

University of Michigan
Annual Report Regarding Student Sexual & Gender-Based
Misconduct & Other Forms of Interpersonal Violence
July 2019 - June 2020



Office for Institutional Equity
January 28, 2021



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To Members of the University of Michigan Community:

This is the seventh annual report regarding student sexual misconduct issued by the Office for Institutional Equity (OIE). This report covers student sexual misconduct issues that were reported to OIE from July 1, 2019 through June 30, 2020.

During this fiscal year, the University continued the work of revising the University's sexual misconduct policies into one policy applicable to students, faculty, staff, and third parties, and revising related procedures. A task team sought public comments on a draft policy and procedures. The task team then reviewed, considered, and incorporated feedback from many members of the University community, and beyond. In May 2020, the U.S. Department of Education finalized Title IX regulations, effective August 14, 2020. The requirements thereof were incorporated into the [*Interim Policy on Sexual and Gender-Based Misconduct*](#) ("Interim Policy"), accompanying [*Standard Practice Guide 601.89*](#), [*Interim Employee Procedures*](#), and [*Interim Student Procedures*](#), which were implemented effective August 14, 2020.

Accordingly, the matters referenced within this report were reported and addressed under the University's *Interim Policy and Procedures on Student Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence*, which was effective January 9, 2019 through August 13, 2020. Throughout the report, some differences between the *Interim Policy and Procedures on Student Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence*, in effect during fiscal year 2020, and the current Interim Policy and related *Interim Student Procedures* are noted.

As with OIE's previous reports, this report and accompanying data are intended to provide insight into the number of issues addressed by the University under the Policy, and the process by which those concerns were addressed, while respecting the privacy of those involved. Readers of this report are encouraged to read the explanations that accompany the charts, as they are intended to provide context and explanation that is likely to be helpful.

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

Sincerely,

Elizabeth Seney
Title IX Coordinator and Senior Associate Director, OIE

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Executive Summary

Pursuant to the *University of Michigan Interim Policy and Procedures on Student Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence* (“Interim Policy”), the Office for Institutional Equity (“OIE”) produces an annual report detailing actions taken by the University to address issues reported under the Interim Policy, as well as the University’s efforts to engage the community in education and prevention initiatives. This report reflects actions taken under the Policy in response to reports received by OIE between July 1, 2019 and June 30, 2020. The total number of reports increased from 272 last year to 292.

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

- Sexual assault continues to be the most commonly identified allegation reported to OIE, and increased from 126 to 157, after falling from 149 during 2018
- Reports of retaliation involving students decreased from six reports last year to one this year, and reports of violations of interim measures decreased from six to two reports
- Reports of stalking increased slightly, from 36 to 40
- Reports of intimate partner violence and reports of gender-based harassment both stayed consistent, with 29 and 7 reports respectively, both this year and last
- Reports of other types of conduct decreased from 17 to 9 – these are matters that are identified to OIE as possibly falling under the Policy, but ultimately do not fit within its scope, such as where the alleged conduct is reported under the Policy but turns out not to involve sexual or gender-based conduct.

OIE responded to each report it received. OIE opened fifteen investigative resolutions, six of which have been completed with a finding of a violation, and six of which have been completed with a finding of no violation. Two matters were closed prior to a hearing at the Complainant’s request, and one is pending final resolution. Generally, the reasons a reported matter may not result in an investigation are: the Respondent is not affiliated with the University and not subject to University policies; the Complainant requests and the University takes action other than an investigation; and/or the University does not have sufficient information to investigate, for example, the identity of one or more parties is unknown and there are no available means to obtain the additional information that would be necessary to further investigate.

In ten cases the parties requested and agreed to, and the Title IX Coordinator approved, adaptable resolution. In addition, 157 matters were reviewed by the review panel because the complainant was unidentified to OIE or was contacted by OIE and elected not to pursue further University action. OIE responded in other ways to 110 matters, most involving Respondents who are not affiliated with the University such that disciplinary action is not feasible, but supportive measures and resources are still available to the University complainant.

Introduction

The University's *Interim Policy and Procedures on Student Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence*, in place during the time period relevant to this report, provided information regarding the process the University followed once it receives a report of sexual assault, sexual harassment, gender-based harassment, stalking, intimate partner violence, retaliation, and/or violation of interim measures by students. To ensure that the campus community has timely and relevant information about the University's efforts and actions regarding Prohibited Conduct, the Policy provides that the Title IX Coordinator will issue an annual report about the University's response to reports of Prohibited Conduct by students.

This is the seventh annual report under the Policy, and it provides data covering the period from July 1, 2019 to June 30, 2020.¹ As with our [previous annual reports](#), we have endeavored to provide useful information in an accessible format; however, we welcome your feedback in order to make this document more helpful, easier to understand, or otherwise improve its content. Please provide any feedback to the Title IX Coordinator:

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

What Conduct is Prohibited?

The Policy prohibits sexual misconduct, which encompasses a wide variety of behavior, from unwanted sexual comments, which may constitute sexual harassment under the Policy, to sexual assault. The Policy also prohibited intimate partner violence, stalking, and gender-based harassment, as well as related retaliation and violation of interim measures. We refer to these collective behaviors as "Prohibited Conduct." For current Prohibited Conduct definitions (Sexual Assault, Sexual Exploitation, Sexual Harassment, Gender-Based Harassment, Sex and/or Gender-based Stalking, Intimate Partner Violence, Sex and/or Gender-based Discrimination, Retaliation, Violation of Supportive Measures, and Title IX Misconduct), please see the [Interim Policy on Sexual and Gender-Based Misconduct](#) ("Interim Umbrella Policy"). Whether certain

¹ We note that the data contained in this document refers to incidents made known to the Office for Institutional Equity between July 1, 2019 and June 30, 2020, regardless of when the incidents are alleged to have occurred. For information regarding investigations that were included in the sixth annual report, covering the period between July 1, 2018 and June 30, 2019, please see Appendix B.

