

**University of Michigan**

**Annual Report Regarding Student Sexual & Gender-Based  
Misconduct & Other Forms of Interpersonal Violence**

**July 2017 - June 2018**



**Office for Institutional Equity  
September 5, 2018**



September 5, 2018

To Members of the University of Michigan Community:

This is the fifth annual report regarding student sexual misconduct issued by the Office for Institutional Equity (OIE). This report covers issues that have been addressed by the University from July 1, 2017 through June 30, 2018.

On July 1, 2016, the [University of Michigan Policy & Procedures on Student Sexual & Gender-Based Misconduct & Other Forms of Interpersonal Violence](#) (the “Policy”) went into effect.

This year, the Policy was revised effective on February 7, 2018. The revisions changed responsibility for determining sanctions from a volunteer board to the Office for Student Conflict Resolution staff, expanded the availability of alternative resolution as a voluntary resolution option for cases where such resolution is requested and appropriate, clarified the process to be used when there is an overlap of conduct that may violate the Policy as well as the Statement of Student Rights and Responsibilities, and revised the definition of intimate partner violence.

These modifications have not significantly impacted the data in this report, although we note in the report those instances when a revision to the Policy is relevant to the data or topic at issue.

As with OIE’s previous reports, this report and accompanying data are intended to provide insight into the number of issues addressed by the University under the Policy, and the process by which those concerns were addressed. We continue to be mindful of our responsibility to balance the educational benefit of sharing as much about these matters as is appropriate, while at the same time respecting the privacy of those involved.

Thank you for reading this report and for your attention to this important issue.

Sincerely,

Pamela Heatlie  
Associate Vice Provost for Academic and Faculty Affairs  
and Senior Director, Title IX Coordinator

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## Executive Summary

Pursuant to the [University of Michigan Policy and Procedures on Student Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence](#) (“Policy”), the Office for Institutional Equity (“OIE”) produces an annual report detailing actions taken by the University to address issues reported under the Policy, as well as the University’s efforts to engage the community in education and prevention initiatives. This report reflects actions taken under the Policy in response to reports received by OIE between July 1, 2017 and June 30, 2018. The total number of reports received increased nearly 30% this year, from 218 the previous year to 277. We believe that this increase is the result of enhanced awareness of these issues and how to report concerns and ongoing training efforts.

In looking at reports of specific forms of sexual and gender-based misconduct:

- Reports of sexual assault and sexual harassment increased by about 62% (from 92 to 148) and 27% (from 62 to 85), respectively
- Reports of retaliation increased from zero reports last year to three this year.
- Reports of stalking allegations, which had increased last year, decreased this year by about 26% (from 35 reports to 26)
- Reports of “other” types of allegations also decreased by about half (from 15 to 7) Reports that are counted as “other” are matters that are identified to OIE as possibly falling under the Policy, but ultimately do not fit within its scope, such as where the alleged conduct is reported under the Policy but turns out not to involve sexual or gender-based conduct.

In each of the 277 reports made to OIE, the individuals, if known, are provided extensive information about the various options and resources available to them, in order to allow them to make informed choices. This year:

- The University continues to use a [Review Panel](#). This group, comprised of University faculty and staff, provides advice and counsel to the Title IX Coordinator on whether to investigate a matter in those instances when a Claimant does not wish for the University to conduct an investigation or the potential Claimant’s identity is unknown. This year, the proportion of reports addressed by the Review Panel compared to total reports remained roughly consistent (about 50% last year and about 54% this year).
- OIE conducted twenty investigations, ten of which were pending at the time this report was written.
- Of the ten completed investigations, there were three cases in which students were found to have violated the Policy.
- The three students found to have violated the Policy were subject to sanctions ranging from educational measures to suspension.

- In all cases where a student was permitted to return to the University, the student was required to complete educational measures designed to address the behavior and prevent its recurrence, as well as other sanctions.

The University continues to engage in extensive prevention and education efforts directed toward students, faculty, and staff related to these issues. A more detailed explanation of the University's education and prevention efforts is set forth below on pages 18-19.

## Introduction

The University's [Policy and Procedures on Student Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence](#) provides information regarding the process the University will follow once it receives a report of sexual assault, sexual and gender-based harassment, stalking, intimate partner violence, retaliation, and violation of interim measures by students. To ensure that the campus community has timely and relevant information about the University's efforts and actions regarding Prohibited Conduct, the Policy provides that the Title IX Coordinator will issue an annual report about the University's response to reports of Prohibited Conduct by students.

This is the fifth annual report under the Policy, and it provides data covering the period from July 1, 2017 to June 30, 2018.<sup>1</sup> As with our previous annual reports, which can be found [here](#), we have endeavored to provide useful information in an accessible format; however, we welcome your feedback in order to make this document more helpful, easier to understand, or otherwise improve its content. Please provide any feedback to the Title IX Coordinator:

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Comments are appreciated and will be considered as we develop future reports.

## What Conduct is Prohibited?

The Policy prohibits sexual misconduct, which encompasses a wide variety of behavior, from unwanted sexual comments, which may constitute sexual harassment under the Policy, to sexual assault. The Policy also prohibits intimate partner violence, stalking, and gender-based harassment, as well as retaliation and violation of interim measures related to an underlying

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<sup>1</sup> We note that the data contained in this document refers to incidents made known to the Office for Institutional Equity between July 1, 2017 and June 30, 2018, regardless of when the incidents are alleged to have occurred. We further note that the final data set contained in this report was compiled on July 1, 2018. Therefore, the documented status of each case is as of July 1, 2018. For information regarding investigations that were included in the fourth annual report, covering the period between July 1, 2016 and June 30, 2017, please see Appendix B.

complaint of sexual assault, stalking, intimate partner violence, or sexual or gender-based harassment. We refer to these collective behaviors as “Prohibited Conduct” in the Policy and within this report. Whether certain behavior constitutes Prohibited Conduct depends greatly upon the circumstances surrounding the behavior. This report contains data about every concern of Prohibited Conduct reported to OIE during the past year. It is important to note that while some of these concerns are reported as Prohibited Conduct, in some cases, the reported behavior turns out not to relate to this Policy, as further discussed in this report.

