

**University of Michigan  
Student Sexual Misconduct Annual Report  
July 2014 - June 2015**



**Office for Institutional Equity  
January 21, 2016**



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To Members of the University of Michigan Community:

As the University's Title IX Coordinator, I am pleased to provide the Office for Institutional Equity's (OIE) second annual report regarding sexual misconduct issues that have been addressed by the University from July 1, 2014 through June 30, 2015.

Working closely with our campus partners, OIE and the Office of Student Conflict Resolution (OSCR) have continued to take a variety of steps to effectively address sexual misconduct issues involving student Respondents and others covered under [The University of Michigan Policy on Sexual Misconduct by Students](#).

As with OIE's previous report, this report and accompanying data are intended to provide insight into the number of complaints addressed by the University, and the process by which complaints are handled. We continue to be mindful of our responsibility to balance the educational benefit of sharing as much as appropriate about these matters, while at the same time respecting the privacy of those involved. We want this report to be useful to you. To that end, we have included in Appendix B an update as to investigations that were included in last year's report, as some cases were involved in pending appeals and/or sanctioning processes at the time the data was collected. We will continue to provide such an appendix in future reports.

We note that the number of incidents reported to OIE this year (172) is higher than last year (129). We believe that this increase is the result of enhanced awareness on campus of these issues and how to report concerns. As such, we are encouraged that the University's education efforts, discussed in more detail on pages 18-19 are positively impacting students, faculty, and staff.

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

Sincerely,

Anthony Walesby  
Associate Vice Provost for Academic and Faculty Affairs  
and Sr. Director, Office for Institutional Equity  
Title IX Coordinator

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## Introduction

The University's [\*Policy on Sexual Misconduct by Students\*](#) ("Policy") provides information regarding the process under which the University will proceed once it is made aware of sexual misconduct concerns, as well as the University's prevention and education efforts related to sexual misconduct by students. To ensure that the campus community has timely and relevant information about the University's efforts and actions concerning sexual misconduct, the Policy provides that the Title IX Coordinator will issue an annual report about the University's response to reports of sexual misconduct by students.

This is the second annual report under the Policy, and it provides data covering the period from July 1, 2014 to June 30, 2015.<sup>1</sup> As with our first annual report, which can be found [here](#), we have tried to provide useful information in an accessible format; however, we continue to welcome your feedback in order to make this document more helpful, easier to understand, or otherwise improve its contents. Please provide any feedback to the Title IX Coordinator:

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

### I. What is Sexual Misconduct?

Sexual misconduct encompasses a wide variety of behavior, from making unwanted sexual comments to rape. Whether certain behavior constitutes sexual misconduct depends greatly upon the circumstances surrounding the behavior. This report contains data about every student sexual misconduct concern reported to the Office for Institutional Equity (OIE) during the past year. In an effort to make this report more useful to our community, the data is in many instances separated into subgroups, such as those sexual misconduct reports that did not include concerns about touching; those that raised concerns about touching, but not penetration (e.g., groping, etc.); and those that raised concerns about penetration (e.g., oral, anal or vaginal).

To read the definition of sexual misconduct as set forth in the Policy, please [click here](#).

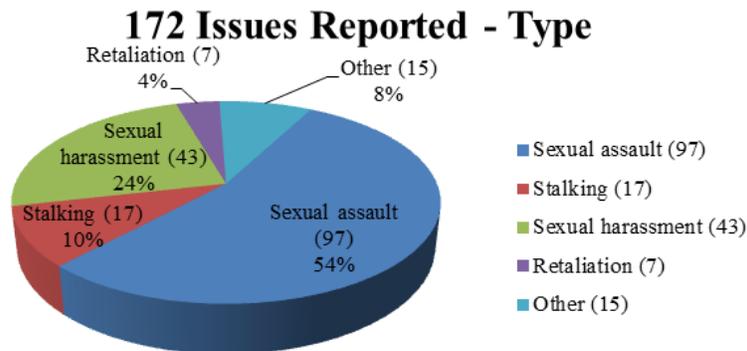
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<sup>1</sup> We note that the final data set contained in this report was compiled on October 1, 2015. Therefore, the documented status of each case is its status as of October 1, 2015. The report issued in 2016 will include an update as to the conclusion of cases not completed as of October 1, 2015. For updated information regarding investigations that were included in the first annual report, covering the period between July 1, 2013 and June 30, 2014, please see Appendix B. We further note that the data contained in this document refer to incidents made known to the Office for Institutional Equity between July 1, 2014 and June 30, 2015, regardless of when the incidents are alleged to have occurred.

## II. The Number of Reports of Sexual Misconduct

The University encourages every member of its campus community to report sexual misconduct. This year, OIE received 172 reports of sexual misconduct.<sup>2</sup> A report can be made by a person who experienced sexual misconduct, who witnessed it, who has heard about it, or who otherwise has knowledge of possible sexual misconduct. 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 sexual misconduct concern, including a report directly to the Title IX Coordinator or [on-line via the University's public reporting mechanism](#).

During the past reporting year, from July 1, 2014 through June 30, 2015, 172 incidents were reported to OIE via these various mechanisms, compared to 129 incidents reported during the previous year.<sup>3</sup> Of these 172 reports received by OIE, as noted in the chart below, just over half were concerns about sexual assault,<sup>4</sup> followed by approximately one quarter that involved concerns about sexual harassment.



Compared to the reports received between July 1, 2013 and June 30, 2014, the incidents reported this year included an increase in the number of reported sexual assault, sexual harassment,

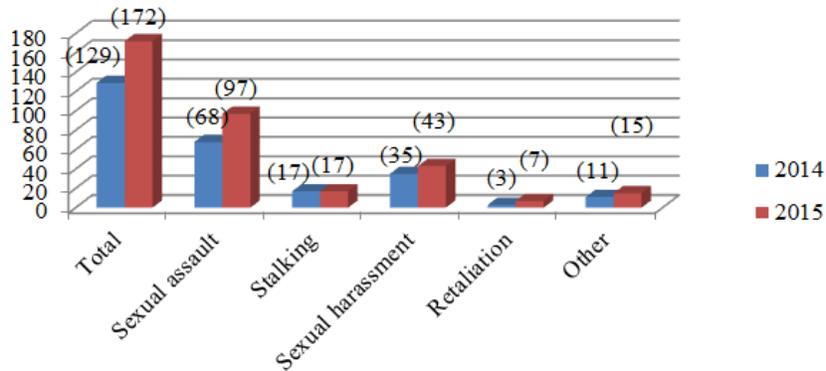
<sup>2</sup> Since a single report of sexual misconduct may raise concerns about multiple potential violations of the Policy (e.g., a report of sexual assault accompanied by stalking behavior), the 172 reports involved 179 potential policy violations.

