU student interns to Vanguard and he did not believe such a pipeline existed.

The assertion that no pipeline existed is substantiated by the facts, interviews, and documents. Over the span of Vanguard's existence, the CMU Journalism Department facilitated internships for hundreds of students at many different business locations. Only three female CMU students interned at Vanguard over this span of time. Our investigation found no evidence of a trafficking "pipeline" outside of the news articles alleging one existed.

### C. Jim Wojcik

The allegations against Wojcik are, generally, that: (1) he was aware of misconduct at Vanguard involving CMU student interns that amounted to misconduct under the pertinent CMU policies; and (2) that he failed to report such misconduct to CMU authorities.

Wojcik has been employed at CMU in various capacities related to journalism and media for more than five decades. In addition to teaching as a lecturer in the Journalism Department,

he served as the administrator of the Journalism Department's internship program for the entire time pertinent to our investigation. In this capacity, Wojcik had sole control over the functioning and performance of the internship program.

The internship program required students who wished to complete an internship for credit to attend a meeting about the internship process during the semester prior to their internship. During the meeting, Wojcik gave students an overview of internship paperwork required to receive course credit. He also provided tips for internship interviews and gave advice on drafting resumes. For an internship to count for credit, students were told to formally enroll in the program and complete all of the required internship coursework, which included submitting a final paper and an evaluation of the student's performance by the employer.

Wojcik regularly communicated with potential employers regarding internship opportunities. He then forwarded announcements regarding these opportunities to an email list-serve address delivered to students in the Journalism Department. On occasion, Wojcik received notice of internship opportunities at Vanguard. Wojcik then communicated these opportunities to the students via the list-serve.

We interviewed others about Wojcik's knowledge of misconduct at Vanguard. Most witnesses were familiar with Wojcik's role as the internship coordinator. Some witnesses described in general terms their belief that Wojcik had an unfavorable impression of Bucholz. S-3 was the only person to substantively discuss Wojcik's knowledge of Vanguard and Bucholz.

S-3 stated that in 2016, during her internship at Vanguard, she wanted to resign from her internship due to her negative experiences working there. S-3 scheduled a meeting with Wojcik so she could request to use her previously completed internship at another business to satisfy her Journalism Department internship course requirement, instead of completing her Vanguard internship. S-3 said she became visibly upset while describing her negative experience to Wojcik, and Wojcik gave her tissues in response. She told Wojcik that she was not receiving the professional experience she sought at Vanguard, but instead her role was closer to that of a secretary or administrative assistant who was frequently assigned menial tasks such as obtaining coffee for her co-workers. S-3 also told Wojcik that she cried on the way home from work every day, because she felt uncomfortable at Vanguard, and that the workplace at Vanguard was a "toxic environment." However, S-3 also told us that she did not say anything to Wojcik about Bucholz's role in workplace toxicity. Instead, S-3 told Wojcik that her discomfort at Vanguard was caused by other women working at Vanguard. S-3 said she did not say anything to Wojcik that might embarrass Bucholz, because she was under the impression that Wojcik and Bucholz had a close relationship.

S-3 stated that in response to her concerns, Wojcik generally supported Bucholz, informed S-3 that Bucholz would give her a good grade in the internship course if she completed the semester, and encouraged S-3 to complete the internship. S-3 stated that she was not surprised by this response. S-3 further indicated that the meeting between her and Wojcik was short, and she did not believe Wojcik took her concerns seriously. S-3 added that even if Wojcik had asked her more questions about her experience at Vanguard, she probably would not have



disclosed anything concerning Bucholz's role in workplace toxicity at Vanguard due to her belief that Bucholz was well connected and respected in both the public relations industry and CMU Journalism Department.

We questioned Wojcik about what S-3 told us. Wojcik could not recall his conversation with S-3. He stated that had any student reported allegations of verbal abuse, sexual harassment, or physical harassment, or had any student expressed that he or she was being asked to do activities he or she was uncomfortable with, Wojcik would have immediately reported such allegations to appropriate University channels. In this regard, Wojcik admitted his familiarity with OCRIE's reporting requirements, and stated that his own personal practice was to report any concerning allegations relating to a student internship to the Chair of the Journalism Department, the Dean of the College of Arts and Media, and OCRIE.

We compared the witness account of Wojcik's conduct to Wojcik's obligations under the applicable CMU policies and the state and federal laws listed above. Regarding the allegation that Wojcik was aware of, and failed to report, sexual harassment or intimidation toward CMU student interns at Vanguard, S-3 stated in her interview that she did not discuss with Wojcik any specific details of sexual harassment, intimidation, or workplace violence. None of the other 52 interviewees offered a statement or other evidence that Wojcik was aware of Bucholz's misconduct toward CMU interns. There was no similar information identified in the tens of thousands of documents we reviewed.