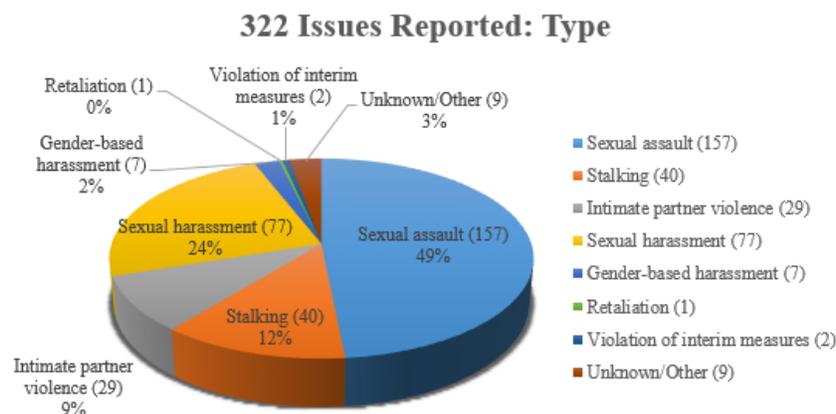
² As of the date of this report, the Office for Institutional Equity is operating remotely until further notice as a result of the Covid-19 pandemic.

behavior constitutes Prohibited Conduct depends greatly upon the circumstances surrounding the behavior. This report contains data about every concern of Prohibited Conduct under the Policy that was reported to OIE during the past year. It is important to note that while these concerns are reported as Prohibited Conduct, in some cases, the reported behavior turned out not to relate to this Policy, as further discussed in this report.

The Number of Reports

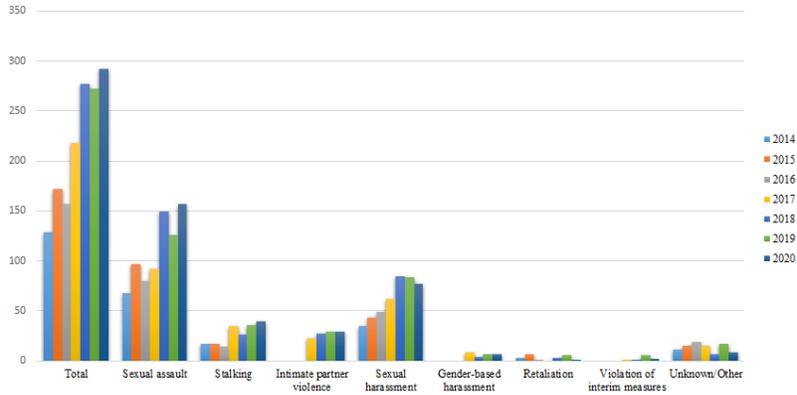
The University encourages every member of its campus community to report Prohibited Conduct. A report can be made by a person who has experienced, witnessed, heard about or otherwise has knowledge of possible Prohibited Conduct. We encourage reporting because it allows the University to provide for the safety and well-being of both individual community members and the overall campus community. It also allows us to provide resources and support for those impacted by the reported misconduct. There are a variety of ways to report a concern of Prohibited Conduct, including directly contacting the Title IX Coordinator or [submitting an online reporting form](#).

During the past reporting year, from July 1, 2019 through June 30, 2020, 292 matters were reported to OIE, compared to 272 incidents reported during the previous year.³ Since a single report of Prohibited Conduct may raise concerns about multiple potential violations of the Policy (e.g., a report of sexual assault accompanied by stalking behavior), the 292 reports involved 322 potential policy violations.



³ It is important to note that this report reflects the total number of Prohibited Conduct concerns that were reported to OIE during the relevant time period, and is likely to differ from the numbers of reported incidents of rape, fondling, stalking, and dating/domestic violence recorded in the University's [Annual Security Report and Annual Fire Safety Report](#). As required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Annual Security Report contains the numbers of certain types of reported crimes, as defined by the FBI Uniform Crime Reporting (UCR) Program, which were reported to have occurred in particular geographic locations during a calendar year. Accordingly, many of the incidents referenced in this report do not fall within the Clery Act statistical definitions. Further, the numbers will differ because the data contained in the reports respectively encompass different time periods (i.e., this report encompasses the 2020 fiscal year while this year's Annual Security Report reflects the 2019 calendar year).

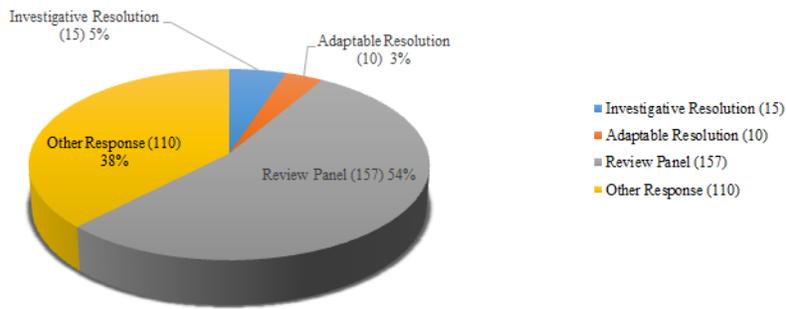
Annual Comparison of Issues Reported: Type



