

**University of Michigan
Student Sexual Misconduct Annual Report
July 2015 - June 2016**



**Office for Institutional Equity
October 24, 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) third annual report regarding sexual misconduct issues that have been addressed by the University from July 1, 2015 through June 30, 2016.

During the period of time covered in this report, the University was engaged in the process of revising policies and procedures in order to best serve our campus community in effectively addressing these matters. Effective July 1, 2016, [The University of Michigan Policy & Procedures on Student Sexual & Gender-Based Misconduct & Other Forms of Interpersonal Violence](#) has replaced the [University of Michigan Policy on Sexual Misconduct by Students](#) as the policy under which the University takes a variety of steps to effectively address sexual misconduct issues involving students. This report, however, contains information about reports received and addressed under the Policy on Sexual Misconduct by Students in the past year.¹

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, and the process by which concerns are handled. 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,



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

¹ Under the new Policy, the University now uses the word "Claimant" to refer to the person reported to have experienced misconduct. Based on feedback received from the campus community, this change is reflected in this document and the word Claimant has replaced the word "Complainant" throughout this document although the word "Complainant" was used at the time.

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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 describing the University’s efforts to engage the community in education and prevention initiatives. OIE’s third annual report reflects actions taken under the University of Michigan Policy on Sexual Misconduct by Students in response to reports received by OIE between July 1, 2015 and June 30, 2016.²

The total number of reports received stayed roughly the same, with a decrease of about 9% percent from the previous year. Reports of sexual assault and stalking each decreased by approximately 18%, while reports of sexual harassment increased by approximately 14%. Reports of retaliation decreased by nearly ninety percent (from seven reports in 2015 to one report in 2016), and reports of “other” types of conduct (those that may be reported as sexual misconduct but do not fall within the scope of the Policy) increased by about twenty-seven percent.

These reports were addressed in similar ways to the actions taken in past years. OIE continues to investigate reports when appropriate and requested by the Claimant. Cases in which a Claimant chooses not to pursue an investigation are considered by a Review Panel before determining whether additional action will be taken. This year, the number and proportion of cases that were considered by the Review Panel increased (an increase of nearly 50% in terms of the proportion of total reports). At the same time, the number of cases in which an investigation was both requested and appropriate, decreased (by about 35% in terms of the proportion of total reports). In all cases, students are provided extensive information about the various options and resources available to them, in order to allow them to make sure or decline to make use of the resources as they may wish.

Within the eighteen investigations, four students were found to have violated the Policy during the 2016 fiscal year. Three of these students were subject to permanent separation or expulsion from the University. All three of the students who were ultimately removed from the University community were found to have engaged in sexual assault with penetration, and one of them was also found to have engaged in sexual harassment. The fourth student, who was found to have violated the Policy by engaging in sexual harassment, received a temporary separation from the University, in conjunction with disciplinary probation upon return, a prohibition against contacting the Claimant, and educational measures to be completed during the period of separation.

² The University of Michigan Policy on Sexual Misconduct by Students was in place during this time period, and was replaced by the University of Michigan Policy and Procedures on Student Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence.

The University continues to engage in extensive prevention and education efforts directed toward students, faculty, and staff related to these issues. New endeavors this year included the *Raise the Bar* program, in which local bar personnel receive bystander intervention training, and a multi-phase community education campaign titled *Support. Listen. Empower.*, designed to increase knowledge of campus resources and reporting options, as well as promote bystander intervention and encourage reporting of incidents to the University.

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 third annual report under the Policy, and it provides data covering the period from July 1, 2015 to June 30, 2016.³ As with our previous annual reports, which can be found [here](#), we have endeavored 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.

What is Sexual Misconduct?

Sexual misconduct encompasses a wide variety of behavior, from unwanted sexual comments to sexual assault. 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

³ We note that the data contained in this document refer to incidents made known to the Office for Institutional Equity between July 1, 2015 and June 30, 2016, 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 20, 2016. Therefore, the documented status of each case is its status as of July 20, 2016. This year, all OIE investigations originating from reports under this Policy during the covered time period were completed by July 20, 2016. For updated information regarding investigations that were included in the previous annual report, covering the period between July 1, 2014 and June 30, 2015, please see Appendix B.

an effort to make this report more useful to our community, the data has in many instances been 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).

The definition of sexual misconduct in effect during the relevant time period can be accessed [here](#).

The Number of Reports of Sexual Misconduct

The University encourages every member of its campus community to report sexual misconduct. This year, OIE received 157 reports of sexual misconduct.⁴ A report can be made by a person who has experienced sexual misconduct, who has 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 directly to the Title IX Coordinator or [on-line via the University's public reporting mechanism](#).