<sup>3</sup> It is important to note that this report reflects the total number of sexual misconduct concerns that were reported to OIE during the relevant time period, and is likely to differ from the numbers of reported incidents of rape, forcible fondling, and stalking 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 reported 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 encompasses different time periods (i.e., this report encompasses the 2015 fiscal year while the recently released Annual Security Report reflects the 2014 calendar year).

<sup>4</sup> As defined in the policy, sexual assault is "unwanted or unwelcome touching of a sexual nature, including hugging, kissing, fondling, oral sex, anal or vaginal intercourse, or other physical sexual activity that occurs without valid consent."

retaliation, and other incidents, while the number of reported stalking incidents remained the same. We believe that one reason for the increase in reported incidents is a reflection of extensive education efforts and increased awareness of sexual misconduct matters, including what constitutes sexual misconduct and how to report concerns.

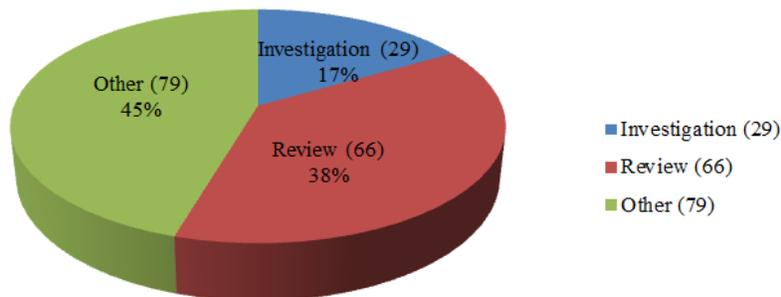
### Annual Comparison of Issues Reported - Type



### III. How the Sexual Misconduct Reports Were Addressed

OIE followed up on all 172 reports to determine appropriate next steps. Of those 172 reported incidents, as discussed more fully below, 78 were determined not to fall within the scope of the Policy, one was addressed within a separate investigation that was ongoing at the time the concerns were reported, 66 were brought to the Review Panel as provided for in the Policy, and 29 were investigated.<sup>5</sup>

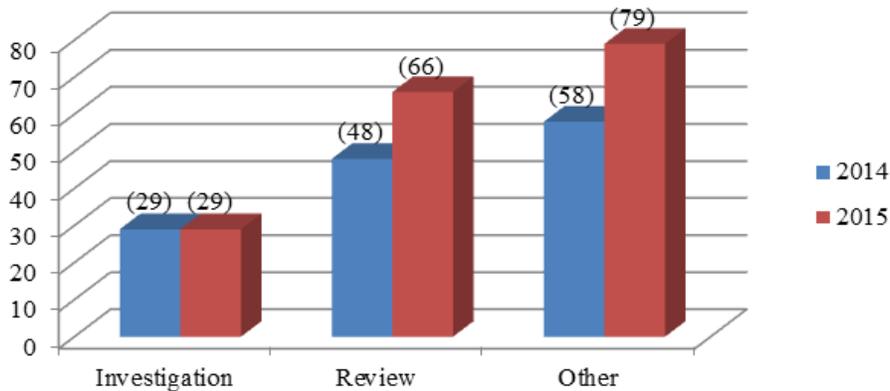
### 172 Issues Reported - Response



<sup>5</sup> We recognize that this chart reflects 174, rather than 172, responses to reported concerns. This is because, as discussed in more detail below, two cases were both considered by the Review Panel and ultimately investigated, and in order to accurately reflect the number of cases considered by the Review Panel and the number of cases investigated, those two cases are included in both categories.

In comparison to the previous year, the number of investigations remained the same,<sup>6</sup> while the number of cases considered by the review panel increased, as did the number of cases in which the University addressed the concerns in some other manner.

### Annual Comparison of Responses to Reported Issues



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 sexual misconduct may include: (1) the provision of confidential support and other resources; (2) interim measures, including but not limited to separation of the Complainant’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 sexual misconduct concerns are: (1) how much information is available (e.g., whether the Respondent can be identified) and (2) whether the Complainant (if the Complainant’s identity is known)<sup>7</sup> is willing to be involved in an investigation and/or identified as having come forward with a complaint. For example, a Complainant may report that s/h/ze was sexually assaulted, but may not – or may not be able to – provide the University with the name of the person who assaulted him/her/zir or other identifying information at that time. OIE follows up with the Complainant to try 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. In such an instance, the University would offer resources and support to the Complainant, including interim measures (see below). The University would also

<sup>6</sup> As of the date that the data for last year’s report was compiled, 27 investigations had been opened; however, after the data was compiled, investigations were opened into two matters that were reported during the relevant time period. In both cases, the investigations were opened after additional evidence was received by OIE after June 30, 2014. More information regarding these investigations is contained in Appendix B.

<sup>7</sup> OIE often receives complaints about incidents from third parties who sometimes are unable or unwilling to identify the parties involved.

ensure the Complainant is aware that s/h/ze may come forward with details at a later date, at which time the University will take further action as appropriate. If the matter involves possible criminal activity, OIE would also report it to the University of Michigan Police Department (UMPD).

The following is a discussion of the various responses taken by the University in response to each of the 172 sexual misconduct reports.

#### **a. Interim Measures/Resources**

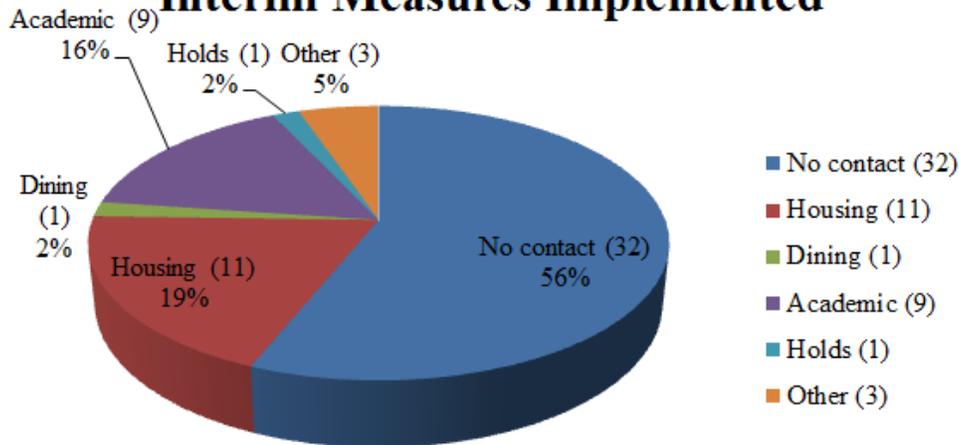
One of the first steps the University takes when a sexual misconduct concern is raised is to offer the Complainant (and, subsequently, the Respondent) resources and support. Complainants are offered support through the Sexual Assault Prevention and Awareness Center (SAPAC), while Respondents are offered support through the Respondent Support Program. 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, which means that disclosures of sexual misconduct made to these offices are not reported to OIE; however, these offices can assist students who wish to report sexual misconduct concerns in doing so. Other offices may be obligated to report any concerns of sexual misconduct to the Title IX Coordinator.