## The Number of Reports

The University encourages every member of its campus community to report Prohibited Conduct. This year, OIE received 277 reports of Prohibited Conduct.<sup>2</sup> A report can be made by a person who has experienced, witnessed, heard about or otherwise has knowledge of possible Prohibited Conduct. We encourage reporting because it allows the University to provide for the safety and well-being of both individual community members and the overall campus community. It also allows us to provide resources and support for those impacted by the reported misconduct. There are a variety of ways to report a concern of Prohibited Conduct, including directly to the Title IX Coordinator or [on-line via the University’s public reporting mechanism.](#)

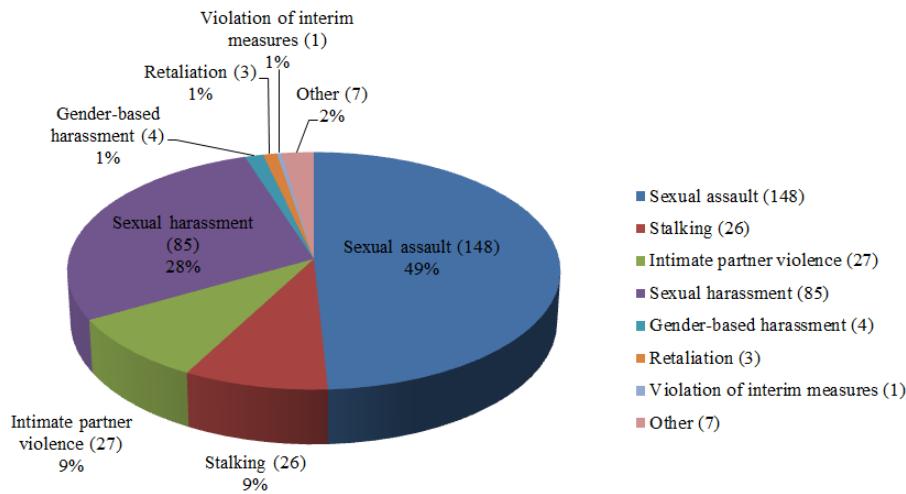
During the past reporting year, from July 1, 2017 through June 30, 2018, 277 matters were reported to OIE, compared to 218 incidents reported during the previous year.<sup>3</sup> We believe that this increase is the result of continued awareness on campus of these issues and how to report concerns. This is likely due to continuing efforts around training and awareness of the Policy, as well as increased societal awareness of sexual misconduct, such as through the #MeToo movement.

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<sup>2</sup> Since a single report of Prohibited Conduct may raise concerns about multiple potential violations of the Policy (e.g., a report of sexual assault accompanied by stalking behavior), the 277 reports involved 301 potential policy violations.

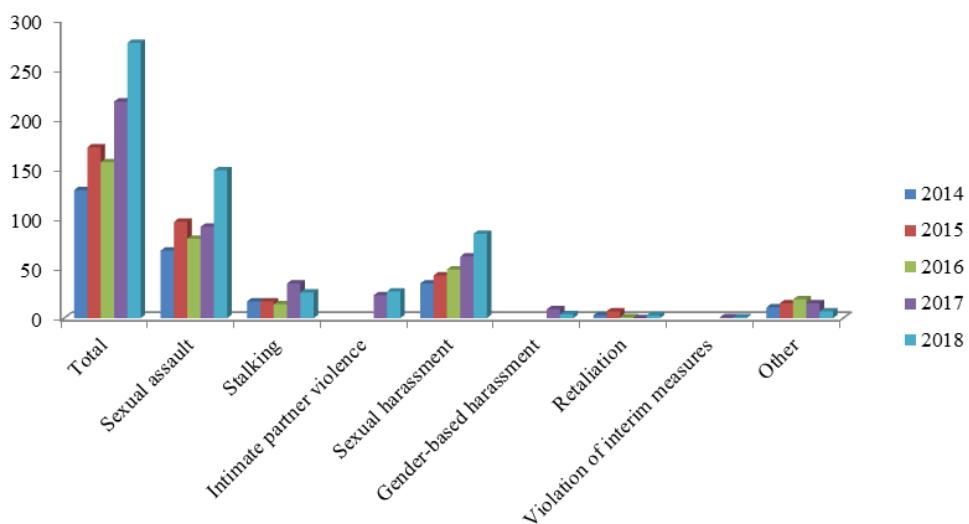
<sup>3</sup> It is important to note that this report reflects the total number of Prohibited Conduct concerns that were reported to OIE during the relevant time period, and is likely to differ from the numbers of reported incidents of rape, fondling, stalking, and dating/domestic violence recorded in the University’s Annual Security Report and Annual Fire Safety Report. As required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Annual Security Report contains the numbers of certain types of reported crimes, as defined by the FBI Uniform Crime Reporting (UCR) Program, which were reported to have occurred in particular geographic locations during a calendar year. Accordingly, many of the incidents referenced in this report do not fall within the Clery Act statistical definitions. Further, the numbers will differ because the data contained in the reports respectively encompass different time periods (i.e., this report encompasses the 2018 fiscal year while this year’s Annual Security Report will reflect the 2017 calendar year).

## 277 Issues Reported: Type



Of the various types of Prohibited Conduct reported this year, reports of sexual assault increased the most (by about 62% as compared to last year). The majority of the reports OIE received under the Policy involved sexual assault and/or sexual harassment, followed by intimate partner violence and stalking. Compared to the reports received last year, there was an increase in the number of reported sexual assault, intimate partner violence, sexual harassment and retaliation incidents, while there was a decrease in the number of reported stalking, gender-based harassment, and other incidents.<sup>4</sup> The number of reported violations of interim measures stayed the same, at one reported incident.

## Annual Comparison of Issues Reported: Type

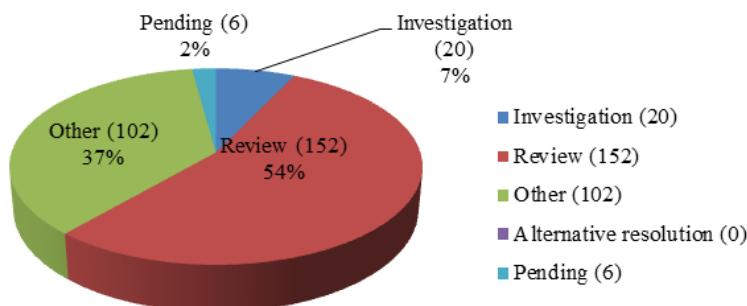


<sup>4</sup> An allegation is characterized as “other” when the conduct is reported as involving Prohibited Conduct, but the nature of the reported conduct does not constitute misconduct that is covered under the Policy.