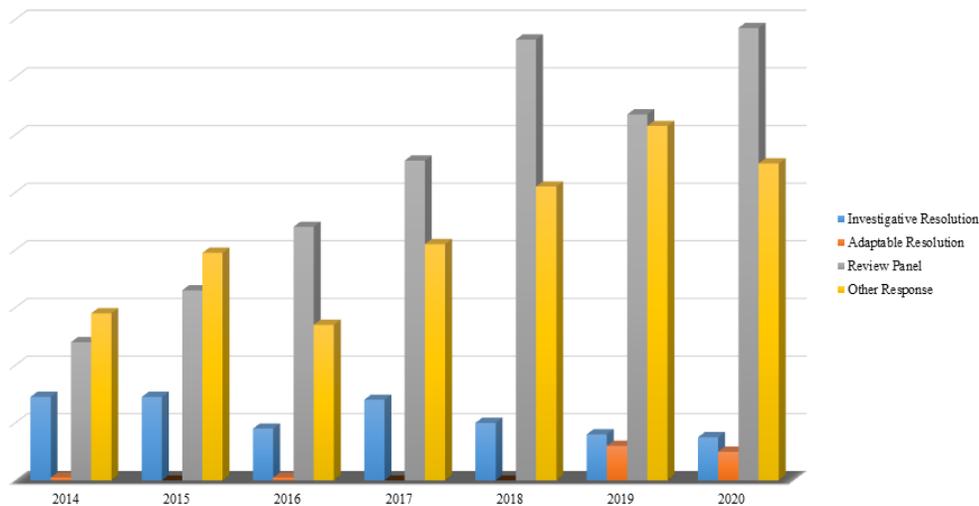
How the Reports Were Addressed

OIE responded to each of the 292 reports to determine appropriate next steps. As discussed more fully below, OIE opened fifteen [investigative resolutions](#), ten matters were addressed through [adaptable resolution](#), 157 were brought to the [review panel](#), and eleven resulted in some [other response](#), most commonly because the reports were determined, for a variety of reasons described in more detail below, not to fall within the scope of the Policy.

292 Issues Reported: Response



Annual Comparison of Issues Reported: Response



Although the specific nature of the actions taken by the University varies from case-to-case depending upon multiple factors, the University’s process for responding to a report of Prohibited Conduct may include any or all of the following: (1) the provision of confidential support and other resources; (2) interim measures designed to support student safety, well-being and continued access to educational opportunities; (3) consideration by a Review Panel; (4) adaptable resolution; and/or (5) investigative resolution resulting in findings and, as applicable, sanctions and/or an appeal(s) of the findings and/or sanctions.

The two most significant factors that affect how the institution addresses Prohibited Conduct concerns are: (1) the nature and amount of information that is available (e.g., whether the Respondent can be identified and is a University of Michigan student, whether the concerns at issue constitute a violation of the Policy, whether prior similar concerns have been reported regarding the same Respondent, etc.) and (2) what action the Claimant (if the Claimant’s identity is known)⁴ would like to have taken to address the concern. In all instances, if the Claimant’s identity is known, the University will provide the Claimant with information about supportive resources that are available to them, their option to report criminal conduct to law enforcement, and the options that they have under the Policy. If the matter involves possible criminal activity, OIE will also provide all information known to OIE at that time to the Division of Public Safety and Security (DPSS).

If the Respondent is a University of Michigan student, a Claimant has several options for University action under the Policy. A Claimant may choose to pursue an investigative resolution, adaptable resolution, neither, or, a Claimant may request another response. Supportive measures are available regardless of whether a Claimant elects to pursue other University action. A

⁴ OIE often receives complaints about incidents from third parties who sometimes are unable or unwilling to identify the parties involved.

Claimant whose concerns involve conduct that may be a violation of the Policy and a crime may choose to pursue University action, a criminal investigation, both, or neither.

The following is an overview of the various actions taken by the University in response to the 292 reports of Prohibited Conduct.

Resources and Interim Measures

One of the first steps the University takes when a Prohibited Conduct concern is raised is to offer the Claimant and the Respondent resources and support. Claimants are offered support through the [Sexual Assault Prevention and Awareness Center \(SAPAC\)](#), while Respondents are offered support through the [Respondent Support Program](#) within the [Dean of Students Office](#). In addition, students have access to a number of other support resources on campus, including but not limited to [Counseling and Psychological Services \(CAPS\)](#) and the [Office of the Ombuds](#). SAPAC, CAPS, and the Office of the Ombuds are confidential resources, meaning that disclosures of Prohibited Conduct made to these offices are not reported to OIE; however, these offices can assist students who wish to report Prohibited Conduct concerns to OIE in doing so.

Another aspect of the support provided by the University is to offer supportive measures. Under current Policy, supportive interim measures may be implemented as appropriate to restore or preserve access to the University's programs or activities, to support the safety and wellbeing of the party's and the campus community, and/or to deter Prohibited Conduct. Supportive measures are not be punitive or disciplinary, and may not unreasonably burden any party. Supportive measures can include a variety of actions taken by numerous offices on campus.

When supportive measures are undertaken, no assumptions are made as to whether the respondent engaged in sexual misconduct; rather, the assessment of whether and what interim measures are appropriate focuses on safety and preventing the possibility of harm as the investigation is pending. Supportive measures are determined on a case-by-case basis, depending upon the needs of the parties involved and the nature of the Prohibited Conduct concerns.

There are likely instances where the University has provided interim measures and support to students, but the information is not captured in this report. For example, a student may seek confidential assistance from SAPAC before, instead of, or in addition to reporting their concerns to OIE. SAPAC and/or other offices may assist the student with a variety of services such as academic accommodations, seeking a personal protection order, assistance and support in addressing the matter through the criminal justice system, etc.