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 various offices on campus. Examples of interim measures include safety escorts, “no contact” directives, changes to academic schedules, changes to housing arrangements, interim suspension, etc. Interim measures are offered when sexual misconduct is brought to OIE’s attention, regardless of whether the Complainant wants to file a complaint with OIE and/or report the matter to the police. Interim measures are determined on a case-by-case basis, depending upon the needs of the parties involved and the nature of the sexual misconduct concerns. Consistent with federal guidance, interim measures are put in place with the least possible burden to the Complainant.

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 42 instances; in the remaining matters, interim measures were offered, but the offer was not accepted or interim measures were not necessary given the known circumstances.

In those 42 cases in which interim measures were put in place, the nature and type of interim measure varied. The specific interim measures 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 Complainant and the campus community. In several cases, more than one interim measure was put in place, resulting in a total number of 57 interim measures.

## Interim Measures Implemented



In 32 of the 42 cases where interim measures were implemented, the Respondent was instructed not to have contact with the Complainant.<sup>8</sup> In eleven cases, the University provided housing accommodations. Housing accommodations include actions such as relocating or removing a Respondent from housing,<sup>9</sup> providing emergency housing on or off campus, restricting a Respondent from a particular residence hall or area of a residence hall, etc. Dining accommodations also can be made, and this year such accommodations were provided in one case. Examples of dining accommodations include restricting use of a certain dining hall, either entirely or during certain hours, or providing a student with access to alternate dining accommodations.

In nine instances, academic accommodations were provided. Academic accommodations can include, but are not limited to, actions such as changing class schedules so that the parties are not in the same course, removing a Respondent from an academic program, changing a seating chart, or informing faculty that a student may need an extension for assignments or exams and/or may miss classes. In one instance, the University placed a hold on a Respondent’s record, which can affect, among other things, registration and the ability to obtain copies of transcripts without approval.<sup>10</sup> Other interim measures are also available and were implemented, such as separating parties within an extracurricular activity or placing conditions on a Respondent’s enrollment.

Finally, we note that there instances in which the University has provided interim measures and support to students but the data 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

<sup>8</sup> There are instances in which a no contact directive is not issued. This may occur, for example, when the Respondent is not affiliated with the University, his/her/zir identity is not known to the University, or a Complainant specifically requests anonymity and the directive cannot be issued without identifying the Complainant. In each matter that results in an investigation, the Respondent is directed not to have any contact with the Complainant.

<sup>9</sup> If the Complainant prefers, the Complainant will be relocated.

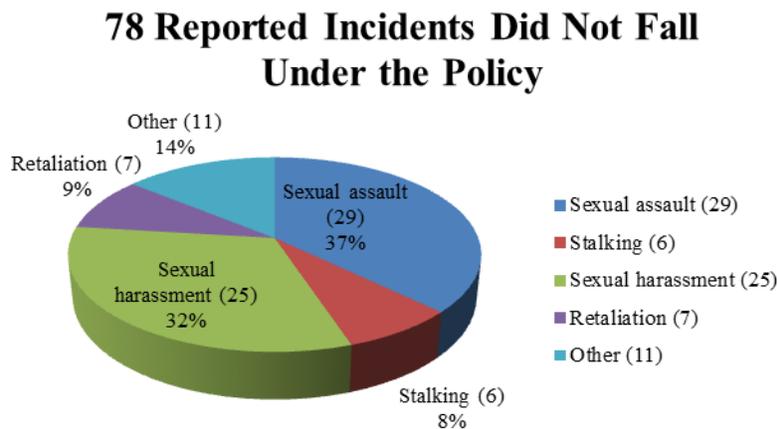
<sup>10</sup> Holds that are placed on a Respondent’s account during a period of temporary separation as a result of a finding of responsibility are not considered interim measures, but rather occur as part of the temporary separation sanction.

never report their concerns to OIE but only seek confidential assistance. In the meantime, SAPAC and/or other offices may assist the student with a wide variety of matters, such as academic accommodations, seeking a personal protection order, assistance and support 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 been provided that are not accounted for here.

**b. Reported Incidents that Did Not Fall Under the Policy**

In some instances, OIE receives reports of sexual misconduct that, upon review, are determined not to fall under the Policy. This year, of the 172 reported incidents, 78 were not within the scope of the Policy. For example, some reports involve behavior that, even if proven, would not constitute sexual misconduct. 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. In other cases the reported behavior was committed by an individual who is not affiliated with the University. For instance, a student may report a sexual assault that occurred while the student was traveling in another state by a person who has no association with the University. This student would still be offered resources and support through the University. Or, for 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 have not in fact experienced any unwelcome sexual conduct. Again, the student would be offered resources and support and encouraged to contact OIE if any unwanted conduct of a sexual nature were to occur in the future.

Of the 78 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.



Although these 78 incidents did not fall under the Policy, the University still encourages members of the campus community to report any potential sexual misconduct so that it may take steps 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. And, as with every sexual misconduct report, if the underlying behavior may constitute criminal activity, the matter is reported to UMPD.

### **c. Review Panel**

Some sexual misconduct reports immediately proceed to investigation, but there are instances when an investigation may not be possible (e.g., the Respondent's identity cannot be determined, etc.) or investigation is not wanted (e.g., a Complainant requests confidentiality or asks that the University not pursue the matter). In those instances where the Complainant declines to participate, requests confidentiality, and/or asks that the University not investigate the report, the matter is considered by a Review Panel consisting of University faculty and staff who can offer varying perspectives and advice to the Title IX Coordinator to determine the appropriate University response to the reported concerns. As noted in the Policy:

These panel members will represent the interests of the University, law enforcement, survivors of sexual misconduct, persons accused of sexual misconduct, and/or other offices as deemed necessary and appropriate under the circumstances.

The review panel is charged with balancing U-M's tradition of supporting survivor-centered practices with U-M's equally strong commitment to providing due process to the Respondent and promoting a safe community.

See Policy, [Decision to Proceed With Investigation](#), page 5.

The 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 and communicating that an investigation may occur at a later date if more information becomes available or the Complainant subsequently decides to participate in the investigation. Finally, even if no investigation ensues, alleged conduct that could be criminal in nature is reported to UMPD.