## How the Reports Were Addressed

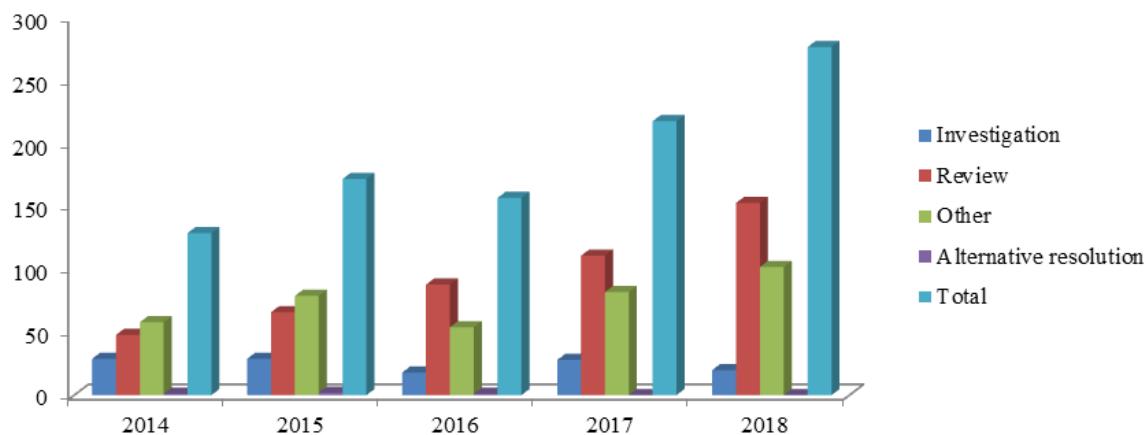
OIE responded to each of the 277 reports to determine appropriate next steps. As discussed more fully below, twenty reports were investigated, 152 were brought to the [Review Panel](#), and 102 were determined not to fall within the scope of the Policy. In six instances, the nature of the University's response was not yet determined as of July 1, 2018, in order to allow the Claimants time to consider and communicate their preferences for next steps. While these numbers reflect 280 responses, rather than 277 responses, as discussed in more detail below, three reports were both considered by the Review Panel and ultimately investigated. In order to accurately reflect the number of matters considered by the Review Panel and the number of cases investigated, these three reports are included in both categories.

### 277 Issues Reported: Response



In comparison to the previous year, the total number of issues reported increased significantly. The total number of investigations decreased from 28 to 20. The number of cases addressed by the Review Panel or identified as “other” increased.

### Annual Comparison of the University's Responses to Reports



Although the specific nature of the actions taken by the University varies from case-to-case depending upon multiple factors, the University’s process for responding to a report of Prohibited Conduct may include: (1) the provision of confidential support and other resources; (2) interim measures, including but not limited to separation of the Claimant’s and Respondent’s academic and/or living situations; (3) consideration by a Review Panel; (4) an informal resolution; (5) an investigation; (6) investigation findings; (7) sanctions; and (8) an appeal of the investigation findings and/or sanctions.

The two most significant factors that affect how the institution addresses Prohibited Conduct concerns are: (1) how much information is available (e.g., whether the Respondent can be identified) and (2) whether the Claimant (if the Claimant’s identity is known)<sup>5</sup> is willing to be involved in an investigation and/or identified as having come forward with a concern. For example, a Claimant may report a sexual assault, but may not – or may not be able to – provide the University with the name or other identifying information of the Respondent. OIE follows up with the Claimant to obtain that information; however, if the information is not available, generally an investigation is not possible unless the information is provided by a third party or the University is otherwise able to discern the identity of the person. If the University cannot discern the identity of the Respondent, the University will offer resources and support to the Claimant, including interim measures (see below). The University will also ensure the Claimant is aware that they may come forward with additional information at a later date, at which time the University will take further action as appropriate. If the matter involves possible criminal activity, OIE will also provide all information known to OIE at that time to the Division of Public Safety and Security (DPSS).

The following is an overview of the various actions taken by the University in response to the 277 reports of Prohibited Conduct.

### **Resources and Interim Measures**

One of the first steps the University takes when a Prohibited Conduct concern is raised is to offer the Claimant and the Respondent resources and support. Claimants are offered support through the Sexual Assault Prevention and Awareness Center (SAPAC), while Respondents are offered support through the Respondent Support Program within the Dean of Students Office. In addition, students have access to a number of other support resources on campus, including but not limited to Counseling and Psychological Services (CAPS) and the Office of the Ombuds. SAPAC, CAPS, and the Office of the Ombuds are confidential resources, meaning that

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<sup>5</sup> OIE often receives complaints about incidents from third parties who sometimes are unable or unwilling to identify the parties involved.

disclosures of Prohibited Conduct made to these offices are not reported to OIE; however, these offices can assist students who wish to report Prohibited Conduct concerns to OIE in doing so.

Another aspect of the support provided by the University is to offer “interim measures.” Interim measures are steps taken to provide for the safety and well-being of the parties and/or the campus community, and can include a variety of actions taken by numerous offices on campus. Under the Policy, the University has clarified the distinction between “supportive measures” - those designed to address an individual student’s safety, well-being, and continued access to educational opportunities, and which are available regardless of whether an individual elects to pursue an OIE or criminal investigation – and “protective measures,” which typically involve action by the University that impacts only one party (most often the Respondent), as appropriate under the specific circumstances of the matter. Protective measures are only available in connection with a University investigation. Examples of interim measures may include changes to academic schedules, changes to housing arrangements, safety escorts, “no contact” directives, interim suspension, etc. Interim measures are determined on a case-by-case basis, depending upon the needs of the parties involved and the nature of the Prohibited Conduct concerns.

We note that there are likely instances where the University has provided interim measures and support to students, but the information is not captured in this report. For example, a student may seek confidential assistance from SAPAC before reporting their concerns to OIE, or the student may never report their concerns to OIE but only seek confidential assistance. SAPAC and/or other offices may assist the student with a variety of services such as academic accommodations, seeking a personal protection order, assistance and support in addressing the matter through the criminal justice system, etc. While efforts have been made to accurately account for interim measures in this report, we recognize that additional measures have likely been provided that are not accounted for here.

During this past year, interim measures and resources were made available when the identity of one or more of the parties was known. Interim measures were implemented in at least 21 instances. In some cases, the offer of interim measures is not accepted or interim measures may not be necessary given the known circumstances. For example, two students involved in a report of misconduct may not have any overlap in class schedules, employment, housing, or otherwise require separation or other accommodations.

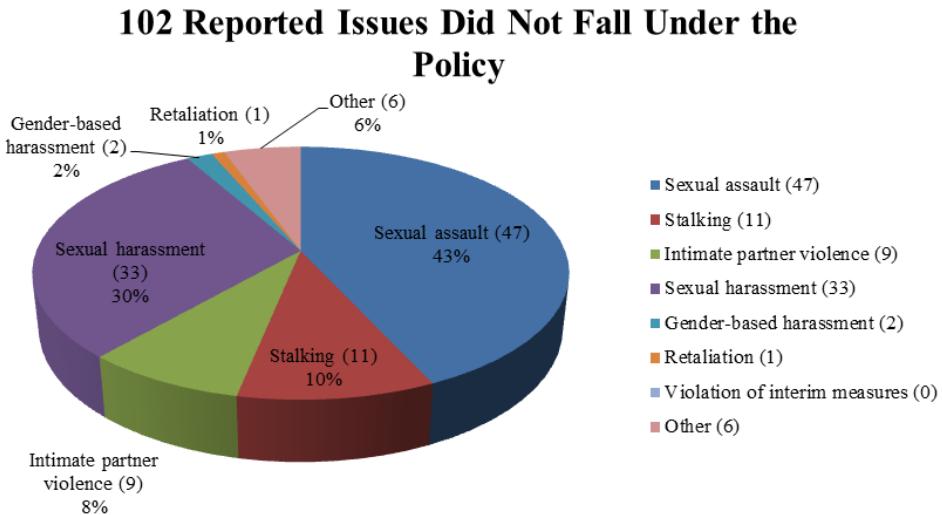
The specific interim measures related to a given matter vary, and depend upon a student’s request and the University’s assessment of what is necessary and appropriate to provide for the safety and well-being of the parties and the campus community. In some cases, more than one interim measure was implemented.