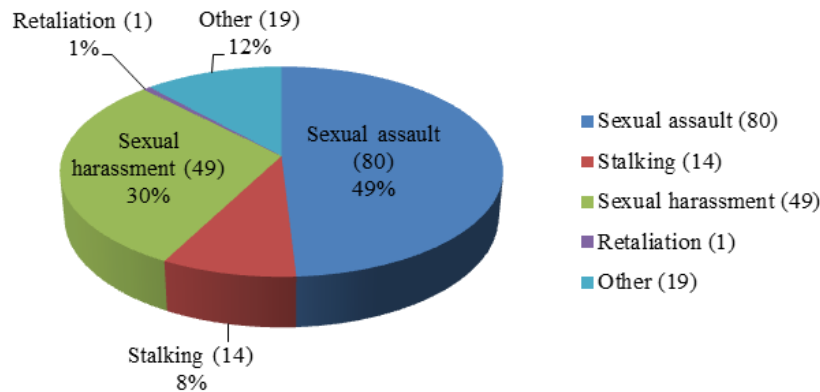
During the past reporting year, from July 1, 2015 through June 30, 2016, 157 incidents were reported to OIE via these various mechanisms, compared to 172 incidents reported during the previous year.⁵ Of these 157 reports received by OIE, as noted in the chart below, approximately half were concerns about sexual assault,⁶ followed by slightly under one third that involved concerns about sexual harassment.

⁴ 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 157 reports involved 163 potential policy violations.

⁵ 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 encompass different time periods (i.e., this report encompasses the 2016 fiscal year while the recently released Annual Security Report reflects the 2015 calendar year).

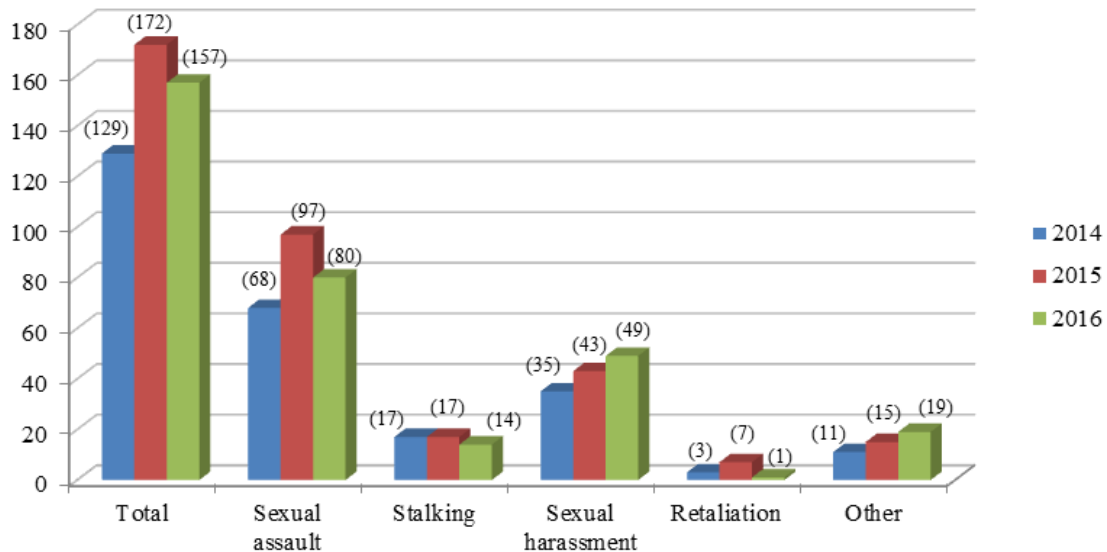
⁶ As defined in the policy in effect during this time period, sexual assault is "unwanted or unwelcome touching of a sexual nature, including hugging, kissing, fondling, oral sex, anal or vaginal intercourse, or other physical sexual activity that occurs without valid consent." The definition of sexual assault currently in use can be found [here](#).

157 Issues Reported - Type



Compared to the reports received in past years, the incidents reported this year included a decrease in the number of reported sexual assault, stalking, and retaliation incidents, while the number of reported sexual harassment and other incidents increased.⁷

Annual Comparison of Issues Reported - Type

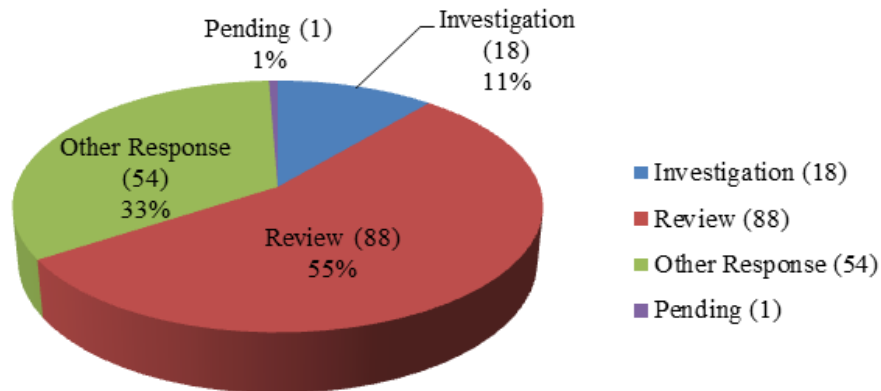


⁷ An allegation is characterized as “other” when the conduct is reported as involving sexual misconduct, but the nature of the reported conduct does not actually constitute sexual misconduct under the Policy. For example, intimate partner violence did not constitute sexual misconduct under the Policy during the time period addressed in this report, but sometimes may have been reported to OIE as sexual misconduct nonetheless. The response to such reports is addressed in the following section.