The interim measures implemented this year included, for example, academic accommodations and mutual no contact directives.

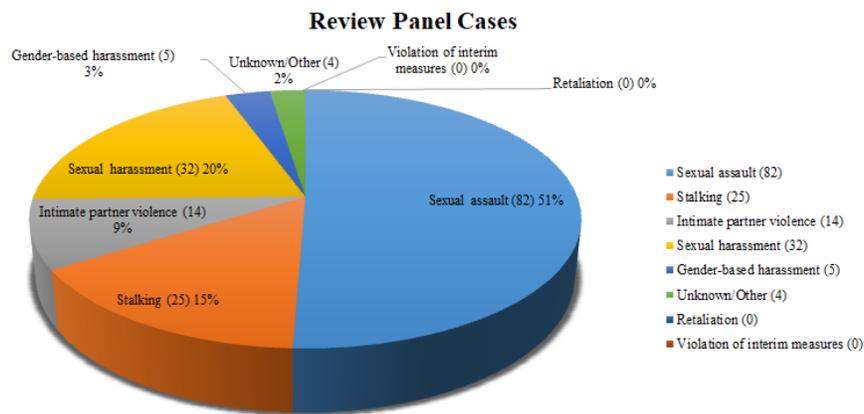
Review Panel

Some Prohibited Conduct reports immediately proceed to investigative resolution or adaptable resolution, but there are instances when an investigation may not be wanted (e.g., a Claimant requests that the University not pursue the matter). During Fiscal Year 2020, in the instances where the Claimant declines to participate and/or asks that the University not take action in response to the report, the matter was considered by a Review Panel. The Review Panel consisted of a consistent group of University faculty and staff who offer perspectives and advice to the Title IX Coordinator to determine the appropriate response by the University.

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

While the University encourages reporting of these matters, we also recognize that individuals may have varied reasons for choosing whether and when to pursue formal resolution of their concerns. The University seeks to honor and respect the wishes of each individual Claimant, while still meeting its obligations to the campus community as a whole.

During the past year, of the 292 reports, 157 were considered by the Review Panel. As shown in the following chart, the majority of cases considered by the review panel involved reported sexual assault or sexual harassment, followed by stalking:⁵



⁵ As noted above, because some reported concerns may involve multiple types of allegations, the 157 cases considered by the review panel involved more than 157 reported Policy violations.

Consistent with the Complainant's wishes in those instances where the Complainant's identity was known, none of the cases considered by the Review Panel proceeded to an investigation. In some instances, the Title IX Coordinator may determine that other, non-investigative action may be appropriate even where there is insufficient information to pursue, or the Complainant has requested that the University not open, an investigative resolution. This may include, for example, educational measures for an individual or segment of the University community, further follow up with reporters as appropriate, or additional security measures in a particular area.

Investigative Resolutions

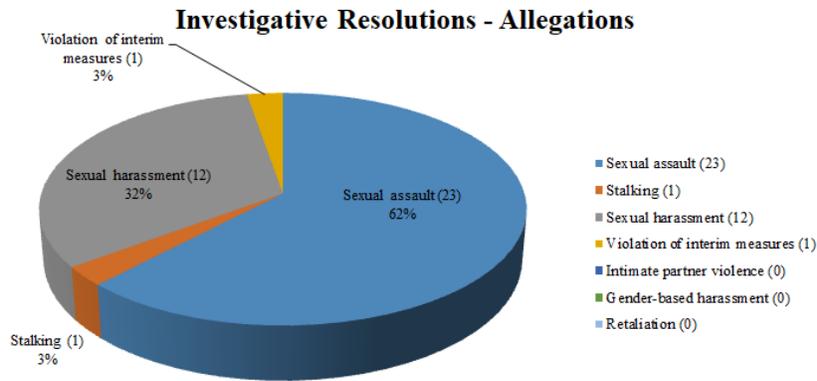
As noted throughout this report, the University considers each case and takes appropriate action including offering confidential support, resources and/or interim measures, and notifying DPSS of possible criminal activity. An investigative resolution involves an investigation by OE resulting in a written report containing a summary of the evidence; a hearing to determine by a preponderance of the evidence whether there has been a Policy violation; sanctions and/or other remedies if there is a finding of a violation; and the opportunity for either party to appeal the finding and/or sanctions.

Whether a University investigative resolution can occur 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 investigative resolution occurs because behavior that constitutes a potential violation under the Policy has been reported, there is sufficient information available to conduct an investigative resolution, and the Claimant wishes to pursue that process. This year, there were fifteen such instances, in which OIE opened an investigative resolution.

Of the fifteen investigative resolutions undertaken during the past year, twelve concerned allegations of sexual assault. Sexual assault encompasses a broad spectrum of behavior that includes many forms of unwanted sexual touching. In eight of these matters, the allegations involved some form of sexual penetration; in four, the allegations involved other physical sexual touching that did not involve penetration (e.g., groping, etc.,).

Since one investigative resolution may involve allegations of more than one type of Prohibited Conduct, within the fifteen investigative resolutions, OIE investigated thirty-seven potential policy violations.⁶

⁶ Most of the investigative resolutions opened involved multiple allegations, either due to multiple incidents involving the parties and/or where one a single incident may have involved multiple allegation types.