Further, we reviewed Wojcik's emails to students advertising internships at Vanguard and other locations. Wojcik's emails, which took place in the normal course of his employment, appeared to simply make students aware of Vanguard internship openings in the same manner as they would be informed of opportunities at any other company. We interviewed Wojcik regarding this practice. Wojcik stated that while he felt students could receive a better learning experience from other internship placements, he had no reason at that time to actively discourage or prevent students from interning or pursuing part-time employment opportunities with Vanguard.

#### D. T.J. Bucholz and Vanguard

Our investigation examined issues of sexual harassment, discrimination, and workplace violence related to T.J. Bucholz and his role as the proprietor of Vanguard. Regardless of whether such actions did or did not occur, such conduct was not reported to Clark, Coon, or Wojcik.

### **VII. Recommendations**

We were charged with developing recommendations for specific actions CMU should take to address future issues similar to the allegations in this investigation. We based our recommendations on our findings, a review of past and current CMU policies, and a comparative analysis of the policies at Michigan's 14 other public universities.

Whether to follow these recommendations – and how to implement them if followed – is a decision left entirely to CMU. The University is in the best position to determine which course of action will most benefit its faculty, staff, and student body.

Our recommendations cover three general areas: (1) reporting sexual harassment and hostile work environments; (2) improving the University’s internship programs (particularly with respect to the Journalism Department); and (3) fostering better employee communications and conduct.

#### A. Remove Barriers to Reporting Sexual Harassment and Hostile Work Environments

Witnesses told us they did not report the details of their experiences at Vanguard because they feared retaliation from CMU. These witnesses believed that Bucholz, as a CMU donor and prominent Journalism Department alumnus, held a position of power within the University community. As such, they believed Bucholz had the ability to adversely affect the careers of Journalism students. One witness told us she felt that telling a CMU faculty member about her experience at Vanguard, or saying something negative about Bucholz, would be “career suicide” for an aspiring journalist. Other witnesses did not fully understand the role of OCRIE as the University’s designated investigator of allegations of sexual misconduct or civil rights violations. Some faculty members were uncertain when, or even how, to report allegations.

We found no evidence that CMU punished, retaliated against, or threatened to take adverse action against any student for reporting perceived misconduct. To the contrary, the University has gone to significant lengths to encourage students, faculty, and staff to report improper acts. Nevertheless, the perception of likely retaliation – however incorrect – still lingers among students, at least those in the Journalism Department.

We recommend the University remove barriers to reporting misconduct and ensure a more efficient reporting process. In considering these recommendations, we suggest that the University set a basic goal: create an atmosphere where every student and employee feels safe to report misconduct.

***Simplify the process for reporting misconduct.*** In today’s technological age, many students feel more comfortable interacting with University authorities via the internet rather than in person. This may be especially true regarding sensitive subjects such as filing reports of sexual harassment, misconduct, or other civil rights allegations. With the students’ interests in mind, we compared CMU’s online reporting options to the options available to students at Michigan’s other public universities.

At CMU, a student’s first step in filing a report of sexual or gender-based misconduct may be to visit the OCRIE webpage. That page contains a link entitled, “Sexual and Gender-Based Misconduct Reporting Form.” Clicking on the link prompts the student to next enter his or her personalized Global ID and password. In other words, students must immediately identify themselves to the University in order to access the reporting form. This may be an automatic deterrent to many students. Whether CMU ultimately connects the student’s Global ID identification to the reporting form is not explained to the student. And even if student data is

not connected to the complaint, the mere act of requiring the student's Global ID gives the outward appearance that the student's concerns are not reported confidentially on OCRIE's webpage.

By comparison, other Michigan state-funded universities allow anonymous reporting on their designated civil rights and Title IX departmental websites. At one university, students are able to anonymously contact the Title IX office using a non-university affiliated e-mail address that does not list the student's name or identifying information. Students are informed that the civil rights office will receive and respond to the email address provided. Other universities extend anonymous reporting to anyone, including non-students and people with no affiliation to the university. One university allows persons to report partial information with few details. Yet another university allows anonymous complainants to choose to request a university investigation, to simply ask for a supportive response from the school, or both. Many of these universities display the directions for reporting Title IX violations on their websites in a way that is more prominent than is done by CMU. We recommend CMU follow the lead of these other state higher education institutions to make online reporting easier.