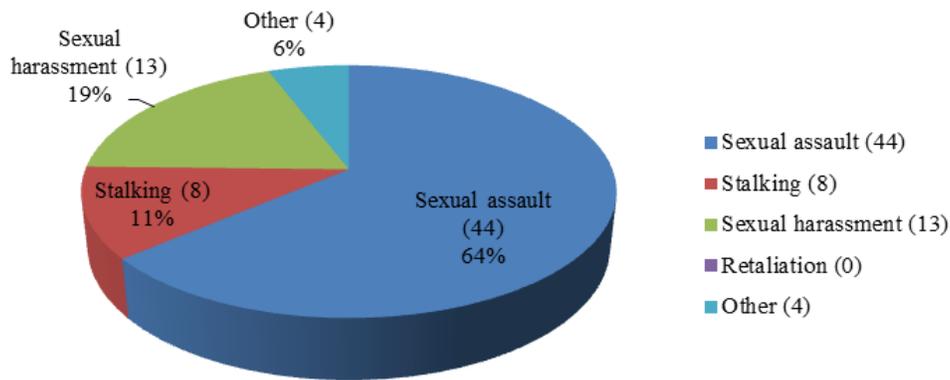
During the past year, of the 94 sexual misconduct reports that fell under the Policy,<sup>11</sup> 66 were considered by the Review Panel. As shown in the following chart, the majority of cases considered by the Review Panel involved reported sexual assault:<sup>12</sup>

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<sup>11</sup> As described above, 78 of the 172 reported matters fell outside the scope of the Policy, leaving 94 reports that did fall under the Policy.

<sup>12</sup> As noted above, because some reported concerns may involve multiple types of allegations, the 66 cases considered by the Review Panel involved a total of 69 reported allegations.

## Review Panel Cases (66)



After considering these 66 cases and receiving information and advice from the Review Panel, the Title IX Coordinator made the following decisions:

- 55 cases were “closed.” This may have occurred for a variety of reasons. For example, the Complainant may not have been able to (or may have chosen not to) identify the Respondent, or there may not have been compelling justification to override the Complainant’s request that the matter not be investigated. Each case was considered separately, and in all instances the Complainant, if known, was offered resources and support, including interim measures. Complainants were also informed that they may come forward to participate in an investigation at a later time if they wish. If the report involved possible criminal behavior, UMPD was notified.
- In one instance, additional information was sought and received, which allowed the case to proceed to an investigation. This report involved allegations of criminal behavior, and UMPD was notified.
- In another instance, one case was closed after the Review Panel’s consideration of the Complainant’s request not to proceed with an investigation, but an investigation was subsequently opened at the Complainant’s request. UMPD was notified of alleged criminal conduct involved in this report.
- In nine instances in which the Complainant did not wish for an investigation to take place, other action was taken to address the underlying concerns. Examples of other action may include educational measures, seeking additional information from other University offices or potential witnesses, and informal resolution. Complainants, and Respondents where applicable, were offered interim measures and other resources and support. If the report involved possible criminal behavior, UMPD was notified.

#### **d. Informal Resolution**

The Policy provides that in some limited circumstances (and never when sexual assault is reported to have occurred) voluntary informal resolution may be an appropriate means of addressing sexual misconduct concerns. All requests for voluntary informal resolution under the Policy must be approved by the Title IX Coordinator.

During the past year, of the 94 reported incidents that fell within the scope of the Policy, none proceeded to informal resolution to resolve the complaint or in lieu of an investigation. It is, however, noted that in some cases, following an investigation or other resolution of the complaint, parties may request to participate in informal 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, this occurred in one case.

#### **e. Investigations**

As noted throughout this report, the University considers each case, and takes appropriate actions, including offering confidential support and resources and/or interim measures, and notifying UMPD of possible criminal activity. However, whether an investigation can ensue depends on the available information and consideration of each individual Complainant'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. Of the 94 reported incidents of sexual misconduct that fell under the Policy, there was sufficient information to conduct 29 investigations. Twenty-seven immediately proceeded to investigation, and another one proceeded to investigation after consideration through the Review Panel process discussed above. An additional case that was considered by the Review Panel and closed at the Complainant's request ultimately proceeded to investigation when the Complainant subsequently requested an investigation. 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 and that action was not taken.

Of the 29 investigations undertaken during the past year, 25 concerned allegations of sexual assault.<sup>13</sup> Sexual assault encompasses a broad spectrum of behavior that includes any form of unwanted sexual touching. Specifically, as noted earlier in this report, the Policy defines sexual assault as:

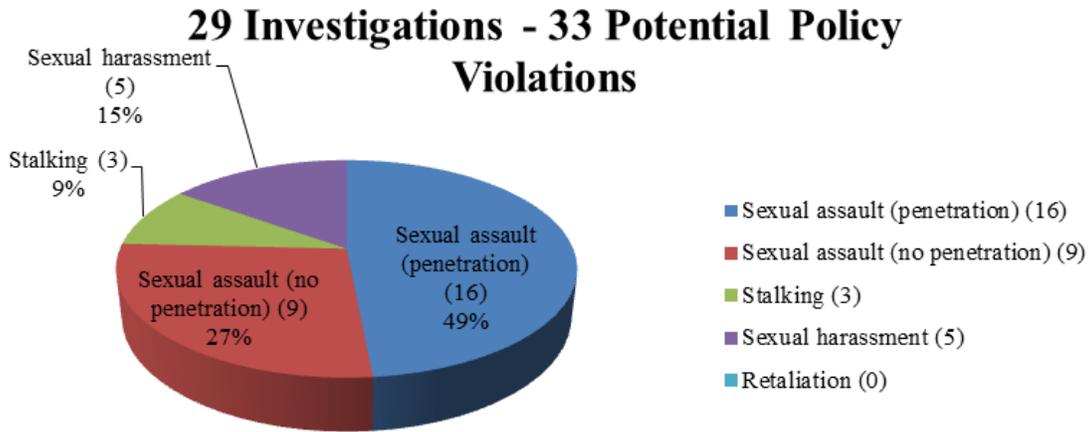
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<sup>13</sup> Four of the investigations that involved allegations of sexual assault also involved allegations of other types of sexual misconduct (e.g., sexual harassment, stalking).

Unwanted or unwelcome touching of a sexual nature, including hugging, kissing, fondling, oral sex, anal or vaginal intercourse, or other physical sexual activity that occurs without valid consent.

To best help the reader understand the nature and scope of the issues being investigated by OIE, we have subdivided the sexual assault investigations into two categories: those that involve penetration (oral, anal, or vaginal) and those that involve unwanted touching, but no penetration.