How the Sexual Misconduct Reports Were Addressed

OIE followed up on all 157 reports to determine appropriate next steps. As discussed more fully below, 18 reports were investigated, 88 were brought to the Review Panel, 53 were determined not to fall within the scope of the Policy, and 1 proceeded to an Informal Resolution process under the Policy. Finally, in one case, the Claimant requested more time to consider his/her/zir options, so the University's response is undetermined pending additional information from the Claimant. We recognize that this reflects 161, rather than 157, responses to reported concerns. 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, these two cases are included in both categories. Additionally, two cases that were investigated during the 2016 fiscal year had been reported during prior years and, as such, are not counted in the 157 reports received this year. In those two cases, the Claimants declined to pursue an investigation at the time that their respective concerns were reported, but requested an investigation during the 2016 fiscal year.⁸

157 Issues Reported - Response



In comparison to the previous year, the number of cases considered by the review panel increased, while the number of investigations decreased, as did the number of cases in which the University addressed the concerns in some other manner.

⁸ As noted above, the chart below includes information about two investigations that resulted from reports received in previous years, in which the respective Claimants elected not to participate in an investigation at the time of the report, but requested an investigation during the 2016 fiscal year. In order to provide complete information about the investigations OIE conducted into student sexual misconduct matters this year, these investigations are included in the chart below. It is, however, noted that this means that sixteen of the eighteen investigations were the result of reports received during this fiscal year, representing 10% of the student sexual misconduct reports received by OIE this year.

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 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 sexual misconduct 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)⁹ is willing to be involved in an investigation and/or identified as having come forward with a complaint. For example, a Claimant may report a sexual assault, but may not – or may not be able to – provide the University with the name of the person who assaulted the Claimant, or other identifying information at that time. OIE follows up with the Claimant 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. If the University cannot discern the identity of the Respondent, the University would offer resources and support to the Claimant, including interim measures (see below). The University would also ensure the Claimant is aware that they 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 provide all information known to OIE at that time to the University of Michigan Police Department (UMPD).

⁹ OIE often receives complaints about incidents from third parties who sometimes are unable or unwilling to identify the parties involved.

The following is a discussion of the various actions taken by the University in response to each of the 157 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 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, 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 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 numerous offices on campus.

Examples of interim measures include changes to academic schedules, changes to housing arrangements, safety escorts, “no contact” directives, interim suspension, etc. Interim measures are offered when sexual misconduct concerns are brought to OIE’s attention, and some, such as academic accommodations that do not impact another student, are available regardless of whether the Claimant wants to file a complaint with OIE and/or report the matter to the police.¹⁰ 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 implemented with the least possible burden to the Claimant.

We note that there are likely to be instances in which 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 wide variety of matters, 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

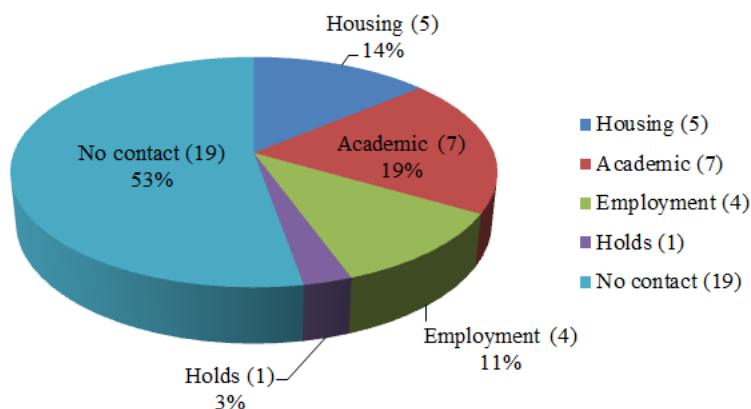
¹⁰ Under the University of Michigan Policy and Procedures on Student Sexual & Gender-Based Misconduct & Other Forms of Interpersonal Violence effective July 1, 2016, the University has clarified the distinction between supportive measures - those designed to address an individual student’s safety, well-being, and continued access to educational opportunities, and which are available regardless of whether the person who requests a supportive measure pursues an OIE or criminal investigation – and protective measures, which involve action against the Respondent by the University, and which are only available in connection with a University investigation.

accurately account for interim measures in this report, we recognize that additional measures have 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 26 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. For example, two students involved in a report of misconduct may not have any overlap in terms of their class schedule, employment, housing, or otherwise require separation or other accommodations.