The interim measures implemented this year included housing modifications, academic separations or other academic accommodations, no contact directives, and interim holds placed on student accounts.

## Reported Issues that Did Not Fall Under the Policy

In some instances, OIE received reports of Prohibited Conduct that, upon review, were determined not to be actionable under the Policy. This year, of the 277 reported incidents, 102 were not within the scope of the Policy. Many such reports involve behavior that was committed by an individual who is not affiliated with the University. For instance, a student may report a sexual assault by a person who has no association with the University and is not subject to the University's policies. This student would still be offered resources and support through the University, as well as information about how to report to other entities that may have the ability to take investigative action where the University cannot. As another example, the University may receive a report from a third party, but the person who is reported to have experienced the unwanted behavior informs OIE that they did not in fact experience any Prohibited Conduct. Again, the student would be offered resources and support and encouraged to contact OIE if any Prohibited Conduct were to occur in the future. In other cases, the reported behavior, even if supported by evidence, would not constitute Prohibited Conduct under the Policy. In these instances, if the underlying behavior is inappropriate or a violation of another University policy, the matter will be referred by OIE to the appropriate office for follow-up.<sup>6</sup>

Of the 102 reports that did not fall under the Policy for various reasons, including those described above, the majority of reports involved possible sexual assault or sexual harassment, as shown on the following chart.<sup>7</sup>



Although these 102 reports did not fall under the Policy, the University still encourages members of the campus community to report any potential Prohibited Conduct so that we may take steps

<sup>6</sup> In many instances, the Office of Student Conflict Resolution is the appropriate office to address such concerns. In other instances, a reported matter may be best addressed by the Dean of Students Office, Housing, or some other appropriate office.

<sup>7</sup> As noted above, because some reported concerns may involve multiple types of allegations, the 102 cases that fell outside the scope of the Policy involved a total of 109 reported allegations.

to ensure that members of the University community who may have been affected by the reported behavior receive support and information about appropriate resources. The University will also put measures in place to provide for the safety of individuals and the campus community, as appropriate. As with every report of Prohibited Conduct, if the underlying behavior may constitute criminal activity, the preliminary information reported to OIE is shared with DPSS.

### **Review Panel**

Some Prohibited Conduct reports immediately proceed to investigation, but there are instances when an investigation may not be wanted (e.g., a Claimant requests that the University not pursue the matter). In the instances where the Claimant declines to participate and/or asks that the University not investigate the report, the matter is considered by a Review Panel. The Review Panel consists of University faculty and staff who have specific expertise such that they are able to offer varying perspectives and advice to the Title IX Coordinator to determine the appropriate response by the University.

The Title IX Coordinator or Deputy Title IX Coordinator, after receiving and considering the Review Panel's information and advice, determines appropriate next steps. As noted above, even in those instances in which the ultimate decision is not to proceed to investigation, the University may take other action, such as (but not limited to) providing interim measures/resources, providing education and training to the Respondent or a particular organization, and communicating that an investigation may occur at a later date if more information becomes available or the Claimant subsequently decides to participate in the investigation. Finally, even if no investigation ensues, alleged conduct that could be criminal in nature is reported to DPSS.

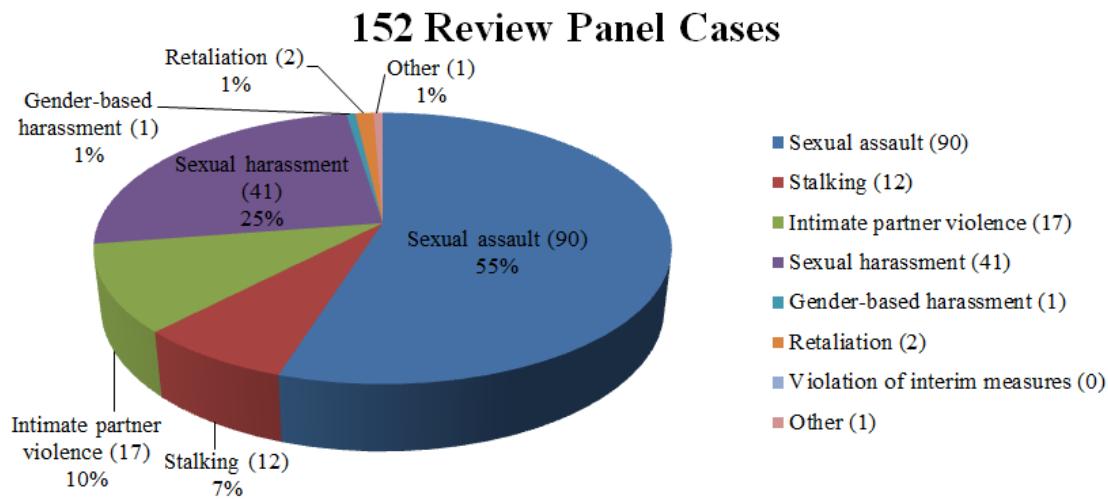
While the University encourages reporting of these matters, we also recognize that individuals may have varied reasons for choosing whether and when to pursue formal resolution of their concerns. The University seeks to honor and respect the wishes of each individual Claimant, while still meeting its obligations to the campus community as a whole. The Title IX Coordinator and Deputy Title IX Coordinator are guided in these determinations by consideration of factors identified in the Policy, specifically:

- The totality of the known circumstances;
- The nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- The respective ages and roles of the Claimant and Respondent;
- The risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- Whether there have been other reports of other Prohibited Conduct or other misconduct by the Respondent;

- Whether the report reveals a pattern of misconduct related to Prohibited Conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- The Claimant’s interest not to pursue an investigation or disciplinary action and the impact of such actions on the Claimant;
- Whether the University possesses other means to obtain relevant evidence;
- Due process considerations for both the Claimant and the Respondent;
- The University’s obligation to provide a safe and non-discriminatory environment; and
- Any other available and relevant information.

See Policy, [Review Panel](#), pages 20-22.

During the past year, of the 175 reports of Prohibited Conduct that fell under the Policy, 152 were considered by the review panel. As shown in the following chart, the majority of cases considered by the review panel involved reported sexual assault or sexual harassment:<sup>8</sup>



After considering these 152 cases and receiving information and advice from the review panel, the Title IX Coordinator and/or Deputy Title IX Coordinator made the following decisions:

- 138 cases were “closed pending additional information or concerns.” This occurs for a variety of reasons. For example, the Claimant may not have been able to (or may have chosen not to) identify the Respondent; or there was no compelling justification to override the Claimant’s request to not investigate the matter. Each case was considered separately, and in all instances the Claimant, if known, was offered resources and support including interim measures. Claimants were also informed that they may move forward

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<sup>8</sup> As noted above, because some reported concerns may involve multiple types of allegations, the 152 cases considered by the review panel involved a total of 164 reported allegations.

with an investigation at a later time if they wish. If the report involved possible criminal behavior, DPSS was notified.