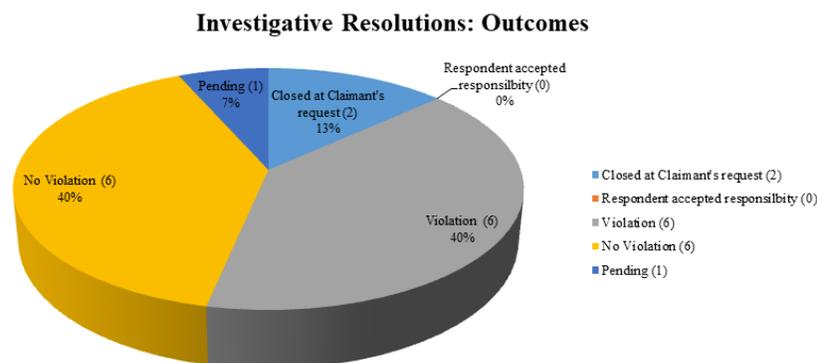


Under the Interim Policy, OIE conducts a thorough and impartial investigation, after which an external, trained Hearing Officer conducts a hearing and subsequently issues a finding. In making a finding, the Hearing Officer uses the “preponderance of the evidence” standard set forth in the Policy. Under this standard, individuals are presumed not to have engaged in the alleged conduct unless a preponderance of the evidence supports a finding that the conduct occurred. This preponderance of the evidence standard requires that the evidence supporting each finding be more convincing than the evidence obtained in opposition to it.

Of the fifteen investigative resolutions opened during the relevant time period:

- Twelve were completed with findings of Violation or No Violation under the Policy.
 - Six concluded that the Respondent violated the Policy
 - Six did not conclude that the Respondent violated the Policy
- Two were closed at the Claimant’s request
- One investigative resolution remains open.

More specific information about the outcome of each investigative resolution is available in [Appendix A](#).



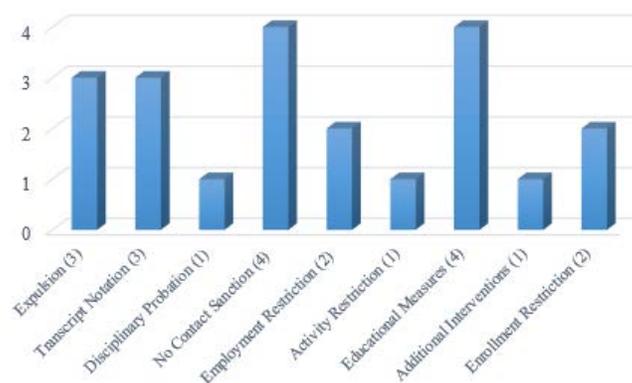
A finding that there is insufficient evidence to conclude that the Policy was violated does not necessarily mean that the conduct did not occur. In some instances, for example, there may be insufficient evidence to support a conclusion that the behavior occurred; or, there may be sufficient evidence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

Sanctions

When a Respondent is found to have violated the Policy, the University takes action, with sanctions determined by OSCR that are designed to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects. Claimants and Respondents have an opportunity to submit an input statement before sanctions are determined by OSCR.

As noted above, of the twelve investigative resolutions that were opened and completed to a finding in the past year, there were six cases in which a Respondent was found to have violated the Policy. In all six of these cases, sanctions have been implemented. In one, sanctions were determined but have not yet been implemented due to pending appeals-related procedures. The chart below shows the sanctions from the five cases in which the investigative resolution is fully completed, sanctions have been implemented, and no appeals or related procedures remain pending.

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



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

Expulsion

An expulsion is a sanction that prohibits the Respondent from ever enrolling in coursework or participating in University programs. This year, three students were expelled under the Policy.

Suspension

A suspension is a period of time during which the Respondent is unable to enroll in classes or participate in University programs. There were no suspensions implemented this year.

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

Transcript Notation

A transcript notation often accompanies a sanction of expulsion or suspension. Typically, if a student is suspended under the Policy, the transcript notation is removed after the student has completed the suspension and other sanctions, and returns to the University. A transcript notation that accompanies an expulsion sanction may remain on a student's transcript permanently, or, the student may be eligible to request review of the notation after a designated period of time and/or with completion of additional sanctions. This year, a transcript notation sanction was imposed upon each Respondent who was expelled.

Disciplinary Probation

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

This year, one Respondent was sanctioned with disciplinary probation, in addition to other sanctions.

No Contact Sanction

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

Employment Restriction

This year, two Respondents were sanctioned with restrictions on future employment at the University of Michigan.

Activity Restriction

This year, one Respondent was sanctioned with a restriction on their ability to participate in a particular activity.

Enrollment Restriction

This year, one Respondent, who was not expelled but had separated from the University at the time the sanctions were determined, was subject to restrictions on future enrollment at the University of Michigan.

Educational Measures

Educational measures are sanctions that involve the Respondent in a project, training, or other experience that is intended to prevent the recurrence of the same or similar conduct through education. For example, a student may be directed to complete one-on-one sexual harassment training, engage in wellness coaching, participate in the Science-Based Treatment, Accountability, and Risk Reduction for Sexual Assault (STARRSA) program, complete required reading, or conduct additional research and/or writing assignments. This year, educational measures were included as part of the sanctions in four cases.