In those 26 cases in which interim measures were used, 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 Claimant and the campus community. In several cases, more than one interim measure was implemented, resulting in a total number of 36 interim measures.

Interim Measures Implemented



In nineteen of the 26 cases where interim measures were implemented, the Respondent was instructed not to have contact with the Claimant.¹¹ In five cases, the University provided housing accommodations. Housing accommodations include actions such as relocating or removing a Respondent from housing,¹² providing emergency housing on or off campus, restricting a Respondent from a particular residence hall or area of a residence hall, etc.

In four cases, interim measures involved employment arrangements. Interim measures involving students' employment may include, for example, separating students' workspaces, or adjusting a student's schedule.

¹¹ 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, the Respondent's identity is not known to the University, or a Claimant specifically requests anonymity and the directive cannot be issued without identifying the Claimant. In each matter that results in an investigation, the Respondent is directed not to have any contact with the Claimant.

¹² If the Claimant prefers, the Claimant will be relocated.

In seven 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.¹³ 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.

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 157 reported incidents, 53 were not within the scope of the Policy. Some 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 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. In other cases the reported behavior, even if supported by evidence, would not constitute sexual misconduct 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.

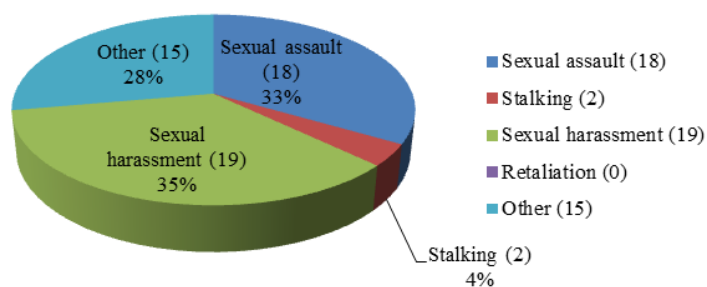
It is noted that in some cases this year, OIE received reports of intimate partner violence. Prior to July 1, 2016, such reports were addressed by OSCR under the *Statement of Student Rights and Responsibilities*. In the future, allegations of intimate partner violence involving student Respondents will be identified within this report based on the expanded scope of the Policy as effective July 1, 2016. Nonetheless, this is an example of conduct that fell outside the scope of this particular Policy during the relevant time period, and has thus been referred to other offices on campus.

Of the 53 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.¹⁴

¹³ 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.

¹⁴ As noted above, because some reported concerns may involve multiple types of allegations, the 53 cases that fell outside the scope of the Policy involved a total of 54 reported allegations.

53 Reported Incidents Did Not Fall Under the Policy



Although these 53 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 wanted (e.g., a Claimant requests confidentiality or asks that the University not pursue the matter). In those instances where the Claimant 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 have specific expertise such that they are able to 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, providing education and training to the Respondent, 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 UMPD.

While the University encourages reporting of these matters, we also recognize that individuals may have a wide range of reasons for choosing whether and when to pursue formal resolution of their concerns. Consistent with guidance from the U.S. Department of Education,¹⁵ 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 is guided in these determinations by consideration of factors identified by the U.S. Department of Education:

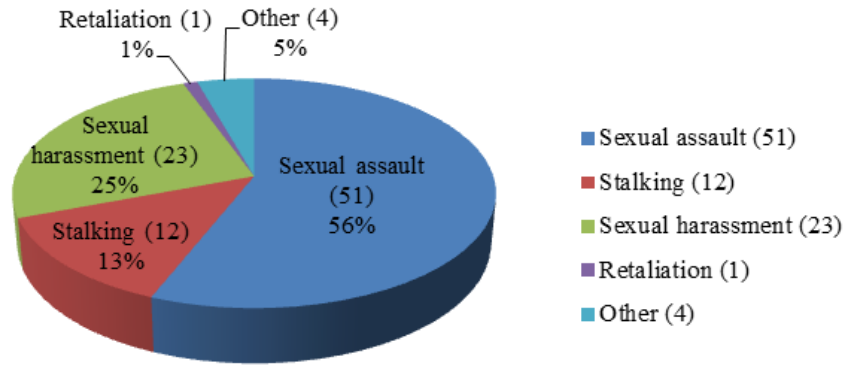
These factors include circumstances that suggest there is an increased risk of the alleged perpetrator committing additional acts of sexual violence or other violence (e.g., whether there have been other sexual violence complaints about the same alleged perpetrator, whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence, whether the alleged perpetrator threatened further sexual violence or other violence against the student or others, and whether the sexual violence was committed by multiple perpetrators). These factors also include circumstances that suggest there is an increased risk of future acts of sexual violence under similar circumstances (e.g., whether the student's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group). Other factors that should be considered in assessing a student's request for confidentiality include whether the sexual violence was perpetrated with a weapon; the age of the student subjected to the sexual violence; and whether the school possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

See April 29, 2014 Questions and Answers on Title IX and Sexual Violence, United States Department of Education Office for Civil Rights, Page 21.