- Three cases that were considered by the Review Panel were investigated by OIE. In two instances, the Title IX Coordinator determined that it was necessary to conduct an investigation based on the information the University received. In these two instances, there was no potential criminal conduct reported, and the parties were offered interim measures and other resources. In the third instance, the matter was closed after the review panel's consideration consistent with the Claimant's wishes at the time, but the Claimant subsequently elected to participate in an investigation. This matter involved allegations of potentially criminal conduct and DPSS was notified.
- In five instances where the Claimant did not request an investigation to take place, other actions were taken to address the underlying concerns. Examples of other actions may include educational measures or seeking additional information from other University offices or potential witnesses. Even in such instances where other actions are taken in lieu of an investigation, Claimants and Respondents, where applicable, are offered interim measures and other resources and support. Likewise, if such a report involves possible criminal behavior, DPSS is notified.
- There are six additional matters that have been identified as appropriate for the Review Panel's consideration but scheduled for consideration after July 1, 2018; therefore, the review panel outcome as pending at the time data was compiled for this report.

### **Alternative Resolution**

The Policy provides that in some limited circumstances voluntary alternative resolution may be an appropriate means of addressing concerns of Prohibited Conduct. All requests for voluntary alternative resolution under the Policy must be approved by the Title IX Coordinator or the Deputy Title IX Coordinator. Among the Policy revisions that took effect on February 7, 2018, was an expansion to allow voluntary alternative resolution in matters involving non-penetrative sexual assault, if requested and approved. Alternative resolution is never available when a penetrative sexual assault is reported to have occurred.

During the past year, of the 175 reported incidents that fell within the scope of the Policy, there were no cases in which the parties elected, and the Title IX Coordinator approved, to proceed to alternative resolution to resolve the complaint in lieu of an investigation. It is also noted that in some cases, following an investigation or other resolution of a complaint, parties may request to participate in alternative resolution processes to address related concerns after the underlying complaint has been otherwise addressed by the University. In all cases, these processes may only occur where participation is fully voluntary by both parties. This year, voluntary alternative resolution was not used following a formal investigation in any instances.

## **Investigations**

As noted throughout this report, the University considers each case, and takes appropriate action including offering confidential support, resources and/or interim measures, and notifying DPSS of possible criminal activity. However, whether an investigation can ensue depends on the available information and consideration of each individual Claimant's wishes, balanced with the need to provide for the overall safety of the campus community. In most instances, an investigation occurs because behavior that falls under the Policy has been reported and there is sufficient information available to conduct an investigation. This year, OIE conducted twenty investigations. Seventeen of these immediately proceeded to investigation upon the Claimant's request, and another three proceeded to investigation after consideration through the Review Panel process discussed above. Although there were reported incidents that fell under the Policy that did not proceed to investigation, that does not mean those reports were not reviewed or that action was not taken.

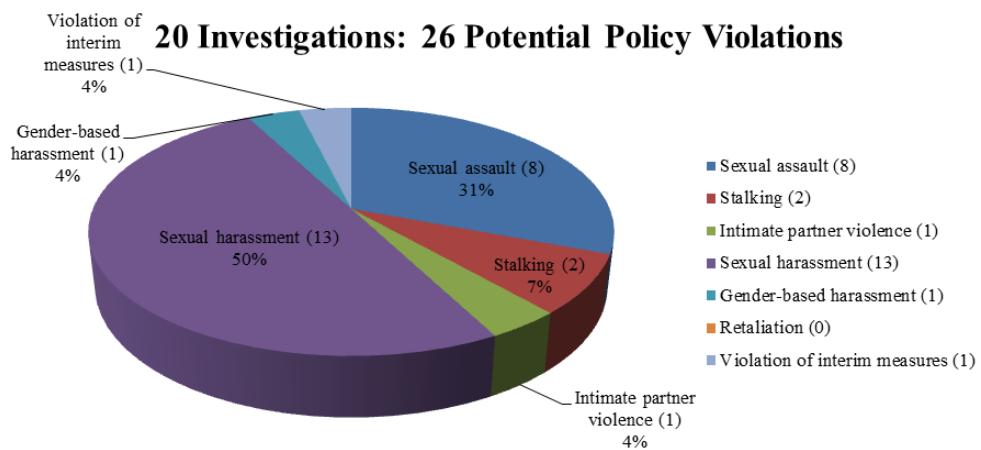
Of the 20 investigations undertaken during the past year, eight concerned allegations of sexual assault. Sexual assault encompasses a broad spectrum of behavior that includes many forms of unwanted sexual touching. Specifically, as noted earlier in this report, the Policy defines sexual assault in part as follows:

Sexual assault is touching of a sexual nature, including: vaginal or anal intercourse; anal, oral or vaginal penetration with an object; oral-genital contact; or other sexual contact that occurs without consent. Sexual contact includes: (a) intentional touching of the breasts, buttocks, groin, or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; or (b) making an individual touch another person or themselves with or on any of these body parts. Consent, as well as the terms force, coercion, and incapacitation are further defined [in the Policy].

Since one investigation may involve allegations of more than one type of Prohibited Conduct, within the 20 investigations, OIE investigated 26 potential policy violations.<sup>9</sup>

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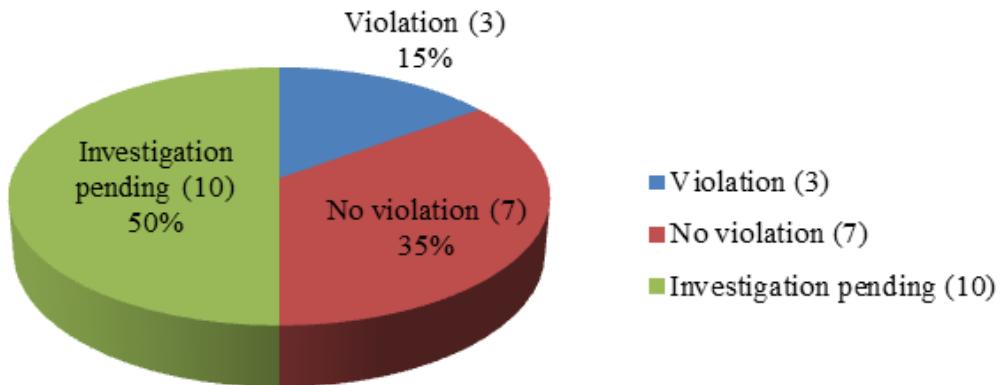
<sup>9</sup> Five investigations involved two different types of allegations, and one case involved three types of allegations.