Additional Interventions to Remedy Discriminatory Effects

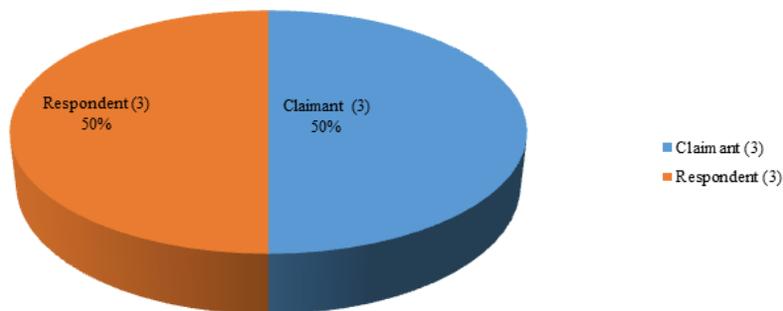
In addition to sanctions imposed directly upon the Respondent, OSCR may identify other interventions that the University can take to remedy the discriminatory effect that the Claimant, and/or other community members, have experienced as a result of the conduct found to have occurred. These may be interventions such as providing education to individuals or groups, restorative justice processes for impacted parties (offered voluntarily), or such other measures as may be appropriate under the circumstances.

Appeals

Both the Claimant and the Respondent have the opportunity to appeal the outcome of an investigative resolution and, if there was a finding that the Policy was violated, both parties may also appeal the sanctions. Six of the twelve investigations that are completed to the point of a finding have resulted in an appeal. Under the Policy, each appeal is considered by an external reviewer. The external reviewer then issues recommendations to the Vice President for Student Life, which the Vice President for Student Life may either accept or modify.

Either party can appeal the finding, the sanctions, or both. This year, three Claimants appealed and three Respondents appealed.

Who Appealed?



There may be cases in which one party may appeal the finding while the other appeals the sanctions, or both parties may appeal the sanctions, though neither of these happened this year. Of the six appeals, five were appeals of the Hearing Officer's finding and in four of those appeals, the finding was upheld. In the fifth, the external reviewer referred the matter back to the hearing officer for further consideration, and that process is currently pending. One of the six appeals was an appeal of the sanctions, which were upheld.

Adaptable Resolution

Adaptable resolution is available as a resolution pathway for students. A case proceeds to adaptable resolution when a Claimant requests to pursue adaptable resolution, the Title IX Coordinator approves adaptable resolution as an appropriate pathway in the particular matter, and the Respondent also agrees to participate in adaptable resolution.

Adaptable resolution is a voluntary, remedies based, structured interaction between or among affected parties. While the purpose of an investigative resolution is to make an evidence-based determination as to whether a student Respondent has violated the Policy, adaptable resolution balances support and accountability without formal disciplinary action against a Respondent, and is designed to allow a Respondent to acknowledge harm and accept responsibility for repairing harm (to the extent possible) experienced by the Claimant and/or the University community. Although adaptable resolution does not result in formal disciplinary action, the parties may,

through the process they select and agree upon, ultimately reach an agreement that may require certain actions of the Respondent. In all cases, adaptable resolution is voluntary, must be approved by the Title IX Coordinator, and either party or the Title IX Coordinator has the ability to revoke approval or agreement to participate at any time during the process. If a party withdraws from adaptable resolution, an investigative resolution is still available if the concern involves an alleged violation of the Policy.

This year, there were ten cases in which the parties elected, and the Title IX Coordinator approved, to proceed to adaptable resolution to resolve the complaint in lieu of an investigative resolution.

There are a variety of processes available through adaptable resolution, allowing parties to voluntarily agree on the process that best meets their needs and interests. In particular, adaptable resolution may include a Facilitated Dialogue involving the Claimant, Respondent, and/or other community members; a Shuttle Negotiation involving the Claimant, Respondent, and/or other participants; a Restorative Justice Circle or Conference Process, which may also include other community members in addition to the parties; or a Circle of Accountability, involving the Respondent and particular University faculty or staff to provide accountability, structured support, and to develop a learning plan.

This year, Shuttle Negotiation was used in nine instances, one of which also included an impact statement reading, and another of which also included a restorative justice conference. The process to be used in the tenth has not yet been agreed upon by the parties.

The parties may reach an agreement via the adaptable resolution process, which may be simply an acknowledgment that they agree the issue has been resolved, or may contain provisions with which one or both parties (most typically the Respondent) will comply. The agreement must be approved by the Title IX Coordinator. Once parties have reached consensus as to the terms of the agreement and the Title IX Coordinator has approved the agreement, the parties no longer have the option of returning investigative resolution, and failure to comply with the agreement may result in disciplinary action.

If the parties do not reach an agreement, the matter is referred back to the Title IX Coordinator for further action, which could include initiation of an investigative resolution, consideration by the Review Panel, or some other response. This has not occurred in any adaptable resolution processes this year.

Reported Issues that Resulted in Other Responses

As described in this report, investigative resolution and adaptable resolution are the primary resolution pathways under the Interim Policy, and reports in which the Claimant is unidentified or chooses not to pursue any University action are considered by the Review Panel. In some instances, however, there may be other actions that are requested or otherwise appropriate, and in

many instances, OIE receives reports of Prohibited Conduct that, upon review, are determined not to be actionable under the Policy. This year, of the 272 reported incidents, 110 were addressed via a response that did not involve an investigative resolution, adaptable resolution, or consideration by the Review Panel. This occurs when other action outside of those processes is requested by the Claimant and determined to be appropriate, or, in most of these cases, when other action is more appropriate where cases were reported under the Policy but ultimately did not constitute a potential violation of the Policy.