¹⁵ See April 29, 2014 Questions and Answers on Title IX and Sexual Violence, United States Department of Education Office for Civil Rights, Page 21. "A school should take requests for confidentiality seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including the student who reported the sexual violence."

During the past year, of the 104 sexual misconduct reports that fell under the Policy,¹⁶ 88 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:¹⁷

88 Review Panel Cases



After considering these 88 cases and receiving information and advice from the Review Panel, the Title IX Coordinator made the following decisions:

- 77 cases were “closed.” 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 may not have been compelling justification to override the Claimant’s request that the matter not be investigated. 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 with an investigation at a later time if they wish. If the report involved possible criminal behavior, UMPD was notified.
- In two instances, the Title IX Coordinator determined that it was necessary to conduct an investigation based on the information the University received. In one of these cases, the Claimant ultimately decided to participate in the investigation. In the other, the Claimant decided to provide information as a witness, rather than as a Claimant. These reports involved allegations of criminal behavior, and UMPD was notified.
- In nine instances in which the Claimant did not wish for 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. Claimants, and Respondents where applicable, were offered interim measures and other resources and support. If the report involved possible criminal behavior, UMPD was notified.

¹⁶ As described above, 53 of the 157 reported matters fell outside the scope of the Policy, leaving 104 reports that did fall under the Policy.

¹⁷ As noted above, because some reported concerns may involve multiple types of allegations, the 88 cases considered by the Review Panel involved a total of 91 reported allegations.

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 104 reported incidents that fell within the scope of the Policy, one matter, involving allegations of sexual harassment, proceeded to voluntary informal 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 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, informal resolution was not used following a formal investigation in any instances.

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 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 eighteen investigations. Sixteen immediately proceeded to investigation, and another two 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.

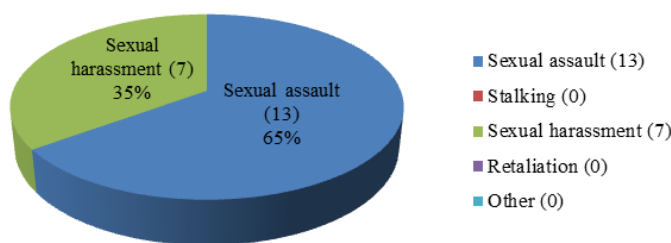
Of the eighteen investigations undertaken during the past year, twelve concerned allegations of sexual assault. Sexual assault encompasses a broad spectrum of behavior that includes any form of unwanted sexual touching. Specifically, as noted earlier in this report, the Policy defines sexual assault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

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 eighteen investigations, OIE investigated twenty potential policy violations (six sexual assault with penetration, seven sexual assault without penetration, and seven sexual harassment).¹⁸

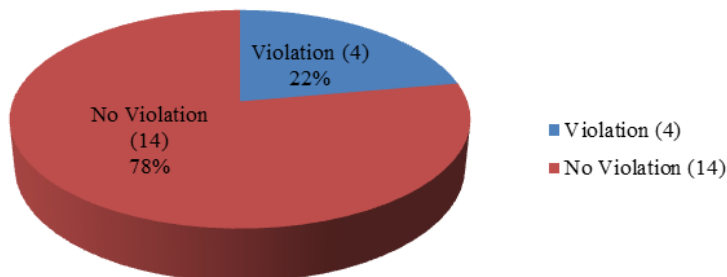
18 Investigations - 20 Potential Policy Violations



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 18 investigations, approximately 22% (4 cases) resulted in a finding that the preponderance of the evidence supported a conclusion that the Policy had been violated; and in approximately 78% (14 cases) the evidence did not support that finding.¹⁹

18 Investigations - Findings

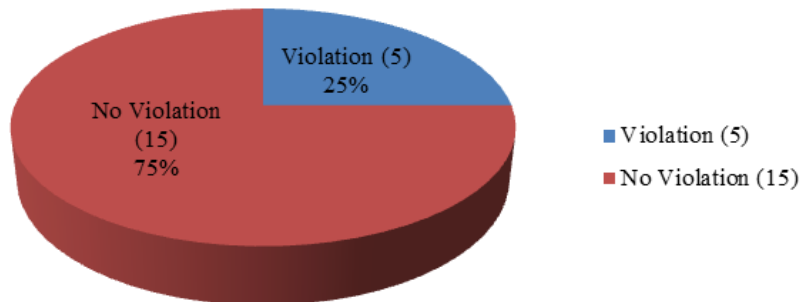


¹⁸ One of the investigations that involved allegations of sexual assault also involved allegations of other types of sexual misconduct (e.g., sexual harassment). Another involved two separate reported incidents of sexual assault.