In making a finding, OIE uses the “preponderance of the evidence” standard set forth in the Policy. Under this standard, individuals are presumed not to have engaged in the alleged conduct unless a preponderance of the evidence supports a finding that the conduct occurred. This preponderance of the evidence standard requires that the evidence supporting each finding be more convincing than the evidence obtained in opposition to it.

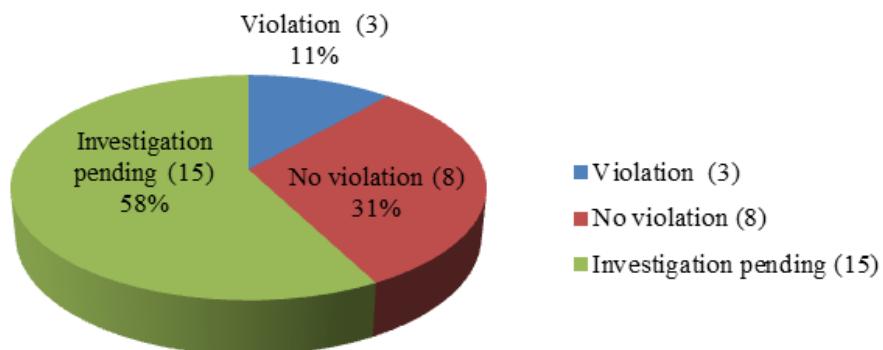
Of the 20 investigations opened during the relevant time period, ten were completed as of July 1, 2018. Of these ten cases, approximately 30% (3 cases, or about 15% of all of the investigations opened) resulted in a finding that the preponderance of the evidence supported a conclusion that the Policy had been violated. In 70% of the completed cases (7 cases, or about a third of the total investigations opened), the evidence was insufficient to conclude that the Policy had been violated. As noted above, ten cases were pending as of the date data was collected for this report. More specific information about the outcome of each investigation is available in Appendix A.

## 20 Investigations: Findings



As mentioned above, in five of the twenty cases, there were allegations of multiple potential policy violations at issue within each of the five investigations. When looking at each of the 26 potential policy violations separately, versus looking at the twenty cases as a whole, there were eight findings that the policy was not violated, three findings that it was violated, and fifteen potential violations still under investigation in cases in which the finding was pending as of the date the data was compiled for this report.

## 26 Potential Policy Violations: Findings



When OIE finds that there is insufficient evidence to conclude that the Policy was violated, that does not necessarily mean that the conduct did not occur. In some instances, for example, there may be insufficient evidence to support a conclusion that the behavior occurred; or, there may be sufficient evidence to conclude that the conduct occurred, but the conduct did not fall within the definition of any type of Prohibited Conduct under the Policy. For more detailed information about OIE's findings, please see Appendix A.

After OIE reaches a conclusion as to whether the Policy has been violated, it issues an investigation report that is forwarded to the Office of Student Conflict Resolution (OSCR). OSCR facilitates the sanctioning and appeals processes.

### Sanctions

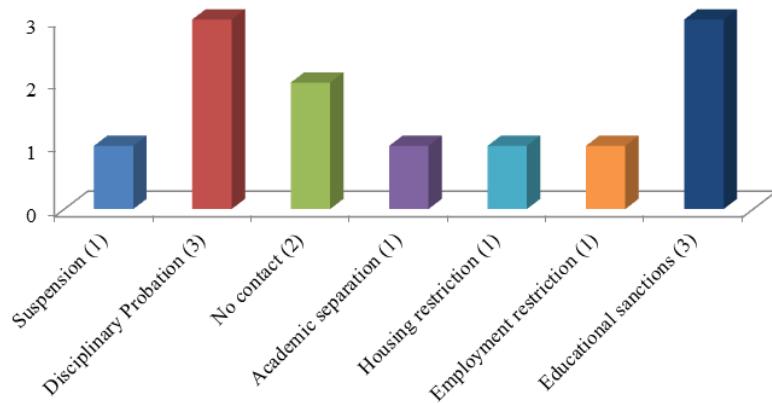
When a Respondent is found to have violated the Policy, the University takes action, through the Sanctioning Process facilitated by OSCR, designed to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects. Claimants and Respondents have an opportunity to submit an input statement before sanctions are determined. During part of this year, a sanctioning board was responsible for determining sanctions, as outlined in the Policy in effect through February 6, 2018. Effective February 7, 2018, the Policy was revised and the sanctioning process modified. For investigations that were opened on or after February 7, 2018, and continuing into the coming

year, OSCR is responsible for determining the sanctions when a student is found to have violated the Policy.

As noted above, of the ten investigations that were opened and completed in the past year, there were three cases (representing the same number of Policy violations) in which a Respondent was found to have violated the Policy. In all three of these cases, sanctions were determined and were not appealed.

The University generally imposes multiple sanctions on a Respondent who is found responsible for violating the Policy. As such, while sanctions have thus far been imposed in three of the cases where a Respondent was found to have engaged in misconduct under the Policy, more than three particular sanctions have been issued. The summaries below demonstrate the types of sanctions that have been implemented and how many times each was used this year, but they do not illustrate the various combinations of sanctions that have been implemented with respect to each particular case. For a more detailed table that demonstrates the specific combination of sanctions issued in each of the three cases where final sanctions have been determined, please see Appendix A.

### **3 Violations Sanctioned**



It is important to note that the chart above represents only sanctions that were imposed this year, and do not necessarily represent the full range of sanctions available when a student is found responsible for engaging in Prohibited Conduct. Likewise, the sanctions identified below include those imposed this year and other common sanctions (e.g., expulsion), but do not represent all possible sanctions that could occur.

### **Expulsion**

An expulsion is a sanction that prohibits the Respondent from ever enrolling in coursework or participating in University programs. As of July 1, 2018, there have been no expulsions under this Policy this year.

## Suspension

A suspension is a period of time during which the Respondent is unable to enroll in classes or participate in University programs. This year, one suspension of one year or less was imposed upon a student who was found responsible for engaging in intimate partner violence under the Policy.<sup>10</sup>

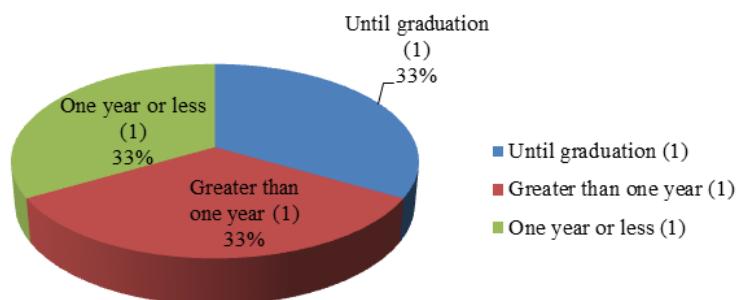
In general, in cases in which a suspension is imposed, the Respondent may also be subject to a period of disciplinary probation upon returning to the University, and required to complete other sanctions, including educational measures. Typically, a Respondent who is suspended from the University also must complete the educational measures and meet with an appropriate staff member(s) before the Respondent is approved to return. A Respondent's failure to complete the requirements during the period of suspension may prolong the suspension since the Respondent's re-enrollment is often contingent upon completion of these measures in addition to the specified period of time away from the University.