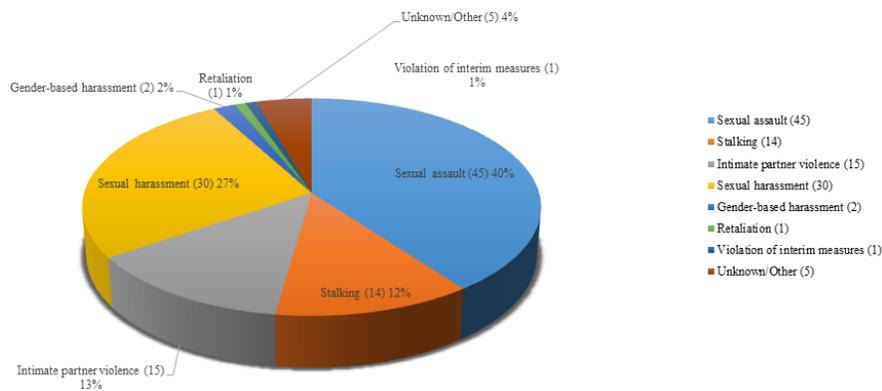
There are two reasons why a concern may not constitute a potential violation of the Policy: lack of affiliation with the University (e.g., most commonly, the Respondent is not affiliated with the University and therefore not subject to University policies); or, the alleged conduct does not fall within the Prohibited Conduct in this Policy. The majority of these matters did not constitute a potential violation of the Policy because the Respondent was not affiliated with the University of Michigan. In such cases, an investigative resolution is not available because a person who is not affiliated with the University is not subject to University policy. In such cases, the University still offers resources and supportive measures to the Claimant (if their identity is known), notifies DPSS if the concern involves a potential crime, and offers assistance reporting to police or, if the Respondent is affiliated with another institution, such as a student at another university, reporting to that institution.

In other instances, a concern may be reported of conduct that either turns out not to involve an allegation of sexual or gender-based conduct, or the concern may involve an inappropriate comment or other single incident that does not constitute Prohibited Conduct under the Policy. For example, a third party may report that they believe an individual has experienced sexual misconduct, and when contacted, that individual says that they have not. More commonly, behavior is reported that may be inappropriate or cause an individual discomfort, but does not necessarily constitute a Policy violation. For example, a report that a student has engaged in a behavior that may be inappropriate but not ultimately constitute a potential violation of the Policy – a small number of unwelcome sexualized comments, for example – may not be appropriate for an investigative resolution, and may be addressed in some way even if students do not elect to pursue adaptable resolution. Such reports may be addressed in a variety of ways. For example, OIE may work with OSCR, Housing or other appropriate office to provide education and resource information tailored to addressing conduct of concern and supporting all parties involved.

In some instances, behavior may appear to involve sexual or gender-based conduct and may also appear to involve other issues, such as harassment based on race, religion, or another protected class. In these cases, OIE and OSCR coordinate to determine the most appropriate forum for addressing the concerns. If the determination is that the concerns that are not sexual or gender-based in nature predominate and the follow up is conduct by OSCR, that follow up would be considered an “Other Response” for purposes of this report.

Of these 110 reports, most of which 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.⁷ The reason that an allegation of sexual assault would be determined not to constitute a violation of the Policy is the lack of affiliation with the University, typically meaning that the Respondent is not a UM student, faculty, or staff member. Reports characterized as involving sexual harassment may involve unaffiliated parties, and/or, the concerns may be reported as possible sexual harassment but not constitute a potential sexual harassment violation as appropriately defined in the Policy.

110 Matters Addressed by Other Response



Education and Prevention Measures

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

Extensive training efforts continue in order to educate the campus community about adjustments to the Policy, as well as reporting options and the various reporting responsibilities of University faculty and staff. As in past years, all incoming undergraduate students are provided *Sexual Assault Prevention for Undergraduates* interactive on-line programs designed to help students understand the many aspects of sexual misconduct. Topics covered include the Prohibited Conduct included in the Policy, common myths about sexual assault, the definition of consent, the link between sexual assault and alcohol, and bystander intervention, and campus resources. Incoming undergraduate students also complete Alcohol.edu which provides information about the impact of alcohol on sexual decision-making. Additionally, all [continuing students](#) are also sent an online course to refresh their understanding of campus policies, expectations, and resources on campus.

⁷ As noted above, because some reported concerns may involve multiple types of allegations, the 110 cases that resulted in other responses involved a total of 113 reported allegations.

The University also used in-person training during FY20 prior to the covid-19 pandemic.⁸ During orientation, first-year students attend relevant programming presented by the [University of Michigan Educational Theatre Company](#) (UMetc).

In addition, the [First Year Experience](#) office provides a variety of programming and educational initiatives for all first year and transfer undergraduate students. During FY20, this included [Relationship Remix](#), a required in-person educational program collaboratively presented by SAPAC, [Wolverine Wellness](#), and First Year Experience. The program consists of small group 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 participated in [Change It Up!](#) - an interactive bystander intervention program co-facilitated by students and Student Life professional staff. The program explores the impact of students' identities and experiences on their interactions, and aims to help participants develop the tools to safely and effectively intervene in situations that may be harmful.

All new and returning intercollegiate athletes, as well as coaches and training staff, marching band members, ROTC members, and Club Sports athletes and coaches receive annual in-person training that addresses Prohibited Conduct as well as hazing prevention and bystander intervention.

During the past year, Rackham Graduate School and the College of Literature, Science, and the Arts continued to collaborate with SAPAC and other offices to continue a pilot of *Engendering Respectful Communities*, an in-person training program for graduate students, and this work continues to expand into FY21.

The University also continued to work with the surrounding community via [Raise the Bar](#). Through this program, the University works in collaboration with community partners and with local bar owners and transportation services such as Lyft to educate bar staff and drivers regarding sexual assault and bystander intervention. Through *Raise the Bar*, the University reaches beyond the campus community in its efforts to provide a safe and healthy environment for its students.