¹⁹ This section of the report pertains to the findings resulting from the OIE investigation, as distinct from any final outcome following appeals.

As mentioned above, in two of the eighteen cases, there were allegations of multiple potential policy violations at issue within each of the two investigations. When looking at each of the twenty potential policy violations separately, versus looking at the eighteen cases as a whole, there were fifteen findings that the policy was not violated, and five findings that it was violated.

20 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. 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 insufficient evidence to conclude that the Respondent knew or reasonably should have known that the conduct was unwelcome to the Claimant. This outcome also may occur when there is sufficient evidence to conclude that the behavior occurred, but it was not sufficiently severe, persistent, or pervasive to constitute sexual misconduct. 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.

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. Claimants 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 four cases, representing a total of five Policy violations,²⁰ in which a Respondent was found to have violated the Policy.

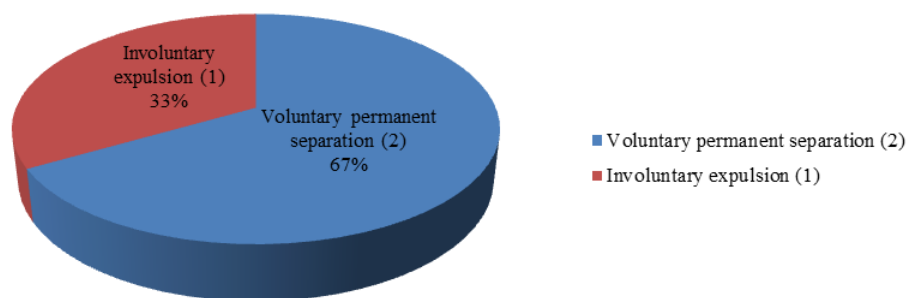
The University generally imposes multiple sanctions on a Respondent who is found responsible for violating the Policy. As such, while sanctions have been imposed in the four cases where a Respondent was found to have engaged in misconduct under the Policy, more than four particular sanctions have been 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 four cases, please see Appendix A.

It is important to note that the charts below represent the sanctions imposed this year alone, 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.

a. Permanent Separation/Expulsion

A permanent separation or expulsion is a sanction that prohibits the Respondent from ever enrolling in coursework or participating in University programs at any time. This year, three students were permanently separated from the University. One of these students, who was found responsible for engaging in both sexual assault with penetration and sexual harassment, was involuntarily expelled from the University.²¹ Two students, who were each found responsible for engaging in sexual assault with penetration, voluntarily accepted the sanction of permanent separation.

3 Permanent Separations/Expulsions



²⁰ 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.

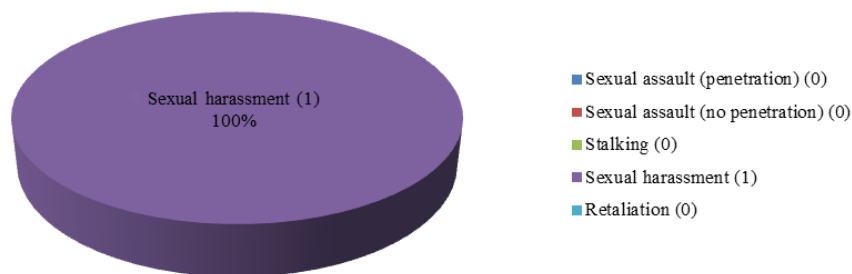
²¹ An involuntary expulsion also results in a permanent transcript notation indicating a disciplinary expulsion.

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. This year, one temporary separation of a year or less was imposed.²² This case involved sexual harassment and the Respondent voluntarily accepted the temporary separation and other sanctions.

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 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.

1 Temporary Separation



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, the one Respondent who was not permanently separated from the University was sanctioned with disciplinary probation, in addition to other sanctions. In this case, which involved sexual harassment, disciplinary probation was imposed for a period of greater than one year, or was imposed until the Respondent graduates from the University.