***Increase training on how to identify misconduct.*** We observed that persons describing the atmosphere at Vanguard failed to articulate the nature of the workplace in precise detail. We place no blame on the people who stepped forward to describe what happened at Vanguard for failing to be more descriptive. Instead, we conclude that the University could have taken more proactive steps to train employees on how to ask more direct questions to determine the true nature of the Vanguard problem.

For example, in October 2019, G-1 told Clark that Bucholz was a "creep" or "creeper" and kept a handgun in his car or office. In this same discussion, G-1 told Clark that CMU student S-4 was interning at Vanguard at that very time, and that she advised S-4 that she should not work there. G-1 later told Clark she quit working at Vanguard because "things got weird, inappropriate." This should have led Clark to ask a litany of follow-up questions about the safety and well-being of S-4, such as: What do you mean by Bucholz's demeanor? Has he shown violence in the workplace? What do you mean by Bucholz being a "creep"? What do you mean by "inappropriate"? Does he make harassing comments? Is there inappropriate touching in the workplace? Do you mean inappropriate in a sexual way or inappropriate in some other way? Where is the handgun kept in the office? Is it secured? Who has access to it? Should we be concerned about the safety of S-4 as it relates to the handgun? We received no evidence that any of those questions were asked. Similarly, S-3 met with Wojcik during the course of her internship to express her discomfort at Vanguard, describing the workplace as a "toxic environment." Again, rather than asking appropriate follow-up questions to better understand the information being conveyed to him, Wojcik instead encouraged S-3 to finish the internship so that she could obtain her course credits.

We recommend that CMU institute enhanced training on how to identify the warning signs of harassment, misconduct, and retaliation. We further recommend that in crafting the appropriate questions to be asked to identify hostile situations, the University seek guidance from established sources such as the United States Equal Employment Opportunity Commission, the

United States Department of Labor Civil Rights Center, the United States Department of Education's Office of Civil Rights, and the Michigan Department of Civil Rights.

***Increase training on when and where to report misconduct.*** CMU Journalism Department faculty members reported that if a student told them that he or she had been sexually harassed during an internship, the faculty member would inform the administrator of the internship program or the Chair of the Journalism Department. This course of reporting is not consistent with CMU policy. Despite the University's extensive efforts to educate faculty and staff that incidents of sexual and gender-based harassment and misconduct should be reported directly to OCRIE, the University's efforts have not been fully successful.

We recommend enhanced training for faculty members and staff in this area. Faculty members told us they could not remember the details of past trainings, or even when such trainings occurred. The University should reevaluate its training procedures and consider providing such training not just to CMU employees, but to all members of the University community.

***Reconsider the definition of "Mandatory Reporter."*** In 2015, CMU implemented its Sexual Misconduct Policy. The University's goals in creating the policy included reaffirming CMU's commitment to equal opportunity, eliminating all forms of discrimination, and maintaining the University's longstanding commitment to a campus that is free from sexual harassment and sexual assault. To achieve these goals, the University established a mandatory reporting system that required all CMU employees – including faculty and staff, with few narrowly-tailored exceptions – to report allegations of sexual misconduct or retaliation to the University's Title IX coordinator. The purpose of having such a broad mandatory reporting requirement, the University explained, was to reinforce the notion that "Sexual Misconduct will not be tolerated by CMU and is expressly prohibited."

On December 8, 2020, the University changed its mandatory reporting policy by replacing the Sexual Misconduct Policy with its Sexual and Gender-Based Misconduct Policy. Under the new, current policy, only "Designated Officials" are required to report allegations of sexual and gender-based misconduct to OCRIE. "Designated Officials" include: (1) senior officers; (2) athletic coaches, trainers, staff, and volunteers; (3) CMU Police Department employees; (4) professional and administrative staff; (5) academic department chairs; and (6) certain residence life staff and other advisors. Members of the CMU community previously required to report misconduct under the Sexual Harassment Policy but who are no longer required to report under the new policy include: (1) regular faculty; (2) fixed-term faculty; (3) College of Medicine faculty; (4) graduate assistants; (5) teaching assistants; (6) postdoctoral research fellows; (7) public broadcasting staff; (8) office professionals; (9) service maintenance staff; and (10) temporary staff.

If applied to the current investigation, the previous Sexual Misconduct Policy would have required each of the Subject Witnesses to report allegations of sexual misconduct to OCRIE if a student had brought misconduct to their attention. The current Sexual and Gender-Based

Misconduct Policy, however, would require Clark – but neither Coon nor Wojcik – to report the same type of allegations.