## Disciplinary Probation

As described in the Policy, disciplinary probation is “a designated period of time during which the student is not in good standing with the University.” In essence, any further misconduct whether sexual or gender-based or not, during the period of probation, will result in consideration of increased sanctions, up to expulsion. Disciplinary probation may follow a period of separation; however, disciplinary probation may also be imposed where the Respondent has not been separated from the University.

This year, three Respondents were sanctioned with disciplinary probation, in addition to other sanctions. In one of these cases, disciplinary probation was imposed following a suspension, and will continue for greater than one year. In another, the Respondent is subject to disciplinary probation until graduation. In the third, the Respondent is subject to disciplinary probation for one year or less.

## 3 Disciplinary Probation Sanctions



<sup>10</sup> For purposes of this report, the length of the suspension period is measured by calendar year rather than academic year.

## **No Contact Sanction**

Two of the three Respondents who have been sanctioned this year are subject to a continuing requirement that they not have contact with the Claimant. A no contact sanction is frequently included in combination with other sanctions, but may not be a necessary or appropriate sanction in all cases.

## **Employment Restriction**

This year, one Respondent was sanctioned with restrictions on their ability to be employed by the University of Michigan while s/he and/or the Claimant attend the University.

## **Housing Restriction**

This year, one Respondent was sanctioned with a restriction on their ability to reside in University housing as an undergraduate.

## **Educational Measures**

Educational measures are sanctions that involve the Respondent in a project, training, or other experience that is intended to prevent the recurrence of the same or similar conduct through education. For example, a student may be directed to engage in one-on-one sexual harassment training, complete required reading, or conduct additional research and/or writing assignments. Typically, when the Respondent is still affiliated with the University, or could seek to return at some time in the future, educational measures are included with other sanctions. This year, they were included as part of the sanctions in each case in which a Respondent has been sanctioned as of July 1, 2018. It is noted that no student received only educational sanctions; rather, they received educational measures in addition to other sanctions.

## **Appeals**

Both the Claimant and the Respondent have the opportunity to appeal the outcome of an investigation and, if there was a finding that the Policy was violated, both parties may also appeal the sanctions. Effective February 7, 2018, the Title IX Coordinator may also appeal the sanctions as described in the Policy. As shown in the following chart, one of the ten investigations completed as of July 1, 2018 – representing 10% of the completed investigations, or 5% of the twenty total investigations – resulted in an appeal. Under the Policy, each appeal is considered by an external reviewer. The external reviewer then issues recommendations to the Vice President for Student Life, which the Vice President for Student Life may either accept or modify.

Either party can appeal the finding, the sanctions, or both. This year, one Claimant appealed a finding and there were no appeals of the sanctions. There may be cases in which one party may appeal the finding while the other appeals the sanctions, though that did not occur this year. In this case, the finding was upheld.

## **Education and Prevention Measures**

The University continues to focus on educational measures intended to prevent Prohibited Conduct. The information contained in this report regarding such efforts is intended to provide an illustrative, not exhaustive, understanding of such efforts.

Extensive training efforts continue in order to educate the campus community about adjustments to the Policy, as well as reporting options and the various reporting responsibilities of University faculty and staff. For example, all faculty and staff members were strongly encouraged to complete the *Responsibilities at Michigan: Sexual Assault, Intimate Partner Violence, Stalking and Sexual and Gender-Based Harassment* training. This online program focuses on identifying and understanding reporting obligations, as well as responding appropriately to student disclosures of misconduct. Faculty and staff members were also strongly encouraged to complete the *Haven Training for Faculty and Staff*, an online program addressing sexual assault, sexual harassment, stalking, and intimate partner violence.

As in past years, all incoming undergraduate, graduate, and professional students are provided *Haven—Understanding Sexual Assault*, an interactive on-line program that relies on prevention theories and educational strategies to help students understand the many aspects of sexual misconduct. Topics covered include the Prohibited Conduct included in the Policy, common myths about sexual assault, the definition of consent, the link between sexual assault and alcohol, and bystander intervention. Incoming undergraduate students also complete Alcohol.edu which provides information about the impact of alcohol on sexual decision-making.

The University also uses in-person training. During orientation, first-year students attend the University of Michigan Educational Theatre Company's presentation of *Stand Up, Step In, Speak Out*. This program is a sketch regarding campus sexual assault. It addresses myths around rape culture, students' responses to combat a culture of sexual assault, how to help a friend who has been affected by sexual assault and other issues related to sexual and intimate partner violence.

In addition, the First Year Experience office provides a variety of programming and educational initiatives for all first year and transfer undergraduate students. This includes *Relationship Remix*, an in-person educational program collaboratively presented by SAPAC, Wolverine Wellness, and First Year Experience. The program consists of small group (approximately 20 participants) workshops on relationships, sex, and decision making. Participants reflect upon personal values, discuss healthy relationships, and practice skills related to consent.

First-year undergraduate students also have the opportunity to participate in *Change It Up!* - an interactive bystander intervention program co-facilitated by students and Student Life professional staff. The program explores the impact of students' identities and experiences on their interactions, and aims to help participants develop the tools to safely and effectively intervene in situations that may be harmful.

All new and returning intercollegiate athletes, as well as coaches and training staff, marching band members, ROTC members, and Club Sports athletes and coaches receive annual in-person training that addresses Prohibited Conduct as well as hazing prevention and bystander intervention. This year, 521 returning student athletes who have already received this annual training attended presentations by Brenda Tracy, public speaker whose work centers on sexual violence prevention with an emphasis on student athlete engagement. All new fraternity and sorority members were also expected to attend in-person training on Prohibited Conduct, sexual violence prevention, hazing prevention, and bystander intervention. Additionally, 137 student leaders in Fraternity & Sorority Life organizations participated in a *Deeper Impact: Procedures Overview* training that was provided to presidents of such organizations, as well as Interfraternity Council chapter leaders.

The University continues to work with the surrounding community via *Raise the Bar*. Through this program, the University works in collaboration with community partners and with local bar owners to educate bar staff regarding sexual assault and bystander intervention. Through *Raise the Bar*, the University reaches beyond the campus community in its efforts to provide a safe and healthy environment for its students.

In addition to these efforts, there are a variety of in-person educational sessions conducted by OIE, Office of the General Counsel, DPSS, OSCR, SAPAC and others that are geared toward specific groups, for example, Residence Education staff, UHS care providers, and summer camp counselors.

The University is in the third year of its three-year, community education awareness campaign, *Support. Listen. Empower.*, which is designed to increase the university community's knowledge of campus resources and reporting options, promote bystander intervention, and encourage reporting of incidents to the University.