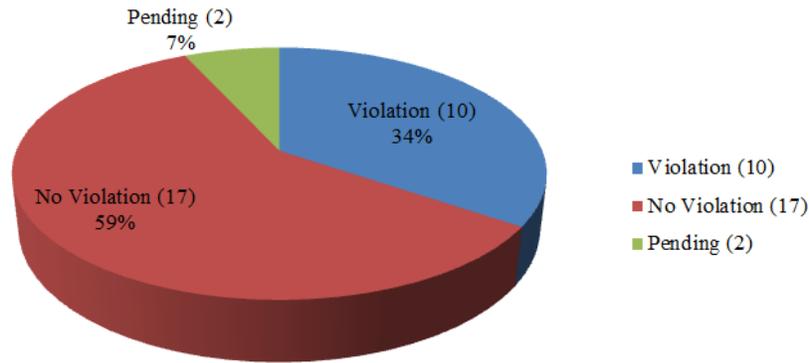
Again, a single investigation may involve allegations of more than one type of sexual misconduct. As such, within the 29 investigations, OIE investigated 33 potential policy violations (sixteen sexual assault with penetration, nine sexual assault without penetration, five sexual harassment, and three stalking).



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 offered in opposition to it.

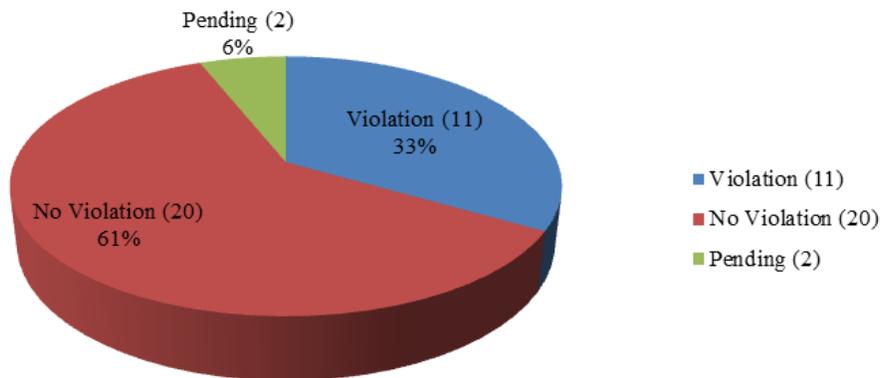
Of the 29 investigations, two (7%) were pending as of October 1, 2015. Approximately 34% (10 cases) resulted in a finding that the preponderance of the evidence supported a conclusion that the Policy had been violated; and in approximately 59% (17 cases) the evidence did not support that finding.

### 29 Investigations - Findings



As mentioned above, in some of the 29 cases, there were multiple allegations of potential policy violations. When looking at each of the 33 potential policy violations separately, versus looking at the 29 cases as a whole, there were twenty findings that the policy was not violated, eleven findings that it was violated, and two findings pending as of October 1, 2015.

### 33 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. Rather, this outcome can have a variety of bases, such as that there is insufficient evidence to support a conclusion that the behavior occurred; that there is sufficient evidence to conclude that the behavior occurred, but it was not sufficiently severe, persistent, or pervasive to constitute sexual misconduct; or that the conduct occurred but there may not be sufficient evidence to conclude that the Respondent knew

or reasonably should have known that the conduct was unwelcome to the Complainant. 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 handles the sanctioning and appeals processes.

#### **IV. Sanctions**

When a Respondent is found to have violated the Policy, the University takes action designed to eliminate the sexual misconduct, prevent its recurrence, and remedy its effects. Complainants and Respondents have an opportunity to provide input regarding the sanctions they feel will most appropriately serve those objectives. During the sanctioning process, a Respondent who has been found responsible has the opportunity to voluntarily accept sanctions proposed by the University or to challenge the proposed sanctions, in which case sanctions are involuntarily imposed.

As noted above, in the past year there were ten cases, representing a total of eleven Policy violations,<sup>14</sup> in which a Respondent was found to have violated the Policy. As of October 1, 2015, sanctions were issued in seven of those cases and were pending in three. Sanctions may be pending because the sanctioning and/or appeals process is not yet complete.

The University generally imposes multiple sanctions on a Respondent who is found responsible for violating the Policy. As such, while sanctions have been imposed in the seven cases where the sanctioning and/or appeals processes are complete, more than seven particular sanctions have been issued. The charts below demonstrate the types of sanctions that have been implemented and how many times each has been used, but they do not illustrate the various combinations of sanctions that have been implemented with respect to each particular case. For a more detailed chart that demonstrates the specific combination of sanctions issued in each of the seven cases, please see Appendix A.<sup>15</sup>

It is important to note that the charts below represent the sanctions imposed this year as of the date the data for this report were collected, and do not necessarily represent the full range of sanctions available when a student is found responsible for engaging in sexual misconduct. For example, additional sanctions that may be imposed could include, but are not limited to: notification to another educational institution, such as when a Respondent elects to transfer from the University of Michigan; or restriction on involvement in specific courses or programs.

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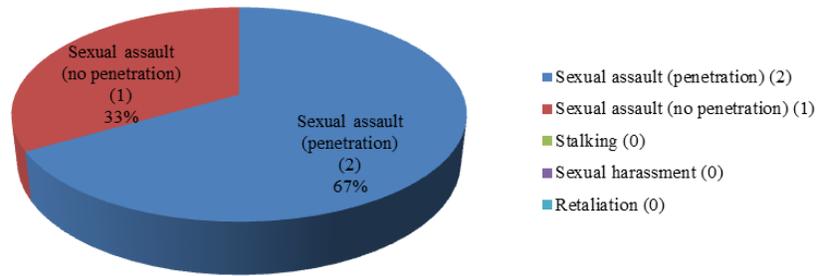
<sup>14</sup> In one case, a Respondent was found responsible for engaging in two types of conduct prohibited under the Policy. For more detailed information about the investigations, please see Appendix A.

<sup>15</sup> As noted above, next year's annual report will include an update containing complete information for the cases in which the investigation, sanctions, and/or appeals were pending as of October 1, 2015.

### a. Permanent Separation

A permanent separation is a sanction that prohibits the Respondent from ever enrolling in coursework or participating in University programs at any time. This year, three students who were found to have engaged in sexual assault (two with penetration and one without) were permanently separated from the University. This year, all three of the permanent separations imposed as of October 1, 2015 were voluntarily accepted by the Respondents.

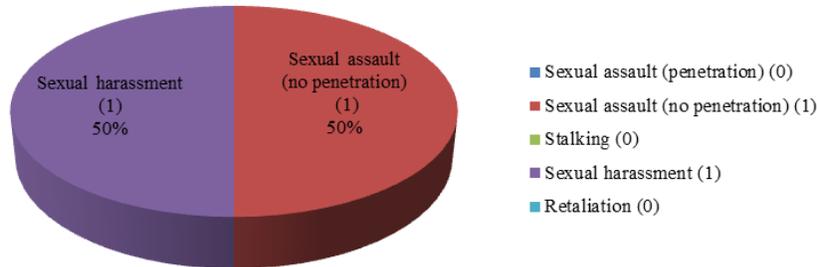
#### 3 Permanent Separations



### b. Temporary Separation

A temporary separation is a period of time during which the Respondent is unable to enroll in classes or participate in University programs. As of October 1, 2015, two temporary separations were imposed, both for one year or less.<sup>16</sup> One of these cases involved sexual assault without penetration and the other involved sexual harassment. In one case, the Respondent voluntarily accepted the temporary separation and other sanctions, while in the other, the sanctions, including separation, were imposed without the Respondent's agreement.