We asked nearly all faculty and staff members we interviewed about this change in policy. The response was overwhelmingly in favor of returning to the mandatory reporting requirement of the Sexual Misconduct Policy. One employee commented that the decision to remove faculty members from being mandatory reporters “wasn’t logical” and did not help the mission of promoting civil rights. Another employee stated that if the University is going to take sexual harassment seriously, it should require mandatory reporting. Only one person we interviewed stated that it would be untenable to require so many people to be mandatory reporters. But we found no evidence that the prior mandatory reporting system created any significant difficulties for OCRIE in handling complaints.

We recommend that CMU reconsider the definition of “Mandatory Reporter” in its Sexual and Gender-Based Misconduct Policy. Although we received feedback about the policy from senior University staff, the opinions we collected from faculty members was restricted to the members of the Journalism Department. We therefore recommend CMU seek feedback about the policy from across the University. Whether CMU chooses to change its reporting policy or keep it as currently written, we recommend the University carefully consider the issue, and clearly communicate its decision to faculty, staff, and students. We further recommend that the University evaluate the extent to which additional training on this policy would benefit the CMU community.

#### B. Improve Internship Programs

***Increase student feedback.*** At the conclusion of a CMU Journalism Department internship program, the employer submits a one-page evaluation of the student intern. The employer ranks the student’s abilities and is given an opportunity to comment on the student’s strengths and weaknesses. While this information is useful for academic purposes in determining how well the *student* performed during the internship, it provides no insight into the *employer* and its fitness for training students for life after graduation.

We recommend that all CMU student internships, in every department, require students to perform an evaluation of the internship employer midway through the internship. Such an evaluation would not only give the University constructive feedback on the quality of the internship, but it would also give the student an ability to raise concerns about the nature of the internship work or the quality of the internship environment. Although the Journalism Department requires students to complete a paper at the conclusion of the internship regarding positives and negatives about the internship, this evaluation comes too late; the internship has already been completed, and potential harm to a student may have already been done. We therefore further recommend that student evaluations be preserved for a reasonable period of time. Relatedly, we recommend CMU review its records retention policy for consistency with how the University preserves student evaluations.

The Journalism Department’s common practice is to conduct a meeting for students at the beginning of each semester to explain the internship program and address questions. For future meetings – or for similar internship meetings outside of the Journalism Department – we

recommend that students are: (1) reminded of their obligations to perform evaluations of their employer; (2) encouraged to be candid in their evaluations; (3) informed about the University's policies regarding sexual and gender-based harassment, hostile work environment harassment, and related forms of misconduct; (4) instructed on how to report violations of such policies; (5) encouraged to report policy violations; and (6) assured that CMU supports anonymous reporting and does not tolerate retaliation.

***Establish continuity planning for the internship program.*** In our interviews of Journalism Department faculty, nearly everyone expressed a complete lack of knowledge over the day-to-day operations of the internship program. Instead, faculty identified Jim Wojcik as the internship program's sole administrator. These same faculty members stated that despite the fact that Wojcik has openly contemplated his retirement, no apparent plan exists for his replacement. For a University that has one of the state's top journalism programs – and that prides itself on its successful internship program – the Journalism Department has done little to create and implement a centralized internship program that is not reliant upon and governed by one individual. Such lack of planning may prove detrimental to the future of the program.

We recommend the University consider the following steps to strengthen the Journalism Department's internship program and explore whether these steps may also benefit internship programs in other University departments: (1) establish an oversight system for internships that includes at least two faculty advisors, so one advisor can take over in the absence of the other; (2) review whether the level of administrative assistance is adequate to support the work of the University faculty who oversee internships; (3) create a document retention schedule to preserve internship records for a reasonable number of years to track concerns about student or employer behavior; and (4) establish a working group of students, staff, and faculty to consider ways to strengthen the internship program for future generations of students.

***Either utilize, or abandon, the "Do Not Use" list.*** Journalism Department faculty reported that the Department maintains a list of businesses that faculty do not recommend for student internship placements. This "Do Not Use" list has developed over several years after the faculty received reports of poor student internship experiences. However, the actual use of this "list" is as inconsistent as its whereabouts. Some faculty members were aware of the list, but they did not know where it was located, and did not know what businesses were on it. Other faculty members were not aware any such list existed. These faculty members stated they would have wanted to know about the list to better protect their students. The Journalism Department's most knowledgeable faculty member regarding such a list, Jim Wojcik, told us the list is not physical, but exists only in memory.

The University should make a judgment call on whether to keep a list of locations where interns shall not be sent. On one hand, such a list could protect students. Documented misconduct regarding a company could save students from having to endure future poor employer behavior. Had such a list formally existed that included Vanguard, for example, this investigation may not have been necessary. On the other hand, a "Do Not Use" list could be unduly prejudicial to businesses. Over time, bad business practices may improve, poor supervisors may depart, and certain businesses may therefore evolve to be excellent places for

student internships. A “Do Not Use” list may become outdated in a short span of time, and risks being a subjective, person-by-person exercise.