## **Conclusion**

We want to provide information that is helpful to the University of Michigan community. For more information, including definitions, resources, and a more detailed overview of the processes available under the Policy, or to report an incident of Prohibited Conduct, please visit: [studentsexualmisconductpolicy.umich.edu](http://studentsexualmisconductpolicy.umich.edu).

Finally, as noted above, we welcome any feedback on how we might make this document more helpful, easier to understand, or otherwise improve its content. Please provide any feedback to the Title IX Coordinator:

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Associate Vice Provost for Academic and Faculty Affairs  
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## Appendix A

	Type	Finding	Final Sanctions <sup>11</sup>	Appeal	Outcome of Appeal
<b>1</b>	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
<b>2</b>	Sexual assault (penetration)	Pending	Pending	Pending	Pending
<b>3</b>	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
<b>4</b>	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
<b>5</b>	Sexual assault (penetration)	Pending	Pending	Pending	Pending
<b>6</b>	Sexual assault (penetration)	Pending	Pending	Pending	Pending
<b>7</b>	Sexual assault (penetration)	Pending	Pending	Pending	Pending
<b>8</b>	Sexual assault (penetration)	Pending	Pending	Pending	Pending
<b>9</b>	Stalking	Violation	Disciplinary probation; no contact; academic separation; educational measures	None	Not applicable
	Sexual harassment	No violation		None	Not applicable
<b>10</b>	Stalking	Pending	Pending	Pending	Pending
	Sexual harassment	Pending	Pending	Pending	Pending
<b>11</b>	Intimate partner violence	Violation	Suspension; disciplinary probation; no contact; housing restriction; employment restriction; educational measures	None	Not applicable
<b>12</b>	Sexual harassment	No violation	Not applicable	None	Not applicable
<b>13</b>	Sexual harassment	No violation	Not applicable  (Training required)	Claimant appealed the finding	Finding upheld
<b>14</b>	Sexual harassment	Violation	Disciplinary probation; educational measures	None	Not applicable
<b>15</b>	Sexual harassment	Pending	Pending	Pending	Pending
<b>16</b>	Sexual harassment	Pending	Pending	Pending	Pending
<b>17</b>	Sexual harassment	Pending	Pending	Pending	Pending
<b>18</b>	Sexual harassment	Pending	Pending	Pending	Pending
<b>19</b>	Sexual harassment	No violation	Not applicable  (Training required)	None	Not applicable
<b>20</b>	Gender-based harassment	No violation	None	Not applicable	

<sup>11</sup> This data reflects the final sanctions imposed after both the sanctioning and appeals processes are complete.

## Appendix B

	<b>Type</b>	<b>Finding</b>	<b>Final Sanctions<sup>12</sup></b>	<b>Appeal</b>	<b>Outcome of Appeal</b>
<b>1</b>	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
	Stalking	No violation	Not applicable	None	Not applicable
	Sexual harassment	No violation	Not applicable	None	Not applicable
<b>2</b>	Sexual assault (penetration)	No violation	Not applicable	Claimant appealed the finding	Finding upheld
<b>3</b>	Sexual assault (penetration)	No violation	Not applicable	Claimant appealed the finding	Finding upheld
<b>4</b>	Sexual assault (penetration)	Violation	No contact; educational measures <sup>13</sup>	Respondent appealed the finding; Claimant appealed the sanctions	Finding upheld; Sanctions upheld
<b>5</b>	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
<b>6</b>	Sexual assault (penetration)	No violation	Not applicable	Claimant appealed the finding	Finding upheld
<b>7</b>	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
<b>8</b>	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
<b>9</b>	Sexual assault (penetration)	Closed without a finding at Claimant's request	Not applicable	None	Not applicable
<b>10</b>	Sexual assault (details unknown; Claimant did not participate in investigation)	No violation	Not applicable	None	Not applicable
<b>11</b>	Sexual assault (penetration)	Violation	None – Respondent was expelled related to another matter prior to the sanctioning process in this case	None	Not applicable
<b>12</b>	Sexual assault (penetration)	Violation	Disciplinary probation (until graduation); no contact; restriction on	Claimant appealed the sanctions	Sanctions upheld

<sup>12</sup> This data reflects the final sanctions imposed after both the sanctioning and appeals processes are complete.

<sup>13</sup> Respondent was no longer formally affiliated with the University of Michigan at the time sanctions were determined.

	Type	Finding	Final Sanctions <sup>12</sup> activities; educational measures	Appeal	Outcome of Appeal
13	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable
14	Sexual assault (no penetration)	Violation	Disciplinary probation/restriction on re-enrollment; employment restriction; no contact; extracurricular restriction; educational measures <sup>14</sup>	None	Not applicable
15	Sexual assault (no penetration)	Violation	No contact; educational measures	Claimant appealed the sanctions	Sanctions upheld
16	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable
17	Sexual assault (no penetration)	Violation	Expulsion; transcript notation; employment restriction; no contact	None	Not applicable
18	Sexual assault (no penetration)	Violation	Disciplinary probation; No contact; course/activity restriction; educational measures	Respondent appealed the finding	Finding upheld
19	Stalking  Sexual harassment	No violation  No violation	Not applicable (Respondent did complete sexual harassment training)  Not applicable	None	Not applicable
20	Stalking	Violation	Suspension (less than one year); disciplinary probation (greater than one year); no contact; educational measures	Respondent appealed the finding  Respondent appealed the sanctions	Finding upheld  Sanctions upheld
21	Stalking	Violation	Disciplinary probation; no contact; educational measures	Respondent appealed the sanctions	Sanctions upheld
22	Stalking	No violation	Not applicable	None	Not applicable
23	Stalking	Violation	Disciplinary probation (until graduation); no contact; employment restriction; educational measures	Respondent appealed the finding  Respondent appealed the sanctions	Finding upheld  Sanctions modified (decreased)

<sup>14</sup> Respondent was no longer formally affiliated with the University of Michigan at the time sanctions were determined.

	Type	Finding	Final Sanctions <sup>12</sup>	Appeal	Outcome of Appeal
<b>24</b>	Intimate partner violence	No violation	Not applicable	Claimant appealed the finding	Finding upheld
	Sexual harassment	No violation	Not applicable	Claimant appealed the finding	Finding upheld
<b>25</b>	Sexual harassment	No violation	Not applicable (Respondent did complete an educational measure)	None	Not applicable
<b>26</b>	Sexual harassment	No violation	Not applicable (Respondent did complete an educational measure)	None	Not applicable
<b>27</b>	Sexual harassment	No violation	Not applicable (Respondent did complete an educational measure)	None	Not applicable
<b>28</b>	Violation of interim measures	Violation	Suspension (until Claimant's graduation/disenrollment); No contact; educational measures	Respondent appealed the finding  Respondent appealed the sanctions	Finding upheld  Sanctions upheld