#### 2 Temporary Separations of One Year or Less



In general, in cases in which a temporary separation is imposed, the Respondent may also be subject to a period of disciplinary probation upon returning to the University, and required to

<sup>16</sup> For purposes of this report, the length of the separation period is measured by calendar year rather than academic year.

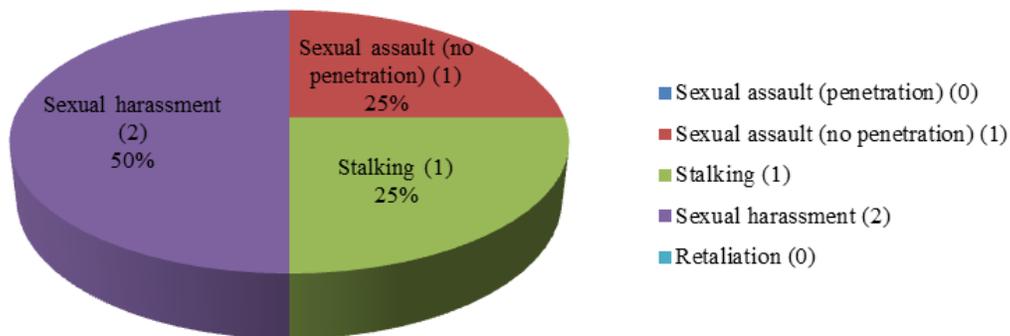
complete other sanctions, including educational measures. Typically, a Respondent who is temporarily separated from the University also must complete the educational measures and meet with appropriate staff member(s) before the Respondent is approved to resume enrollment in classes.

### c. 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 in nature or not, will result in increased sanctions, up to expulsion. As noted above, 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, all four of the Respondents who were not permanently separated from the University were sanctioned with disciplinary probation, in addition to other sanctions. In two of these cases (one involving sexual assault without penetration and another involving stalking), disciplinary probation was imposed for a period of greater than one year, or was imposed until the Respondent graduates from the University. In two cases, disciplinary probation was imposed for a period of one year or less. Both of these cases involved sexual harassment.

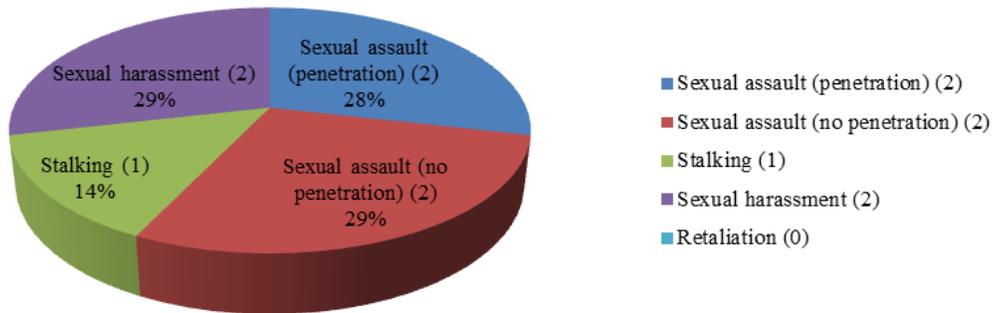
### 4 Disciplinary Probation Sanctions



#### d. No Contact

Each of the Respondents found responsible for a violation of the Policy has been subject to a continuing requirement that they not have contact with the Complainant.

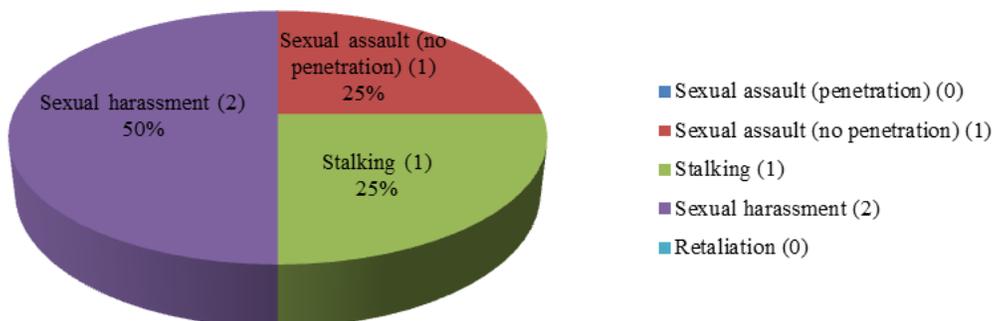
### 7 No Contact Sanctions



#### e. Educational Measures

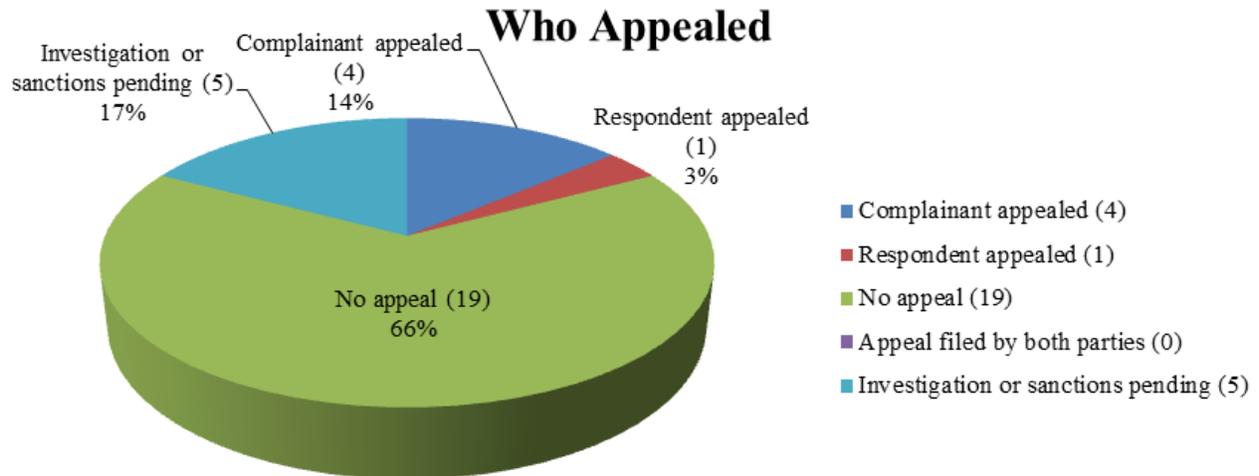
Educational measures are sanctions that involve the Respondent in a project, training, or other experience that is intended to prevent the recurrence of the same or similar conduct by educating the Respondent. For example, a student may be directed to engage in one-on-one sexual harassment training, complete required reading, or additional research and/or writing assignments. Typically, when the Respondent is still affiliated with the University, educational measures are added to other sanctions. This year, they were included as part of the sanctions in each of the four cases in which the Respondent remained a University student. It is noted that no student received only educational sanctions; rather, they received educational measures in addition to other sanctions.