²² For purposes of this report, the length of the separation period is measured by calendar year rather than academic year.

d. No Contact Sanction

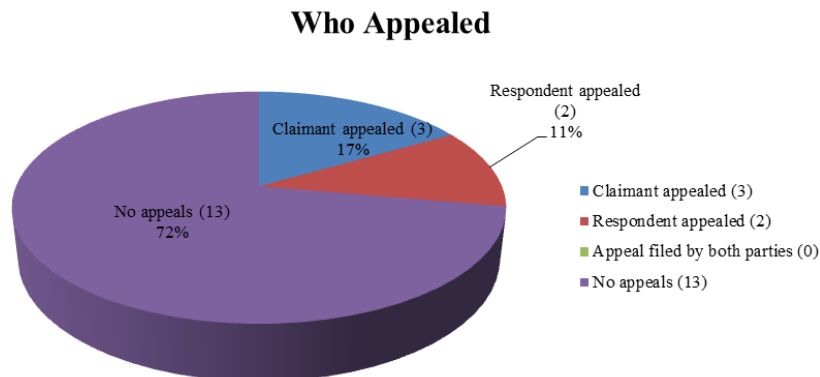
The Respondent who was not permanently separated from the University is subject to a continuing requirement that s/h/ze not have contact with the Claimant, as are the two Respondents who voluntarily accepted permanent separation. A no contact sanction is typically included in all cases where a Respondent is found to have violated the Policy, but may not be necessary or included where the Respondent is already prohibited from contacting the Claimant, for example, if a Personal Protection Order or other restraining order is in place.

e. Educational Measures

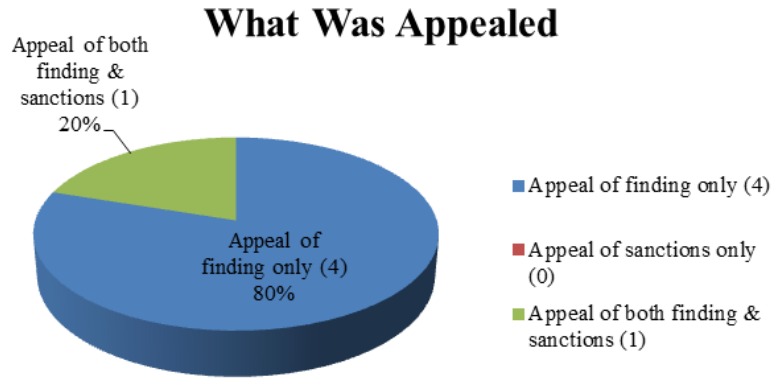
Educational measures are sanctions that involve the Respondent in a project, training, or other experience that is intended to prevent the recurrence of the same or similar conduct by educating the Respondent. For example, a student may be directed to engage in one-on-one sexual harassment training, 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 the only case in which the Respondent was not permanently separated or expelled from the University. 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. As shown in the following chart, five of the eighteen investigations – a total of approximately 28% – resulted in an appeal. Under the Policy in place during this time period, each appeal was considered by an Appeals Board. The Appeals Board then issued recommendations to the Vice President for Student Life, which the Vice President for Student Life had the ability to either accept or modify.

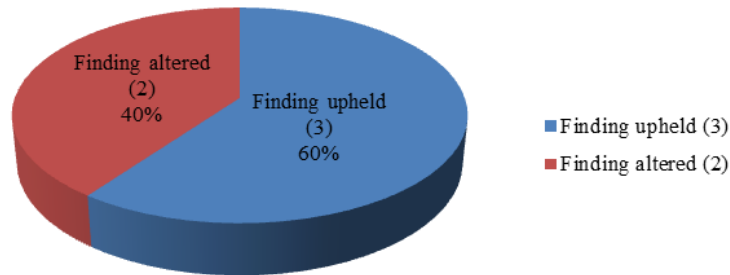


A party can appeal the finding, the sanctions, or both. This year, one party appealed both the finding and the sanctions, while three parties appealed only the finding. As a result, there were five appeals within the four cases that involved appeals.



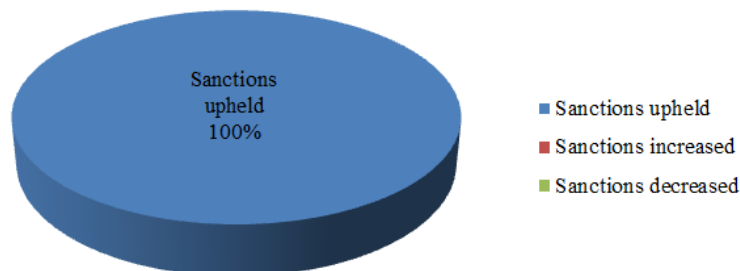
Two of the five findings that were appealed were altered, while three were upheld.

5 Appeals of the Finding



In the one case in which the sanctions were appealed, the sanctions were upheld.

1 Appeal of the Sanctions



Education and Prevention Measures

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

All incoming undergraduate, graduate, and professional 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. Topics covered include common myths about sexual assault and rape, the definition of consent, the link between sexual assault and alcohol, and bystander intervention. The University also offers this or similar programming to new faculty and staff. Incoming undergraduate students also complete Alcohol.edu which provides information about the impact of alcohol on sexual decision-making.

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 undergraduate students 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 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 a ninety minute annual training that addresses sexual misconduct, intimate partner violence, sexual and gender-based harassment and stalking as well as hazing prevention and bystander intervention.

This year, the University has worked with the surrounding community to develop and implement *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 that are geared toward specific groups, such as Residence Education staff, academic counselors, law enforcement agencies, summer camp counselors, etc.