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

⁸ The University continued to provide robust education and training during the covid-19 pandemic. Next year's report will include details about the programming that was provided during FY21 as a result of the pandemic and the resulting need to transition temporarily to virtual education and prevention programming.

Conclusion

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

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

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(734) 763-0235
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Appendix A

Appendix A contains de-identified information regarding the allegations, finding, appeal, appeal outcome, and final sanctions each matter reported during fiscal year 2020 that was addressed by investigative resolution.

	Type	Finding	Final Sanctions ⁹	Appeal	Outcome of Appeal
1	Sexual assault (penetration)	No violation	None	Claimant appealed the finding	Finding upheld
2	Sexual assault (penetration) Sexual assault (no penetration) Sexual harassment	No violation No violation No violation	None	None	None
3	Sexual assault (penetration) Sexual assault (penetration) Sexual Harassment Sexual Harassment	Violation Violation Violation Violation	Expulsion; Transcript notation; No contact; Educational measures	Respondent appealed the sanctions	Sanctions upheld
4	Sexual assault (penetration)	Violation	Expulsion; Transcript notation	Respondent appealed the finding	Finding upheld
5	Sexual assault (no penetration)	No violation	None	None	None
6	Sexual assault (penetration) Sexual harassment	Closed due to Complainant withdrawing participation	None	None	None
7	Sexual assault (penetration)	No violation	None	None	None
8	Stalking Violation of interim measures	Violation Violation	Restriction from future University enrollment; Restriction from University employment; No contact; educational measures	None	None

⁹ This data reflects the final sanctions imposed after both the sanctioning and appeals processes are complete.

	Type	Finding	Final Sanctions ⁹	Appeal	Outcome of Appeal
9	Sexual harassment	Violation	Disciplinary probation (until graduation); No contact; Educational measures	Claimant appealed the finding	Finding upheld
	Sexual assault (penetration)	No violation		None	None
10	Sexual assault (penetration)	Violation	Expulsion; Transcript notation; Restriction from future University enrollment; Restriction from University employment; Permanent removal from organization; No contact; Educational measures	None	None
	Sexual assault (penetration)	No violation			
	Sexual harassment	Violation			
	Sexual assault (penetration)	Violation			
	Sexual assault (penetration)	Violation			
	Sexual assault (no penetration)	No violation			
	Sexual harassment	No violation			
11	Sexual assault (penetration)	No violation	None	None	None
	Sexual assault (penetration)	No violation			
	Sexual harassment	No violation			
	Sexual harassment	No violation			
12	Sexual harassment	No violation	None	Complainant appealed the finding	Finding upheld
13	Sexual assault (penetration)	Closed at Complainant's request	None	None	None
	Sexual harassment				
14	Sexual assault (penetration)	Violation (finding after appeal is pending)	Pending	Respondent appealed the finding	Remanded to hearing officer for further proceedings (further proceedings pending)
	Sexual assault (no penetration)	No violation			

	Type	Finding	Final Sanctions ⁹	Appeal	Outcome of Appeal
15	Sexual assault (penetration)	Pending	Pending	Pending	Pending
	Sexual assault (no penetration)				

Appendix B

Appendix B contains de-identified information regarding the allegations, finding, appeal, appeal outcome, and final sanctions each matter reported during fiscal year 2019 that was addressed by investigative resolution.

	Type	Finding	Final Sanctions¹⁰	Appeal	Outcome of Appeal
1	Sexual assault (penetration)	No violation	None	Claimant appealed the finding	Finding upheld
2	Sexual assault (penetration)	No violation	None	Claimant appealed the finding	Remanded to Hearing Officer for reconsideration (no change to finding after Hearing Officer reconsideration)
3	Sexual assault (penetration)	Violation	Expulsion, Transcript notation	None	Not applicable
4	Sexual assault (penetration)	No violation	None	None	Not applicable
5	Sexual assault (penetration)	No violation	None	None	Not applicable
6	Sexual assault (penetration)	Closed at Claimant's request	None	Not applicable	Not applicable
7	Sexual assault (penetration)	Closed at Claimant's request	Not applicable	Not applicable	Not applicable
8	Sexual assault (penetration)	Violation	Expulsion; Transcript notation	Respondent appealed the sanctions	Sanctions upheld
9	Sexual assault (no penetration) Sexual harassment	Violation Violation	Suspension (deferred); Transcript notation and hold; Withholding conferral of degree pending completion of educational measures; Disciplinary probation; No contact directive; Educational measures	Claimant appealed the sanctions	Sanctions upheld
10	Sexual assault (no penetration)	Violation	Suspension (one year); No contact; activity/housing restriction; educational measures	None	Not applicable

¹⁰ This data reflects the final sanctions imposed after both the sanctioning and appeals processes are complete.

	Type	Finding	Final Sanctions¹⁰	Appeal	Outcome of Appeal
11	Sexual assault (no penetration)	Closed at Claimant's request	Not applicable	Not applicable	Not applicable
12	Sexual assault (no penetration) Sexual harassment	Violation Violation	Disciplinary probation (until graduation); Employment restriction; No contact; educational measures	None	Not applicable
13	Stalking	Violation	Expulsion, transcript notation with opportunity to request removal of notation after three years	Respondent appealed the sanctions	Sanctions upheld
14	Stalking	Violation	Restriction from future enrollment at UM; Restriction from employment at UM; No contact sanction	Respondent appealed the sanctions	Sanctions upheld
15	Sexual harassment	Violation	Disciplinary probation; educational measures	None	Not applicable
16	Sexual harassment	Closed at Claimant's request	Not applicable	Not applicable	Not applicable