### 4 Sanctions That Included Educational Measures

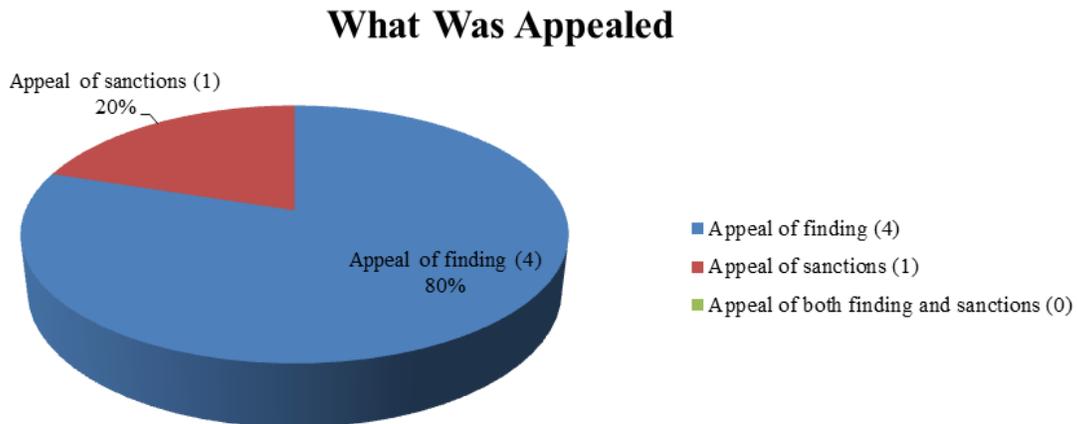


## V. Appeals

Both the Complainant 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. As shown in the following chart, five of the 29 investigations – a total of 17% – had resulted in an appeal as of October 1, 2015. Each appeal is considered by an Appeals Board. The Appeals Board then issues recommendations to the Vice President for Student Life, which the Vice President for Student Life may accept or modify.

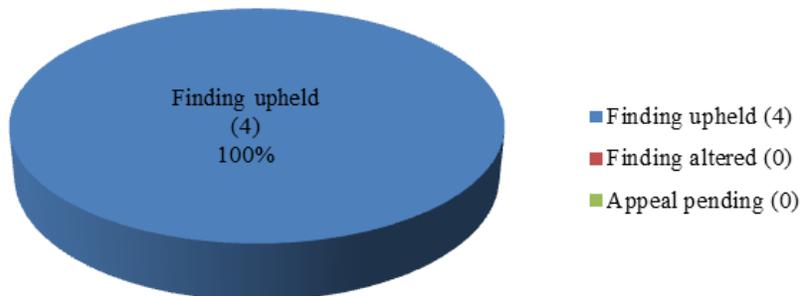


While a party can appeal both the finding and the sanctions, this did not occur in any cases this year; rather, in each of the five cases appealed, only the finding or the sanctions – not both – were appealed. Of the five appeals, as shown in the below chart, four were appeals of the finding of the investigation and one was an appeal of the sanctions.



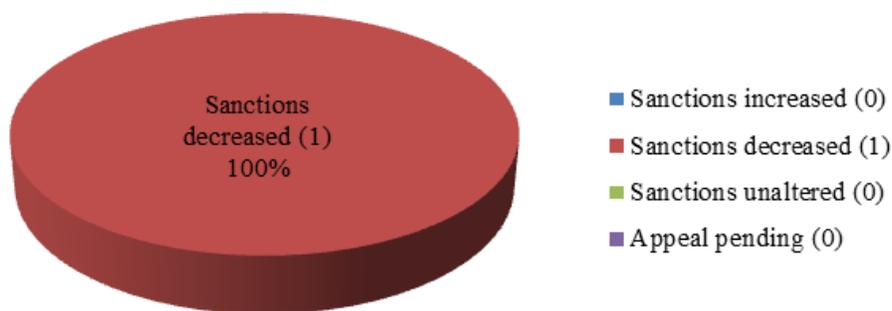
All four findings that were appealed this year were upheld.

## 4 Appeals of the Finding



The one appeal of the sanctions resulted in a decrease of the sanctions determined by the Resolution Officer.

## 1 Appeal of the Sanctions



## VI. Education and Prevention Measures

The University continues to focus on educational measures intended to prevent sexual misconduct. As such, incoming students are required to participate in *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 assault, as well as alcohol issues. Topics covered include common myths about sexual assault and rape, the definition of consent, the link between sexual assault and alcohol, and bystander intervention.

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 direct-talking sketch

regarding campus sexual assault. The sketch addresses myths around rape culture, men's response 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, every fall semester, all first-year students in the residence halls have the opportunity to attend *Relationship Remix*, an educational program presented by SAPAC and the University Health Service's Sexperteam. 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 Housing residents 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.

In the Fall of 2014, all graduate students were offered on-line training that focuses on sexual harassment, sexual assault, intimate partner violence, stalking, and bystander intervention. The University also offers this or similar programming to new and existing faculty and staff.

In addition to these efforts, there are a variety of in-person educational sessions that are focused to specific groups, such as student athletes and athletics administrators, housing staff, summer camp counselors, etc.