In April 2016, the University of Michigan launched a three-year multi-phase community education media campaign, *Support. Listen. Empower.*, that 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 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.

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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Associate Vice Provost for Academic and Faculty Affairs
and Sr. Director, Title IX Coordinator and ADA Coordinator
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1009 Greene Street, Ann Arbor, MI 48109-1432
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Appendix A

	Type	Finding	Final Sanctions²³	Appeal	Outcome of Appeal
1	Sexual assault (penetration)	Violation	Involuntary expulsion with transcript notation ²⁴	Respondent appealed both the finding and the sanctions	Finding upheld; Sanctions upheld
	Sexual harassment	Violation			
2	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
3	Sexual assault (penetration)	Violation	Voluntary permanent separation, no contact	None	Not applicable
4	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
5	Sexual assault (penetration)	No violation ²⁵	Voluntary permanent separation, no contact	Claimant appealed the finding	Finding modified to violation
6	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
7	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable
8	Sexual assault (no penetration)	Violation ²⁶	Not applicable	Respondent appealed the finding	Finding modified to no violation
	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable
9	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable
10	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable
11	Sexual assault (no penetration)	No violation	Not applicable	Claimant appealed the finding	Finding upheld
12	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable
13	Sexual harassment	No violation	Not applicable	None	Not applicable
14	Sexual harassment	Violation	Voluntary temporary separation (one year or less); Disciplinary probation (greater than one year), no contact, educational measures	None	Not applicable
15	Sexual harassment	No violation	Not applicable	Claimant appealed the finding	Finding upheld

²³ This chart reflects the final sanctions imposed after both the sanctioning and appeals processes were completed.

²⁴ Where the Respondent is found responsible for multiple allegations, sanctions are implemented based on the collective violations.

²⁵ This table reflects the OIE finding; however, as noted within the table, the finding was overturned by the Appeals Board, ultimately resulting in a finding of a violation.

²⁶ This table reflects the OIE finding; however, as noted within the table, the finding was overturned by the Appeals Board, ultimately resulting in a finding of no violation.

	Type	Finding	Final Sanctions²³	Appeal	Outcome of Appeal
16	Sexual harassment	No violation	Not applicable	None	Not applicable
17	Sexual harassment	No violation	Not applicable	None	Not applicable
18	Sexual harassment	No violation	Not applicable	None	Not applicable

Appendix B

	Type	Finding	Final Sanctions²⁷	Appeal	Outcome of Appeal
1	Sexual assault (penetration)	No violation	Not applicable	Claimant appealed finding	Finding upheld
2	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
3	Sexual assault (penetration)	Violation	Permanent separation, no contact	None	Not applicable
4	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
5	Sexual assault (penetration)	Violation	Permanent separation, no contact	None	Not applicable
6	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
7	Sexual assault (penetration)	No violation	Not applicable	Claimant appealed finding	Finding upheld
8	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
	Stalking	No violation	Not applicable	None	Not applicable
9	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
10	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
11	Sexual assault (penetration)	No violation	Not applicable	Claimant appealed finding	Finding upheld
12	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
13	Sexual assault (penetration)	Violation	Expulsion with transcript notation	Respondent appealed finding and sanctions	Finding and sanctions upheld
	Stalking	Violation			
14	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
15	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
16	Sexual assault (penetration)	No violation	Not applicable	None	Not applicable
17	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable
18	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)

²⁷ This chart reflects the final sanctions imposed after both the sanctioning and appeals processes were completed.

	Type	Finding	Final Sanctions²⁷	Appeal	Outcome of Appeal
19	Sexual assault (no penetration)	No violation	Not applicable	Claimant appealed finding	Finding upheld
20	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable
21	Sexual assault (no penetration)	Violation	Permanent separation, no contact	None	Not applicable
22	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable
23	Sexual assault (no penetration)	No violation	Not applicable	None	Not applicable
24	Sexual assault (no penetration)	Violation	Temporary separation of one year or less (involuntary); disciplinary probation; no contact; educational measures	Respondent appealed the finding and sanctions	Finding upheld; sanctions upheld with additional condition imposed
	Sexual harassment	No violation	Not applicable	None	Not applicable
25	Sexual assault (no penetration)	Violation	Temporary separation of one year or less (involuntary); disciplinary probation; no contact; educational measures	Respondent appealed the finding and sanctions	Finding upheld; sanctions upheld with additional condition imposed
	Sexual harassment	No violation	Not applicable	None	Not applicable
26	Stalking	Violation	Disciplinary probation (greater than one year), no contact, educational measures	None	Not applicable
27	Sexual harassment	No violation	Not applicable	None	Not applicable
28	Sexual harassment	Violation	Disciplinary probation (one year or less), no contact, educational measures	None	Not applicable
29	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