It is CMU’s decision to maintain a “Do Not Use” list for its internship programs. If the University chooses to keep such a list, however, it should be internally consistent, not unfairly impugn businesses, and be regularly updated to keep the interests of students at the forefront.

### C. Improve Faculty and Staff Processes and Procedures

Our investigation revealed opportunities to improve the processes and procedures for interaction among the CMU Administration, faculty, and staff. We recommend the University consider implementing the following reforms to foster greater accountability for University faculty and staff.

***Require faculty and staff to conduct University business on University e-mail accounts.*** Our investigation revealed that faculty member Jim Wojcik conducted all of his University-related business on his personal e-mail account. Wojcik adjusted the settings on his CMU email account to forward his CMU messages to his personal email account, automatically deleting any record of an email from his CMU domain email account. He then used his personal account to respond to all messages, including those from students and fellow faculty members, thereby preventing any copy of his responses from being stored in his CMU email account. Wojcik also composed all of his emails from his personal account instead of from his CMU account, again preventing any copy from being stored in his CMU email account.

Faculty use of personal email to conduct University business is problematic for at least three reasons. ***First***, personal emails delay internal investigations, including the one we have conducted here. In order to review the relevant email messages related to this investigation, forensic examiners had to painstakingly segregate Wojcik’s private messages from those that were related to CMU business. This segregation cost the University both time and money. ***Second***, because emails on private servers are not captured by the CMU Records Management Policy and the University’s Records Retention Schedule, critical email communications may not be preserved as required. ***Third***, private emails that discuss government business may be held to be public records under the Michigan Freedom of Information Act, MCL §15.231, *et seq.*, and therefore may be subject to public production if appropriately requested. Accordingly, we recommend that CMU consider a University-wide policy mandating that when University business is conducted over email, it must be conducted on University email accounts.

***Make faculty and staff administrative leave notices consistent.*** When the University places faculty or staff members on leave, it sends the employees a letter notifying them of their obligations during their leave status, such as their duty to stop visiting campus or to refrain from speaking with certain people. Faculty members are notified of their leave status by FPS. Staff members are notified by the Office of ER. However, the letters from FPS and ER are inconsistent and appear to impose different obligations on faculty and staff members.

FPS directs faculty members to preserve all records related to the investigation, whether or not the records are in the faculty member’s direct control or if they have the ability to access

such records. For example, in this investigation, FPS directed both Coon and Wojcik to preserve their records. FPS also requires faculty members to refrain from contacting “any CMU students (past or present) or co-workers” in the faculty members’ departments. Coon and Wojcik were both given this directive.

ER does not direct staff members placed on leave to preserve records related to the investigation. Therefore, Clark was never directed to preserve his records. ER is also less specific about limiting communications with members of the CMU community. This lack of clarity made the obligations upon Clark less clear than they were upon Coon and Wojcik. Furthermore, ER directed Clark to not access any University files or records, either directly or through others. The FPS letter did not impose the same obligation upon Coon or Wojcik.

The leave letters are inconsistent in other ways that at first blush may seem minor. Depending on the circumstances, however, these differences may have substantial consequences, especially in other matters that may involve victims or survivors of misconduct. The ER letter directs staff to remain off campus during the administrative leave; the FPS letter allows faculty to access all portions of the campus except non-public areas. The FPS letter directs faculty to return their office keys, campus identification, and all computer or other office equipment in their possession; the ER letter contains no such directives. Finally, the ER letter carbon copies the University’s General Counsel to keep that office informed; the FPS letter does not.

We recommend CMU consider reviewing its leave notices for consistency. The Office of General Counsel would be an appropriate office to conduct such a review.

***When possible, use in-person communication when placing employees on leave.***

Faculty and staff members expressed their displeasure at the abrupt manner in which the Subject Witnesses were placed on administrative leave. We received conflicting reports of these incidents. From the faculty and staff perspective, the leave notices were delivered impersonally and over email, with no opportunity for the employees to react or respond. From the administration’s perspective, the restrictions imposed in reaction to the global coronavirus pandemic prevented normal in-person communications. We recommend the University review its process for placing employees on leave and determine whether adjustments should be made in a post-pandemic academic setting.

**VIII. Conclusion**

By directing us to engage in this investigation, CMU expressed its commitment to providing a safe environment for all of its students, faculty, and staff. We hope the enclosed recommendations will make CMU an even safer university.