## **VII. Conclusion**

We hope that this information 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 sexual misconduct, 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 contents. Please provide any feedback to the Title IX Coordinator:

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1009 Greene Street, Ann Arbor, MI 48109-1432  
(734) 763-0235  
[institutional.equity@umich.edu](mailto:institutional.equity@umich.edu)

## Appendix A

	<b>Type</b>	<b>Finding</b>	<b>Final Sanctions</b> <sup>17</sup>	<b>Appeal</b>	<b>Outcome of Appeal</b>
<b>1</b>	Sexual assault (penetration)	No violation	Not applicable	Complainant appealed finding	Finding upheld
<b>2</b>	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
<b>3</b>	Sexual assault (penetration)	Violation	Permanent separation, no contact	None	Not applicable
<b>4</b>	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
<b>5</b>	Sexual assault (penetration)	Violation	Permanent separation, no contact	None	Not applicable
<b>6</b>	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
<b>7</b>	Sexual assault (penetration)	No violation	Not applicable	Complainant appealed finding	Finding upheld
<b>8</b>	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
	Stalking	No violation	Not applicable	None	Not applicable
<b>9</b>	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
<b>10</b>	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
<b>11</b>	Sexual assault (penetration)	No violation	Not applicable	Complainant appealed finding	Finding upheld
<b>12</b>	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
<b>13</b>	Sexual assault (penetration)	Violation	Pending	Pending	Pending
	Stalking	Violation	Pending	Pending	Pending
<b>14</b>	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
<b>15</b>	Sexual assault (penetration)	Pending	Pending	Pending	Pending
<b>16</b>	Sexual assault (penetration)	Pending	Pending	Pending	Pending
<b>17</b>	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable
<b>18</b>	Sexual assault (no penetration)	Violation	Temporary separation (one year or less), disciplinary probation (greater than one year), restriction from employment in specific UM division (greater than one year), no contact, educational measures	Respondent appealed sanctions	Sanctions modified (sanctions decreased)

<sup>17</sup> This data reflects the final sanctions imposed after both the sanctioning and appeals processes are complete.

	<b>Type</b>	<b>Finding</b>	<b>Final Sanctions<sup>17</sup></b>	<b>Appeal</b>	<b>Outcome of Appeal</b>
<b>19</b>	Sexual assault (no penetration)	No violation	Not applicable	Complainant appealed finding	Finding upheld
<b>20</b>	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable
<b>21</b>	Sexual assault (no penetration)	Violation	Permanent separation, no contact	None	Not applicable
<b>22</b>	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable
<b>23</b>	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable
<b>24</b>	Sexual assault (no penetration)	Violation	Pending	Pending	Pending
	Sexual harassment	No violation	Pending	Pending	Pending
<b>25</b>	Sexual assault (no penetration)	Violation	Pending	Pending	Pending
	Sexual harassment	No violation	Pending	Pending	Pending
<b>26</b>	Stalking	Violation	Disciplinary probation (greater than one year), no contact, educational measures	None	Not applicable
<b>27</b>	Sexual harassment	No violation	Not applicable	None	Not applicable
<b>28</b>	Sexual harassment	Violation	Disciplinary probation (one year or less), no contact, educational measures	None	Not applicable
<b>29</b>	Sexual harassment	Violation	Temporary separation (one year or less), disciplinary probation (one year or less), no contact, voluntary resignation from extracurricular organization, educational measures	None	Not applicable

## Appendix B

	<b>Type</b>	<b>Finding</b>	<b>Final Sanctions</b> <sup>18</sup>	<b>Appeal</b>	<b>Outcome of Appeal</b>
<b>1</b>	Sexual assault (penetration)	No violation	Not applicable	Complainant appealed finding	Finding upheld
	Sexual harassment	Violation	Separation (one year or less), disciplinary probation (greater than one year), no contact, educational measures	Complainant & Respondent appealed sanctions	Sanctions modified (sanctions increased)
<b>2</b>	Sexual assault (penetration)	No violation	Not applicable	Complainant appealed finding	Finding upheld
	Sexual harassment	Violation	Separation (one year or less), disciplinary probation (greater than one year), no contact, educational measures	Complainant & Respondent appealed sanctions	Sanctions modified (sanctions increased)
<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)	Violation	Permanent separation; no contact	None	Not applicable
	Stalking	No violation			
<b>6</b>	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
<b>7</b>	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable
<b>8</b>	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable
<b>9</b>	Sexual assault (no penetration)	Violation	Separation (greater than one year); disciplinary probation (until conclusion of enrollment); no contact (with course restrictions); educational measures	Respondent appealed the sanctions	Sanctions modified (sanctions increased)
<b>10</b>	Sexual assault (no penetration)	No violation	Not applicable	Complainant appealed the finding	Finding upheld; Respondent was provided with training
<b>11</b>	Sexual assault (no penetration)	Violation	Separation (one year or less); disciplinary probation (until conclusion of enrollment); no contact; educational measures	Respondent appealed the finding and sanctions	Finding upheld; sanctions modified (sanctions decreased)

<sup>18</sup> This data reflects the final sanctions imposed after both the sanctioning and appeals processes are complete.

	<b>Type</b>	<b>Finding</b>	<b>Final Sanctions<sup>18</sup></b>	<b>Appeal</b>	<b>Outcome of Appeal</b>
<b>12</b>	Sexual assault (no penetration)	Closed without finding; Policy not applicable	Not applicable	Not applicable	Not applicable
<b>13</b>	Sexual assault (no penetration)	Violation	Separation (less than one year); disciplinary probation (until conclusion of enrollment); no contact (with geographic restrictions); educational measures	Respondent appealed sanctions	Sanctions upheld
<b>14</b>	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable
	Sexual harassment	No violation	Not applicable	None	Not applicable
<b>15</b>	Sexual harassment	No violation	Not applicable	None	Not applicable
<b>16</b>	Sexual harassment	No violation	Not applicable	None	Not applicable
<b>17</b>	Sexual harassment	No violation	Not applicable	None	Not applicable
<b>18</b>	Sexual harassment	No violation	Not applicable	None	Not applicable
<b>19</b>	Sexual harassment	No violation	Not applicable	None	Not applicable
<b>20</b>	Sexual harassment	No violation	Not applicable	None	Not applicable
<b>21</b>	Sexual harassment	Violation	Disciplinary probation (greater than one year); no contact (with class restrictions), educational measures	None	Not applicable
<b>22</b>	Stalking	No violation	Not applicable	Complainant appealed the finding	Finding upheld
<b>23</b>	Stalking	Violation	Notification to current institution, no contact	None	Not applicable
<b>24</b>	Stalking	No violation	Not applicable	None	Not applicable
<b>25</b>	Stalking	Violation	Separation (less than one year), disciplinary probation (less than one year); no contact; educational measures	None	Not applicable
<b>26</b>	Sexual harassment	Violation	Permanent transcript notation; no contact; removal from specific courses/activities <sup>19</sup>	Complainant appealed sanctions	Finding upheld; Sanctions modified (duration of transcript notation increased; hold on diploma and transcript removed; duration activity removal extended; number and duration of review and evaluation meetings increased)
	Retaliation	Violation		Respondent appealed finding and sanctions	

<sup>19</sup> Where the Respondent is found responsible for multiple allegations, sanctions are implemented based on the collective violations.

	<b>Type</b>	<b>Finding</b>	<b>Final Sanctions<sup>18</sup></b>	<b>Appeal</b>	<b>Outcome of Appeal</b>
<b>27</b>	Stalking	Violation	Separation (greater than one year); disciplinary probation (greater than one year); no contact (with geographic restriction); educational measures	None	Not applicable
<b>28</b>	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable
<b>29</b>	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable