



**EQUITY,  
CIVIL RIGHTS  
& TITLE IX**

**Annual Report Regarding Institutional  
Response to Reports of Sexual and  
Gender-Based Misconduct**

**July 1, 2022 - June 30, 2023**

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## A Note from the Title IX Coordinator

Members of the University of Michigan Community:

Preventing, addressing and mitigating the harmful effects of sexual and gender-based misconduct at the University of Michigan is a community effort. It starts with building awareness and educating, providing resources and support and taking action to remedy the effects and prevent future occurrences.

I continue to believe that every single member of our campus community has a role to play in this effort. It is critical that we work together to ensure that our community members have the opportunity to make informed decisions and the university has the ability to take action to prevent, stop, and remedy misconduct. This requires that access to accurate, complete information about policies, procedures, community expectations, resolution options, and supportive resources is abundantly available and unobstructed.

To that end, it is my hope that this report is useful in building a broad understanding of how the university responds to concerns of sexual and gender-based misconduct, including the numbers and types of reports ECRT receives; how those concerns are addressed; and why. The report also addresses some aspects of the Sexual and Gender-Based Misconduct Policy that are most commonly asked about and most useful for community members to understand. At the same time, it remains critical that ECRT appropriately protect the privacy of the individuals who have interacted with ECRT, whether as reporter, complainant, respondent, witness, or any other way. Accordingly, the information contained in this report is shared via aggregate, de-identified data. This is intentional and consistent with ECRT's commitment not to compromise individual's privacy even as we remain committed to transparency.

Sincerely,

Elizabeth Seney  
Director  
Sexual and Gender-Based Misconduct and Title IX Coordinator

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## Executive Summary

Pursuant to the University of Michigan Policy on Sexual and Gender-Based Misconduct ("Policy"), the Equity, Civil Rights and Title IX Office (ECRT) produces an annual report detailing actions taken by the University to address issues reported under the Policy. This report reflects actions taken under the Policy in response to reports received by ECRT between July 1, 2022 and June 30, 2023 (FY2023).

During this time period, ECRT received 929 reports of possible sexual and gender-based misconduct.

ECRT reviews each report to identify appropriate next steps. In many instances, there is limited information provided to ECRT, for example, one or both of the parties may not be identified or the specific allegations may be unclear. ECRT follows up as possible to try to learn more information. In some instances, ECRT is able to get more details and take additional actions. In others, the information may never be shared with ECRT, limiting further steps available to address the specific matter. This year, at the time of data collection for this report:

- In 440 of the 929 reports, the identity of the respondent was not known to ECRT, and 261 of those 440 reports did not contain sufficient information to ascertain whether and what affiliation the respondent may have with U-M.
  - In 251 of the 440 reports, neither the complainant nor the respondent were identified to ECRT;
  - In the other 189 reports, the complainant's identity was reported or ECRT was able to learn the complainant's identity, but the respondent has not been identified to ECRT;
- In an additional 75 reports, the respondent's identity was reported or ECRT was able to learn the respondent's identity, but the complainant has not been identified to ECRT.

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The more information that ECRT has about a matter, the more actions can be taken to respond effectively. This year:

- 386 reports involved alleged conduct by individuals who are not faculty, staff, or students at the University of Michigan and were addressed under the Employee Procedures, which also apply to Third Parties;
- 301 reports involved the alleged conduct of a staff (206) or faculty (95) member and were addressed under the Employee Procedures; 216 reports involved the alleged conduct of a student and were addressed under the Student Procedures.

Some concerns do not involve allegations of misconduct by a particular individual; rather, they may indicate an overall climate of inappropriate sexual or gender-based comments or other concerns in a particular unit, or concerns about a University policy or practice that is broader than the actions or decisions by an individual(s). This year, 1 additional climate assessment and 25 other reviews were conducted.

ECRT responded to each report it received. In all instances where it was possible to do so (i.e., the complainant's identity was shared with ECRT), ECRT provided the complainant with information about how to file a formal complaint, how to report to law enforcement, the availability of supportive measures, and additional resources the University offers. A complainant may request an investigative or adaptable resolution by filing a formal complaint, and supportive measures and other resources are available regardless of whether they want a formal resolution process. In some instances where the complainant does not file a Formal Complaint, the University nonetheless needs to take further action to address the concerns, for example, where a faculty or staff member is alleged to have engaged in misconduct.

In each matter in which a formal resolution process (investigation or adaptable resolution) did not occur, one or more of the following was true:

- The complainant's identity was unknown;
- The respondent's identity was unknown;
- The respondent was not affiliated with the University;
- The alleged conduct did not constitute a potential violation of the Policy and was therefore more appropriately addressed in another manner (e.g., through education);

- 
- The complainant requested ECRT not to open an investigation or adaptable resolution, and indicated they would not participate in a hearing where a hearing is required by law;
  - The complainant did not respond to ECRT or requested ECRT not to open an investigation or adaptable resolution and there was insufficient information for ECRT to conduct a thorough investigation;
  - The complainant requested ECRT not to open an investigation or adaptable resolution, the respondent was not an employee, there were no other reports of misconduct involving the respondent, and there were no compelling individual or safety community concerns overriding the complainant's request.

Of the sexual and gender-based misconduct matters reported to ECRT during FY2023:

- ECRT conducted 29 investigations, 27 of which were initiated by a Formal Complaint submitted by the complainant(s); in the remaining 2, the complainant(s) did not file a formal complaint to request an investigation but ECRT determined that a formal investigation process was necessary to ensure the allegations were fully and appropriately addressed, and there was sufficient information available to conduct an investigation;
- 17 of the investigations were conducted under the Student Procedures; 6 were conducted under the Employee Procedures Title IX Misconduct Process and 6 were conducted under the Employee Procedures Sexual and Gender-Based Misconduct Process (not involving alleged Title IX Misconduct);
- In two matters involving student respondents, and in no matters involving employee respondents, the Complainant requested, Respondent agreed to, and Title IX Coordinator approved, the use of adaptable resolution.

The remaining matters were addressed through a variety of steps taken to stop misconduct, prevent future misconduct, and remedy the effects of misconduct on all who may have experienced or been impacted by it. These steps included supportive measures, contact restrictions, and individual or group educational efforts.

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Many of the reports that ECRT received involved multiple types of allegations, and in total:

- 327 reports involved allegations of Sexual Harassment;
- 347 reports involved allegations of Sexual Assault;
- 83 reports involved allegations of Sex and Gender-Based Discrimination;
- 197 reports involved allegations of Sex and Gender-Based Harassment;
- 110 reports involved allegations of Sex and/or Gender-Based Stalking;
- 66 reports involved allegations of Intimate Partner Violence;
- 35 reports involved allegations of Retaliation;
- 9 reports involved allegations of Sexual Exploitation;
- 5 reports involved allegations of Violation of Supportive Measures.

26 reports involved allegations of unspecified sexual or gender-based misconduct without sufficient information to identify the potential Policy violations.





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# ECRT

## What is ECRT?

The Equity, Civil Rights and Title IX Office, or ECRT, is an office where University students, staff, faculty, and third parties can go if they have concerns about discrimination, including sexual and gender-based misconduct. Patients can also seek assistance from ECRT with respect to sexual and gender-based misconduct concerns.

In particular, ECRT aims to increase and coordinate prevention efforts and to provide more robust, timely, and supportive communications with any member of the campus community who may interact with ECRT.

ECRT now includes the Prevention Education, Assistance & Resources (PEAR) department, which provides sexual and gender-based misconduct prevention education for faculty and staff, as well as other assistance addressing the impact of misconduct on our community.

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## The Policy

### What Is the Policy on Sexual and Gender- Based Misconduct?

The Policy on Sexual and Gender-Based Misconduct (“the Policy”):

- Provides information about how to report concerns
- Designates Confidential Resources and identifies Non-Confidential Resources Designates Individuals with Reporting Obligations (IROs) and describes reporting obligations
- Is accompanied by Student Procedures and Employee Procedures that identify and explain the processes by which concerns of Prohibited Conduct are addressed Prohibits various forms of sexual and gender-based misconduct (collectively, Prohibited Conduct)
  - Sexual Assault
  - Sexual Exploitation
  - Sexual Harassment
  - Gender-Based Harassment
  - Sex and/or Gender-Based Stalking
  - Intimate Partner Violence
  - Sex and Gender-Based Discrimination Retaliation
  - Violation of Supportive Measures
  - Title IX Misconduct

### Why Does the University Have This Policy?

The University of Michigan has had policies prohibiting sex discrimination and sexual misconduct for decades, for a variety of reasons. The Policy:

- Is one part of building and maintaining a safe and equitable environment for all of its community members (including applicants, visitors, and patients);
- Identifies institutional values and conduct expectations;
- Is a mechanism to hold community members accountable when unacceptable behavior occurs; and
- Is required by various federal and state laws;

- For example, Title IX is a federal civil rights and education law that prohibits sex discrimination in educational institutions receiving federal funds;
- Title VII of the Civil Rights Act, the Violence Against Women Act, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) the Michigan Elliott-Larsen Civil Rights Act, and even the State of Michigan higher education budget law (P.A, 86 of 2021), also include requirements for how the University addresses sexual and gender-based misconduct.

## Reporting Concerns

### How Can Someone Report Concerns?

Concerns regarding possible sexual and gender-based misconduct are reported to the Title IX Coordinator and Sexual and Gender-Based Misconduct Director in the Equity, Civil Rights and Title IX Office:

- Online form: [ecrt.umich.edu/file-a-report](https://ecrt.umich.edu/file-a-report)
- Email: [ecrtoffice@umich.edu](mailto:ecrtoffice@umich.edu)
- Phone: (734) 763-0235
- In person: 2072 Administrative Services Building, 1009 Greene Street, Ann Arbor, MI 48109

### Who Can Report Concerns?

Anyone can report, including:

- A person who believes they may have experienced Prohibited Conduct (Complainant);
- A University Individual with Reporting Obligations (IRO);
- A person who has information about possible Prohibited Conduct, even if they are not directly involved.

The University encourages reporting of information regarding concerns of Prohibited Conduct, and encourages reporting as soon as possible.

# Reporting Requirements

## Who is Required to Report Concerns?

While everyone is encouraged to report, many members of the University community are required to report concerns of Prohibited Conduct to ECRT. These are called Individuals with Reporting Obligations, or IROs, and the roles that carry this reporting obligation are outlined in the Policy.

All University faculty and staff are encouraged to complete the [Reporting Sexual and Gender-Based Misconduct training module](#) in order to:

- Determine whether they are an IRO;
- Learn what conduct is Prohibited under the Policy;
- Understand how to respond appropriately, whether or not they have reporting obligations;
- Consider reasons to report even if not obligated to do so; and
- Identify how to report concerns.

Live trainings are also provided to various University employees on an annual basis (e.g., Hall Directors, Resident Advisors, and other Housing/Residential Education staff; Athletics leadership, coaching, operations, training, advising, counseling, medical, and equipment staff, etc.). Academic departments and non-academic units may also receive live training on a regular or ad hoc basis as coordinated by ECRT and by the applicable unit.

To request live training regarding report of Prohibited Conduct, please contact ECRT:

- Email: [ecrtoffice@umich.edu](mailto:ecrtoffice@umich.edu)
- Phone: (734) 763-0235
- In person: 2027 Administrative Services Building, 1009 Greene Street, Ann Arbor, MI 48109

# Reporting Crimes

## Does the University Report Sexual and Gender-Based Crimes to the Police?

Yes. When ECRT receives information about a possible crime, in addition to taking other steps related to the Policy:

- ECRT submits information to the University's [Division of Public Safety and Security \(DPSS\)](#)
- DPSS can then:
  - Assess the information for possible action;
  - Reach out to impacted individuals to let them know about options they may have through DPSS; and
  - Share information with the appropriate agency if a crime is alleged to have occurred off campus.
- This does not automatically result in the opening of a criminal investigation.
- This also does not preclude responsive action by the University under the Policy.

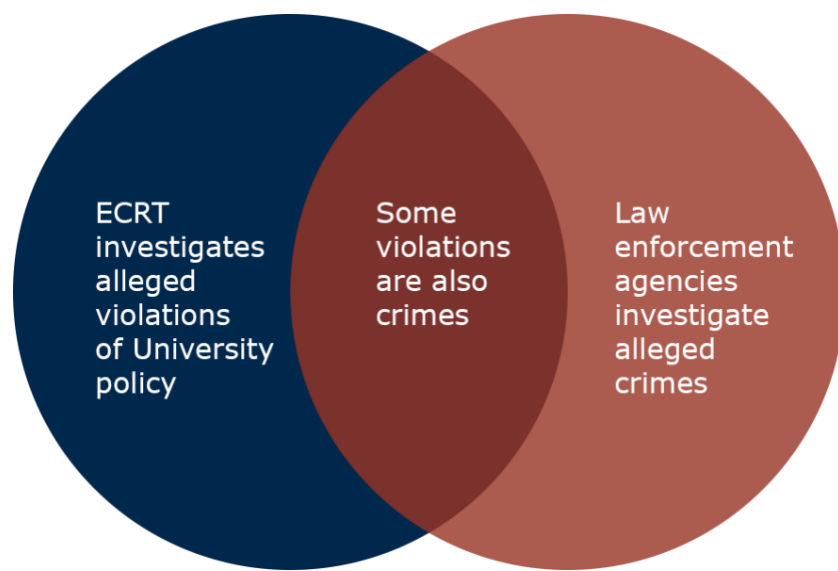
Individuals who believe they have experienced Prohibited Conduct that may also be a crime may choose to report to ECRT, law enforcement, neither, or both.

Many others on campus also have obligations under the Clery Act to notify DPSS of information they learn about certain alleged crimes, for purposes of assessing timely warnings to the community as well as annual statistical reporting. For more information about who is a Campus Security Authority (CSA), please contact the Clery Compliance Coordinator, Erik Mattila, at [emattila@umich.edu](mailto:emattila@umich.edu).

# Investigating Criminal Conduct

## Does the University Investigate Crimes?

- ECRT investigates and otherwise responds to allegations of a violation(s) of University policy.
- Law enforcement agencies investigate allegations of criminal conduct.
- Some behaviors fall under both this Policy and criminal statutes, so they may be addressed by ECRT as possible violations of the Policy and by a law enforcement agency as possible crimes.
- A University response to a report under the Policy does not mean the same concern cannot also be investigated as a crime.
- This is consistent with other conduct that may be both a crime and a violation of University policy (e.g., if a student stole another student's property or punched, stabbed, or otherwise physically assaulted another student outside of an intimate partner relationship, that would be a crime as well as a violation of the [Statement of Student Rights and Responsibilities](#) and both law enforcement and the University would be expected to appropriately address an allegation of such behavior).
- Federal law, including Title IX, specifically prohibits the University from simply reporting a matter to law enforcement and relying upon the outcome of a criminal investigation, rather than taking its own steps to assess and respond to the concerns under the Policy.



The following table shows whether the University, through ECRT, law enforcement, or both may have an appropriate role to play in responding to various types of alleged behaviors.

Behavior	ECRT	Law Enforcement	Both
May violate the policy and criminal statute(s) Example: Sexual Assault	Yes	Yes	Yes
May violate the Policy; does not violate criminal statute(s) Example: Unwelcome, sexualized comments creating a hostile environment	Yes	No	No
May violate criminal statute, but not this Policy Example: personal tax fraud	No	Yes	No

# The Policy and the Clery Act

## Why Do the Numbers in This Report Differ From the University's Annual Security Report?

The University's [Annual Security Report and Annual Fire Safety Report](#) is a specific report required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). In accordance with the 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.

Many of the incidents referenced in this report, while falling under the Policy on Sexual and Gender-Based Misconduct, do not fall within the Clery Act statistical definitions, resulting in a disparity between the data reported in this report and the Annual Security Report. Further, the numbers will differ because the data contained in the reports respectively encompass different time periods (i.e., this report encompasses the 2023 fiscal year while this year's Annual Security Report reflects the 2022 calendar year).

Report	Time Period	Conduct Reported	Geography
Annual Security Report	January 1, 2022- December 31, 2022	Reports to DPSS of certain crimes	Specific locations on campus or within University's control
Annual Report Regarding Institutional Responses to Reports of Sexual and Gender-Based Misconduct	July 1, 2022 - June 30, 2023	Reports to ECRT of possible Sexual and Gender-Based Misconduct	Any location, on or off campus



# Reports & Responses This Year

## How Many Reports Did ECRT Receive?

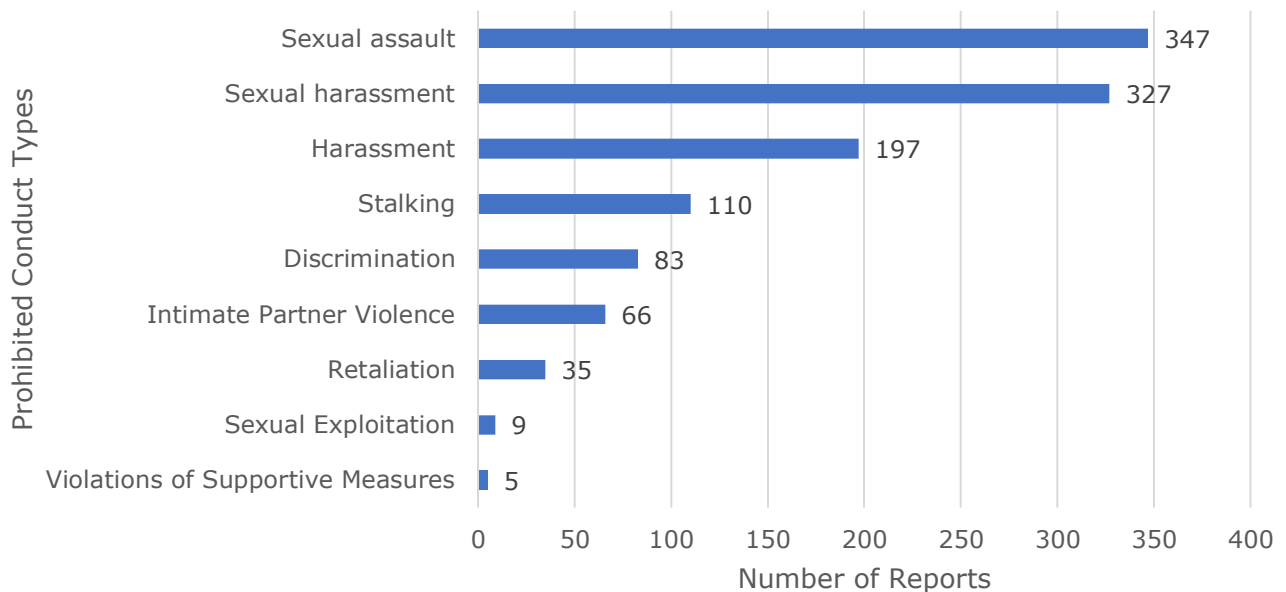
During FY23, ECRT received 929 reports of possible sexual and gender-based misconduct by university students, faculty, staff, or third parties.

Often, a report may involve more than one potential Policy violation. Among the 929 reports, many involved multiple allegation types (either because a single alleged incident could potentially constitute more than one form of Prohibited Conduct, or because a single report may contain multiple alleged types of behaviors). Of the 929 reports:

- 344 reports involved allegations of Sexual Assault;
- 327 reports involved allegations of Sexual Harassment;
- 164 reports involved allegations of Sex and Gender-Based Harassment;
- 110 reports involved allegations of Sex and/or Gender-Based Stalking;
- 70 reports involved allegations of Sex and Gender-Based Discrimination;
- 66 reports involved allegations of Intimate Partner Violence;
- 35 reports involved allegations of Retaliation;
- 9 reports involved allegations of Sexual Exploitation; and
- 5 reports involved allegations of Violation of Supportive Measures.

Of the 929 reports 26 reports involved allegations of unspecified sexual or gender-based misconduct without sufficient information to identify the potential Policy violations.

## ECRT FY23 Reports



## Why is Some Sexual Misconduct Also Specifically Identified as Title IX Misconduct?

Twelve of the above reports involved allegations that also fell within Title IX Misconduct. Title IX Misconduct involves specific definitions designated within the federal Title IX Regulations, reportedly occurring under certain circumstances.

Title IX Misconduct is differentiated from other Sexual and Gender-Based Misconduct more by the circumstances of the alleged incident and the existence of a Formal Complaint, rather than representing substantively different types of behaviors. To the contrary, behavior falling under Title IX Misconduct generally also falls under another Prohibited Conduct definition. Title IX Misconduct allegations are essentially allegations of another form of Prohibited Conduct when the following circumstances are also met:

- Occurs in the United States;
- Occurs in a University Program or Activity;
- A Formal Complaint is filed;
- Fits certain definitions as outlined in the Policy, which generally would also constitute another form of Sexual and Gender-Based Misconduct.



Reports of conduct that meet these criteria are called Title IX Misconduct because they reflect the definition of sexual harassment set forth in the federal Title IX regulations as amended in 2020. The Title IX regulations define sexual harassment more narrowly than the University's Policy, and some other civil rights laws.

- Accordingly, the federal regulations set the "floor" for what the University is required to prohibit, but the University is permitted to take more action to address sexual misconduct than Title IX requires.
- UM chooses to address forms of sexual misconduct that are reported to occur within the University community but may not meet the narrow Title IX regulations that would require the University to do so. The regulations require the University to make a determination as to whether allegations contained within a Formal Complaint meet the Title IX definition of sexual harassment.
- The regulations require certain prescriptive procedures (including a live hearing) to address allegations that fall within the Title IX definition of sexual harassment.
- If the alleged conduct does not meet the Title IX Misconduct criteria, the regulations require the Title IX Coordinator to dismiss, for Title IX purposes, a Formal Complaint of alleged conduct that falls outside of the narrow Title IX definition of sexual harassment.
- If the conduct still falls within the University's Policy, the University will still address the behavior in accordance with the applicable procedures.

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## Who Was Involved in the Reports?

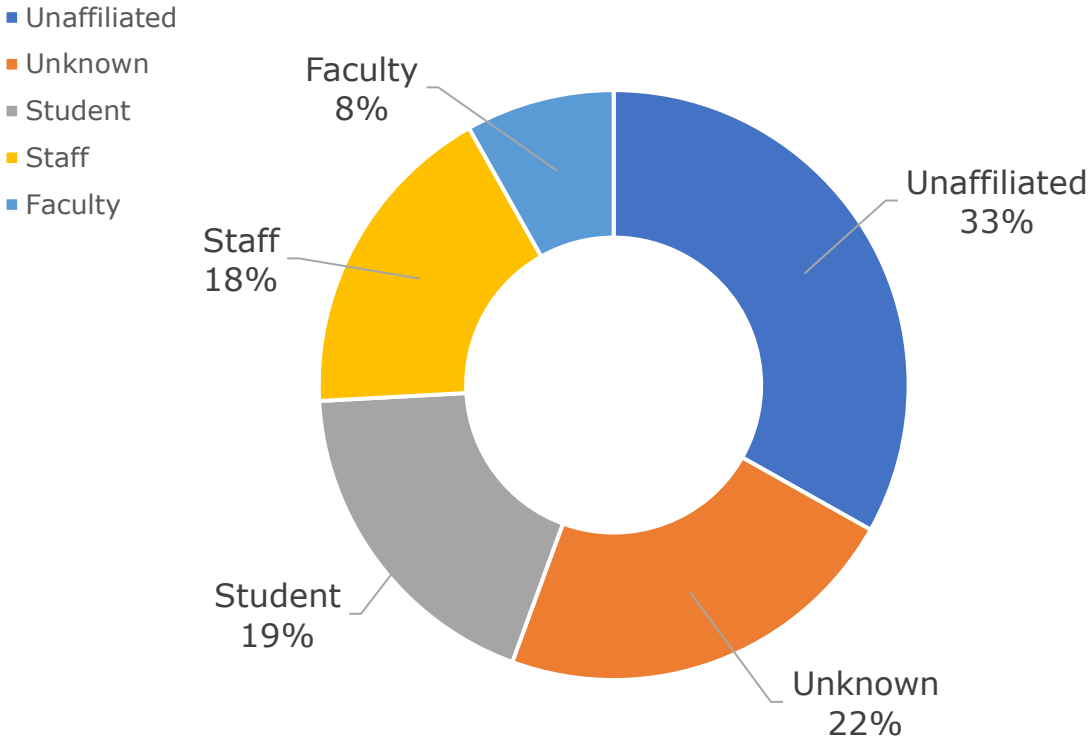
ECRT generally receives reports involving behavior when the Complainant (the person reported to have experienced the conduct), the Respondent (the person reported to have engaged in the conduct), or both are students, faculty, staff, or have some other connection to the University (e.g., patients, visitors to campus events, etc).

Of the 929 reports ECRT received regarding sexual and gender-based misconduct in FY23, 26 gender-based concerns were raised more generally regarding University policies or practices, or a variety of aspects of a particular unit, rather than the alleged conduct of a particular individual.

Of the reports involving Respondent(s):

- 386 reports involved conduct allegedly engaged in by individuals who are not known to be students, faculty, or staff at the University of Michigan:
  - 261 of the reports of sexual and gender-based misconduct did not contain sufficient information for ECRT to identify who the Respondent is or even whether and how they may be affiliated with the University;
  - 85 involved reported behavior of the type prohibited under the Policy, but the Respondent is not affiliated with the University, and in fact the incident(s) are entirely unrelated to the University of Michigan except for the Complainant's affiliation with the University; and
  - 40 involved Respondents who are not students, faculty, or staff at UM, but the reported conduct had some connection to the University environment.
- 216 reports involved student Respondents;
- 206 involved staff Respondents;
- 95 involved faculty Respondents.

### Respondent Affiliation with U-M



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## What Happens When a Concern Is Reported?

When a matter is reported, ECRT conducts an initial assessment and outreach. The initial assessment includes:

- Assessing the nature of the allegations and party affiliation (if known from the report) to identify possible resolution options; and
- Assess and make any necessary reports to DPSS or other appropriate agencies.

Depending on the amount of information available in the report, initial outreach typically includes:

- Reporter
  - To confirm receipt of the report and seek additional information as necessary;
- Complainant
  - To provide information about supportive measures and resources;
  - To notify Complainant of options they have, such as seeking medical treatment, reporting to law enforcement, filing a Formal Complaint with ECRT, etc.;
  - To notify the Complainant that Retaliation is prohibited;
  - To provide the Complainant with the Policy, Procedures, and other informational documents;
  - To request to meet with the Complainant to answer questions and learn more about the matter.

## INITIAL ASSESSMENT

ECRT considers immediate safety issues, submits information to DPSS if a report contains information about a possible crime, and begins to consider possible next steps.



## OUTREACH

ECRT contacts the Complainant if known, to provide information about resources, and supportive measures and to offer a meeting to explore resolution options.

## RESOURCES AND SUPPORT

Regardless of whether a Complainant files a formal Complaint or participates in a resolution process, there are many people and resources on campus that can provide support and assistance. ECRT can connect the Complainant with resources and assist with supportive measures.



## RESOLUTION OPTIONS

There are a variety of formal and informal resolution options that may be appropriate. ECRT explains the processes the Title IX Coordinator determined the appropriate action, with strong consideration given to the Complainant's wishes.

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## Modes of Addressing Reports

The University responded to all of the 929 reports it received. A critical part of ECRT's response to each report is providing involved individuals with information about resources, supportive measures, and resolution options.

In addition to supportive measures and resources, one or more of the following University resolution processes occurs in response to each report:

- Investigation;
  - Investigative Resolution under Student Procedures;
  - Sexual and Gender-Based Misconduct Process under Employee Procedures;
  - Title IX Misconduct Process under Employee Procedures;
- Adaptable Resolution;
- Mediation (Employee Procedures only);
- Pre-Investigation Review; and/or Consultation/Referral/Other Remedies.

Which of the above actions are taken depends on factors such as:

- Whether the parties' identities are known;
- The nature of the Respondent's affiliation (if any) with the University;
  - Whether Respondent was subject to the Policy at the time of the alleged conduct;
  - Whether the University has the current ability to impose sanctions on the Respondent if it finds the Respondent has violated the Policy;
  - Whether the Student Procedures, Employee Procedures, or both may be applicable;
- Whether the Complainant responds to ECRT outreach, and what procedural option (if any) they request;
- If the Complainant does not elect to file a Formal Complaint, whether they are available and willing to participate in an ECRT investigation; and
- Whether the conduct as alleged would constitute a potential Policy violation.



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## Reports Where the Parties' Identities Are Unknown to ECRT

In some cases, ECRT may not know the identities of the parties involved in a report. For example:

- Concerns may be reported anonymously;
- A third party may report concerns without identifying the complainant to ECRT;
- The Complainant may not know who engaged in the behavior at issue;
- The Complainant may choose not to identify the Respondent to ECRT if they do not want a University response to their concerns.

This year, the one or both parties' specific identities were unknown to ECRT in 515 of the 929 reports. In some instances, ECRT may have general information about a party, e.g., ECRT may receive a report about "a faculty member" but no additional identifying information.

In instances where one or both parties' identities are unknown to ECRT, ECRT tries to use the available information in order to, for example:

- Pass information to an unidentified Complainant, e.g., through a third-party reporter, to ensure Complainant has accurate information about resources, supportive measures, and reporting options;
- Address the reported behavior with the Respondent and provide education about University policy and expectations, even if the Complainant's identity is unknown;
- Seek additional information to identify the Respondent(s);
- Seek additional information to identify whether there may be a pattern of concern in an area of the University or regarding the particular Respondent.

These efforts may be a Consultation, Review, Referral, or Other Response.

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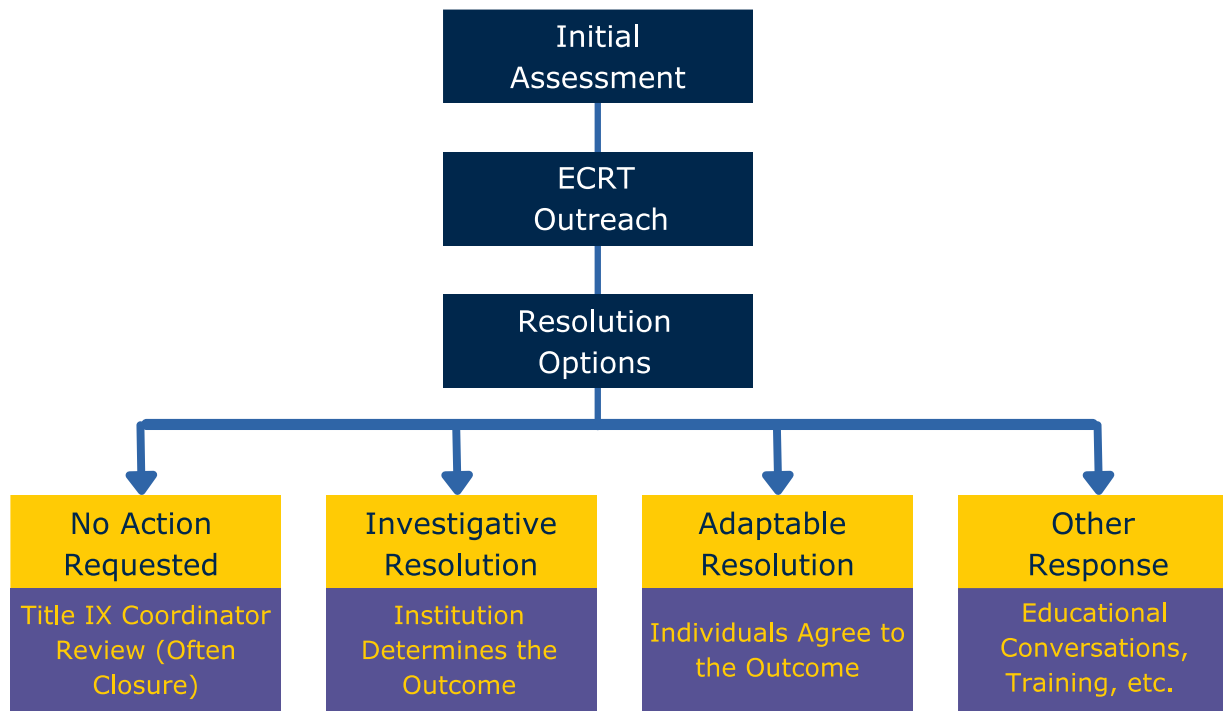
## Reports Where the Complainant Chooses Not to Pursue Any Action

In some cases, a complaint may elect not to engage with ECRT at all, or may consider information about resolution options and determine that they do not wish for ECRT to take action in response to the concerns. While ECRT seeks to act consistently with any requests by the complainant as to the resolution process, in all instances ECRT must consider implications for the entire University community, including campus safety and the risk of future misconduct, as well as the University's legal obligations.

Accordingly, in some cases (particularly involving allegations of sexual misconduct by a University employee), the Title IX Coordinator may initiate a formal investigation, if there is sufficient information to do so, or other resolution option as may be feasible and appropriate depending on the amount of information available. If the Title IX Coordinator opens an investigation where the Complainant has declined to do so, ECRT informs the complainant, who may or may not elect to participate in the investigation process. A complainant is never compelled to participate in a process, and supportive measures remain available regardless of their decision. Likewise, Retaliation is prohibited regardless of the resolution action taken and whether the complainant chooses to participate.

## Matters Involving Student Respondents

As noted above, the action taken to address a report is generally made after, and informed by, communication with the Complainant; review of whether there are prior reports involving the parties or of similar alleged conduct by the Respondent; possible patterns in an area, organization, or unit within the University; and consideration of whether the conduct constitutes a potential Policy violation, as alleged, or would be inappropriate but not specifically Prohibited Conduct.



In the 216 reports in which the Respondent was understood to be a current University of Michigan student, ECRT provided each identified Complainant with information about how to file a Formal Complaint, the availability of supportive measures, additional resources, and resolution options including reporting any possible criminal conduct to law enforcement. In instances where ECRT did not have access to the Complainant's identity but a person who may have reported the matter but declined to identify the Complainant to ECRT (and did not have an obligation under University policy to do so), ECRT requested the person to pass on the same information to the unidentified Complainant to ensure the Complainant received the information even if they did not interact with ECRT.

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## Formal Complaints

Of the 216 reports understood to involve a student Respondent:

- There were 19 matters in which a Formal Complaint was filed alleging conduct that would, if supported by evidence, constitute a Policy violation and requesting a formal resolution process (either an investigative resolution or an adaptable resolution);
  - In 16 cases, Complainant(s) initiated an Investigative Resolution;
  - In 2 cases, Complainant(s) filed a Formal Complaint to request an Adaptable Resolution, the Respondent agreed to participate in Adaptable Resolution, and the Title IX Coordinator approved the use of Adaptable Resolution;
  - In one case, the Complainant(s) did not file a Formal Complaint but the Title IX Coordinator filed a Formal Complaint to initiate an Investigative Resolution.

It often is not legally permissible or possible for the University to proceed with an investigative resolution to reach a finding of a violation without the Complainant's participation in a live hearing when the Respondent is a student, and Adaptable Resolution is never an option without the parties' voluntary participation and the Title IX Coordinator's approval.

Accordingly, in the remaining cases - in which no Formal Complaint of a potential Policy violation was filed requesting an Investigative Resolution or Adaptable Resolution - other interventions or remedies (e.g., educational conversations with individuals, training efforts for a group of individuals) were used to address concerns where information was available and it was appropriate to do so.

	<b>Investigative Resolution</b>	<b>Adaptable Resolution</b>
<b>Formal Complaint Required</b>	Yes	Yes
<b>Title IX Coordinator Approval Required</b>	Yes	Yes
<b>May be initiated by Title IX Coordinator without Complainant's request</b>	Yes	No
<b>May be initiated and compiled without Respondent's agreement/participation</b>	Yes	No
<b>Disciplinary/Non-Disciplinary</b>	Disciplinary	Non-Disciplinary
<b>Focus</b>	Policy violation(s) supported by evidence	Harm
<b>Purpose</b>	Eliminate prohibited conduct, prevent its recurrence, remedy effects	Eliminate prohibited conduct, prevent its recurrence, remedy effects
<b>Possible Outcomes</b>	Violation found/sanctions; No violation finding/no sanctions	Parties agree on a resolution agreement; parties do not agree and an investigation is opened; parties do not agree and matter is closed

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## Why Aren't There More Student Investigations?

In this report, Investigation refers to a specific, formal resolution process through ECRT. It is important to understand that a formal Investigation is only one of many actions that may be requested to address a concern. Consistent with Title IX regulations, a Formal Complaint is required to initiate a formal Investigation. As discussed on pages 24-25, some complainants do not wish to pursue an investigation, and either or both parties may not even be identified to ECRT. As noted on page 27, there were 16 instances this year in which a complainant(s) filed a Formal Complaint containing allegations of a potential Policy violation(s) and requested an Investigative Resolution under the Student Procedures.

Under Title IX, a report from a third party is not a Formal Complaint. If the Complainant declines to file a Formal Complaint, the Title IX Coordinator may do so where appropriate. In instances where the complainant has requested that no Investigation be opened, for the Title IX Coordinator to file a Formal Complaint means that the Title IX Coordinator has determined:

- There is sufficient information to indicate a potential violation of the Policy;

and

- There is sufficient information and legal ability to complete the appropriate Investigation process to reach a determination as to whether the respondent violated the Policy; and
- There is a reason such as safety of the complainant, safety of the University community, the risk of future Prohibited Conduct, or other sufficient justification to override the complainant's request.

When the respondent is a student, it generally is not legally permissible or possible for the University to proceed with an investigative resolution to reach a finding of a violation without the Complainant's participation in a hearing when the respondent is a student. Accordingly, this year there was one instance in which the Title IX Coordinator determined it was appropriate to file a Formal Complaint under the Student Procedures where the Complainant did not do so. In addition, there were three instances in which the Complainant filed a Formal Complaint requesting action other than an Investigative or Adaptable Resolution, and action was taken accordingly.

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## Investigative Resolutions

An investigative resolution under the Student Procedures is appropriate when:

- The Respondent is a Student, as defined in the Policy; and
- The alleged conduct would constitute Prohibited Conduct, if supported by evidence; and
- The Complainant requests an investigative resolution; or
- The Complainant elects not to file a Formal Complaint but is willing to participate and submit to cross-examination at a hearing; and
- The Title IX Coordinator determines there is sufficient information to proceed and a Title IX or other obligation to do so.

The graphic below shows an overview of the investigative resolution process under the Student Procedures.

1

### Complainant meets with ECRT for a recorded interview

- Complainant shares information about their experience with Investigator, and investigator asks questions
- Complainant will have three calendar days to review statement summary + transcript
- Complainant can provide evidence at or following this interview

2

### Complainant or Title IX Coordinator files a Formal Complaint requesting Investigative Resolution

- Title IX Coordinator reviews within one business day
- Respondent is notified immediately upon receipt of a Formal Complaint and next steps

3

### ECRT Meets with Respondent

- Respondent shares information about their experience with Investigator, and Investigator asks questions
- Respondent will have three calendar days to review statement summary + transcript
- Respondent can provide evidence at this or following this interview

4

### ECRT interviews witnesses + gathers additional information

- Timing ranges from 1 week to 6 weeks
- Each Witness has three calendar days to respond to statement summary + transcript

5

### Preliminary Report & Evidence File Review

- ECRT provides Complainant and Respondent with preliminary report, which includes all relevant information gathered by the Investigator
- Parties have 10 calendar days to respond
- Investigator reviews new information provided by parties and incorporates as appropriate

6

### Pre-Hearing Meeting

- Occurs approximately 1-2 weeks after final report completion
- Complainant and Respondent meet separately with ECRT staff member & Hearing Officer to discuss the final report, logistics of the hearing, and remainder of process.

7

### Hearing

- Hearings occur over Zoom
- The Hearing Officer and each party's advisor may ask questions of Complainant, Respondent, and/or Witnesses
- Complainants and Respondents never speak directly to one another

8

### Hearing Outcome

- Communicated simultaneously to Complainant and Respondent within ideally within 30 days of hearing
- Potential outcomes -
  - Evidence supports that Respondent violated Policy
    - Sanctions are included in hearing outcome.
  - Evidence does not support that Respondent violated policy

9

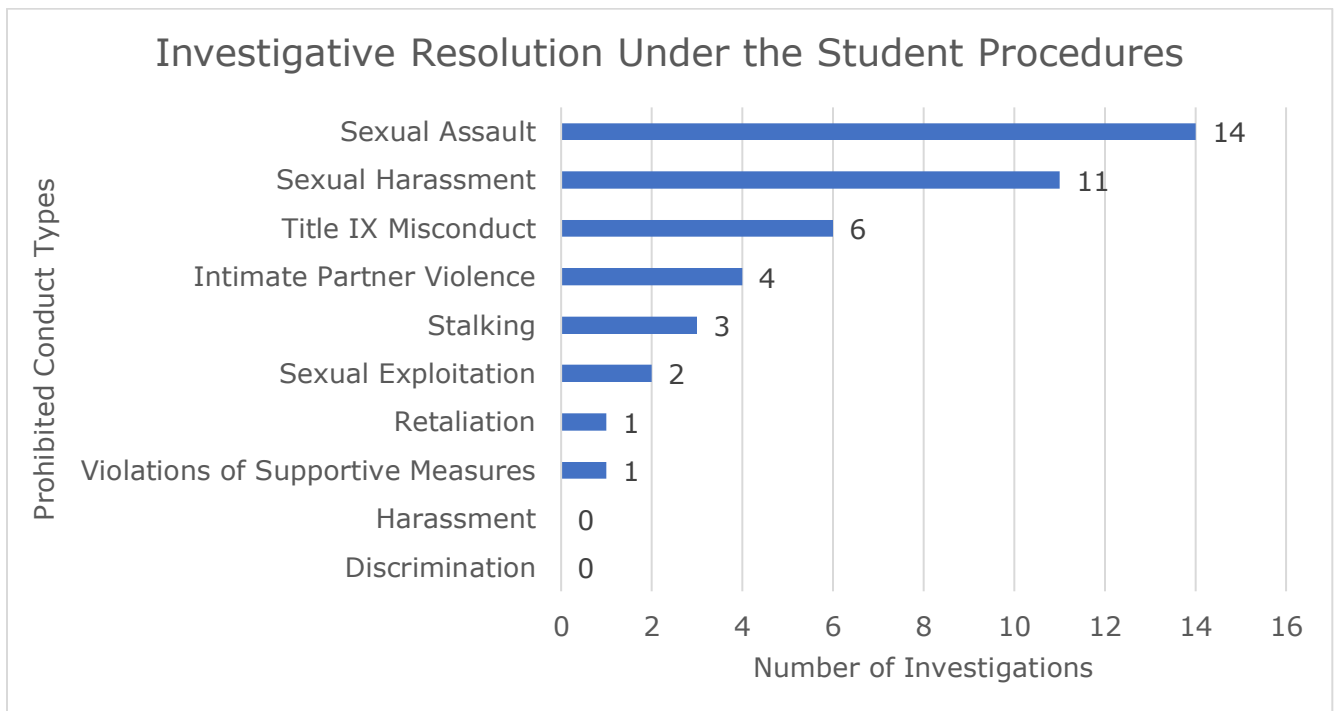
### Appeal

- Either party may (but is not required to) submit an appeal within 14 calendar days of receipt of Hearing Outcome
- Non-appealing party has 14 business days to respond
- External reviewer makes determination, to be approved by Vice President of Student Life



Of the 17 reports that proceeded to investigative resolution under the Student Procedures, some involved multiple allegations:

- 14 involved allegations of Sexual Assault;
- 6 also involved allegations of Title IX Misconduct;
- 11 involved allegations of Sexual Harassment;
- 4 involved allegations of Intimate Partner Violence;
- 0 involved allegations of Gender-Based Harassment;
- 3 involved allegations of Sex and/or Gender-Based Stalking;
- 2 involved allegations of Sexual Exploitation;
- 0 involved allegations of Sex and Gender-Based Discrimination;
- 1 involved allegations of Supportive Measures; and
- 1 involved allegations of Retaliation.



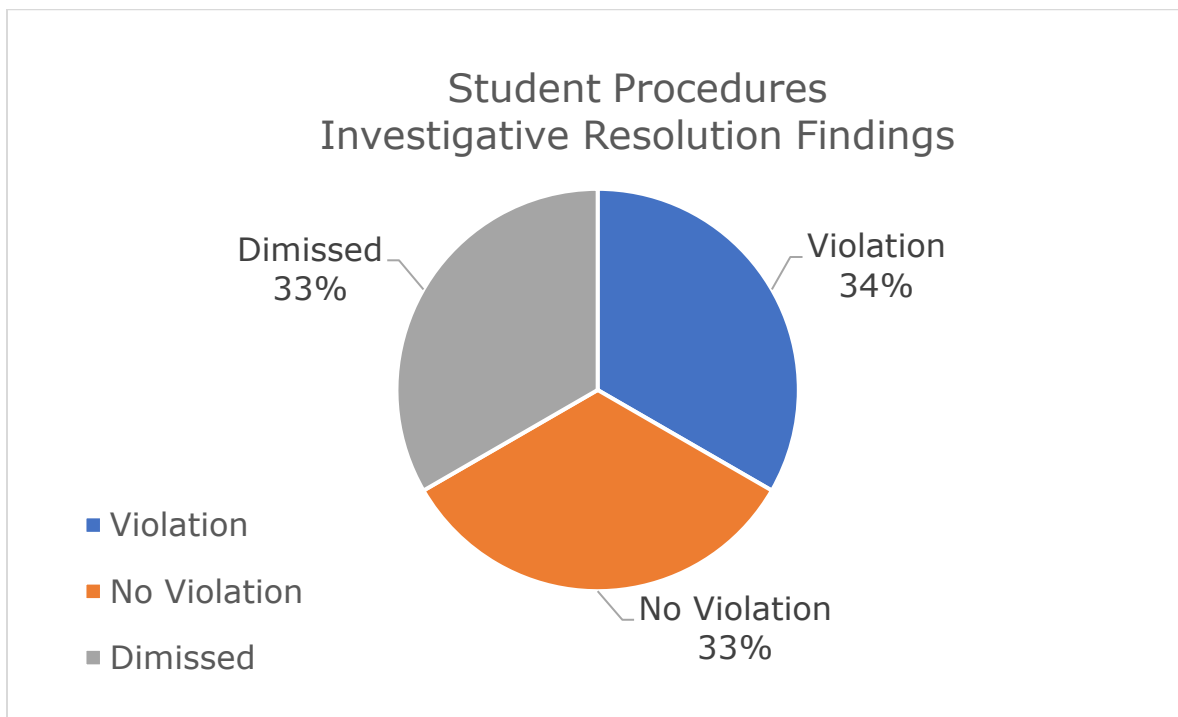
Of the 17 investigative resolutions under the Student Procedures during the relevant time period:

- 14 investigative resolution processes were proceeding in a pre-finding phase as of data gathering; in an additional two, sanctions and/or appeals were pending; and
- 3 were completed entirely as of data gathering for this report.

\*It generally is not legally permissible or possible for the University to proceed with an investigative resolution to reach a finding of a violation without the Complainant's participation in a hearing, when the Respondent is a student.

Of the 2 investigations that have been completed through finding, sanction(s), and appeals, as applicable:

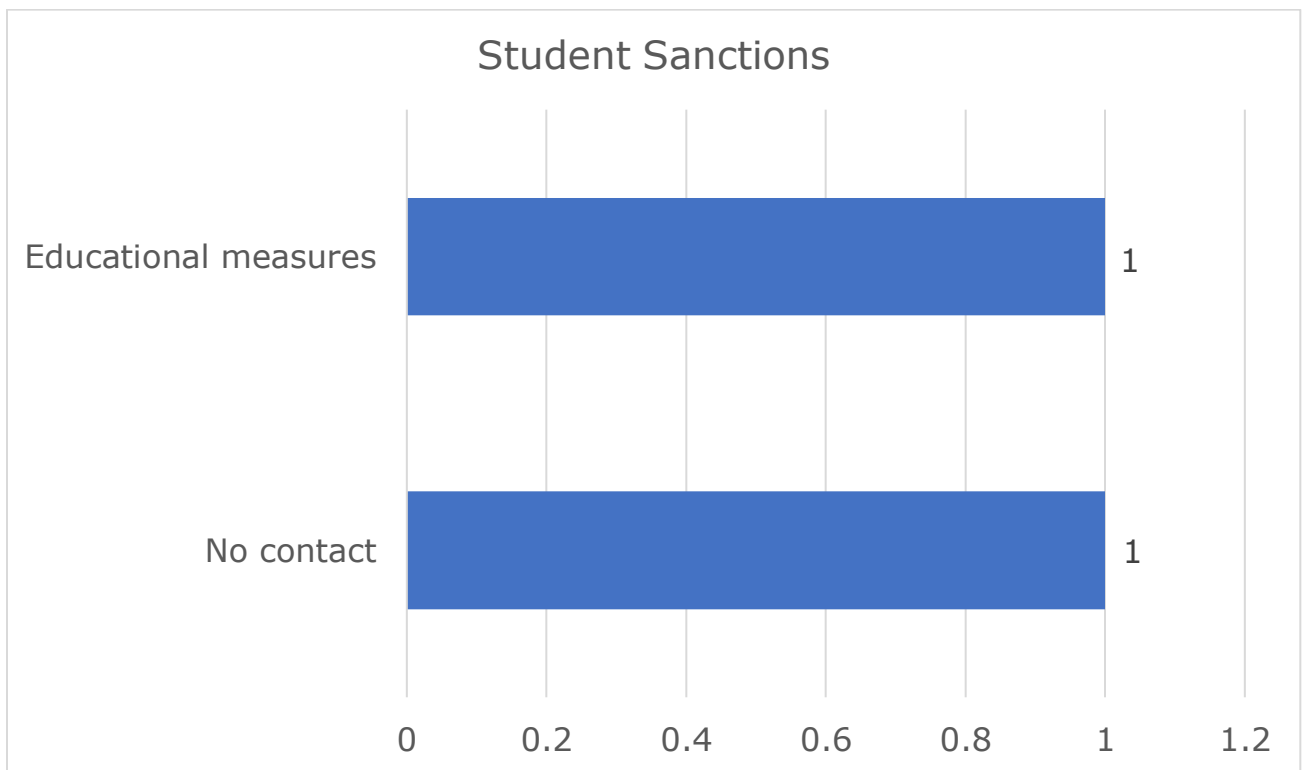
- 1 resulted in no Policy violations found;
- 1 resulted in a finding of a violation(s) of the Policy; and
- 1 was dismissed by the Title IX Coordinator at the Complainant's request.



## Sanctions

When a Respondent is found to have violated the Policy, the Office of Student Conflict Resolution (OSCR) determines sanctions that are designed to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects. The parties have an opportunity to submit an input statement before sanctions are determined by OSCR. The University generally imposes multiple sanctions on a Respondent who is found responsible for violating the Policy.

As noted above, a Respondent was found to have violated the Policy in one (50%) of the two investigative resolutions that were opened and completed through a finding, sanctions, and appeals in the past year. In that case, the sanctions involved a no contact sanction and educational measures.



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## Additional Interventions to Remedy Discriminatory Efforts

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 Complainant, 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 for voluntary participation), or such other measures as may be appropriate under the circumstances.

## Appeals

Both the Complainant 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.

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. Of the matters reported during FY23, one investigative resolution involved appeals:

- One Complainant appealed the finding.
  - The process is pending as of the time of data collection for this report.

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## Adaptable Resolution

Adaptable Resolution is another formal resolution pathway that is available by request of one or both parties, voluntarily entered into by all participating parties, and approved by the Title IX Coordinator. Adaptable Resolution is:

- Voluntary;
- Remedies-based;
- Non-disciplinary;
- Structured in accordance with the needs of the parties;
- Designed to allow Respondent to acknowledge and repair (to the extent possible) harm; and
- Aimed toward creating an agreement that meets both parties' need to address harm and promote accountability.

The matters that proceeded to Adaptable Resolution this year involved allegations of Sexual Assault (1), Sexual harassment (1) and Stalking (1) and in one matter the parties agreed to engage in Shuttle Negotiation and Facilitated Dialogue; in the other matter, the parties are in the process of finalizing a resolution agreement.

Adaptable Resolution is a voluntary and restorative process used to address harm within the community stemming from sexual and gender-based misconduct. Through shared-decision making and active engagement, Parties, alongside trained facilitators, are invited to engage in a spectrum of pathways designed to promote agency, equity, and collaboration. These pathways create opportunities for meaningful accountability, repair of harm, and education to prevent future harm.

## 1 Exploration of AR

- Complainant Interest
  - Complainant meets with ECRT and requests AR
  - ECRT connects Complainant to AR Facilitator in OSCR for Consultation (recommended)
- Formal Complaint
  - Complainant submits Formal Complaint to ECRT for review
- Complainant Intake
  - ECRT connects Complainant to AR Facilitator in OSCR for Intake
- Respondent Referral
  - ECRT connects Respondent to AR Facilitator in OSCR for Consultation (recommended) and Intake

## 2 Agreement to participate in AR

- The Complainant and Respondent sign Participation Agreements

## 3 Facilitation of AR

- Complainant and Respondent meet separately with AR Facilitator in OSCR to prepare for participation in the agreed-upon AR Facilitation Pathway(s)
  - Parties may agree to engage in multiple pathways

### AR Facilitation Pathways

Do NOT require face-to-face interaction

#### Restorative Shuttle Agreement

A negotiated agreement between the Complainant and Respondent.

#### Community Supported Accountability Circle

A facilitated interaction between the Respondent and university designees to create an accountability plan for the Respondent.

Require face-to-face interaction

#### Facilitated Dialogue

A structured and facilitated conversation between the Complainant, Respondent, and any other agreed-upon parties.

#### Restorative Circle or Conference

A facilitated interaction where the Complainant and any other agreed-upon parties come together with the Respondent who assumes responsibility for repairing the harm.

## 4 Completion of AR

- Complainant and Respondent agree upon and finalize Resolution Agreement
- AR Resolution Agreement goes into effect

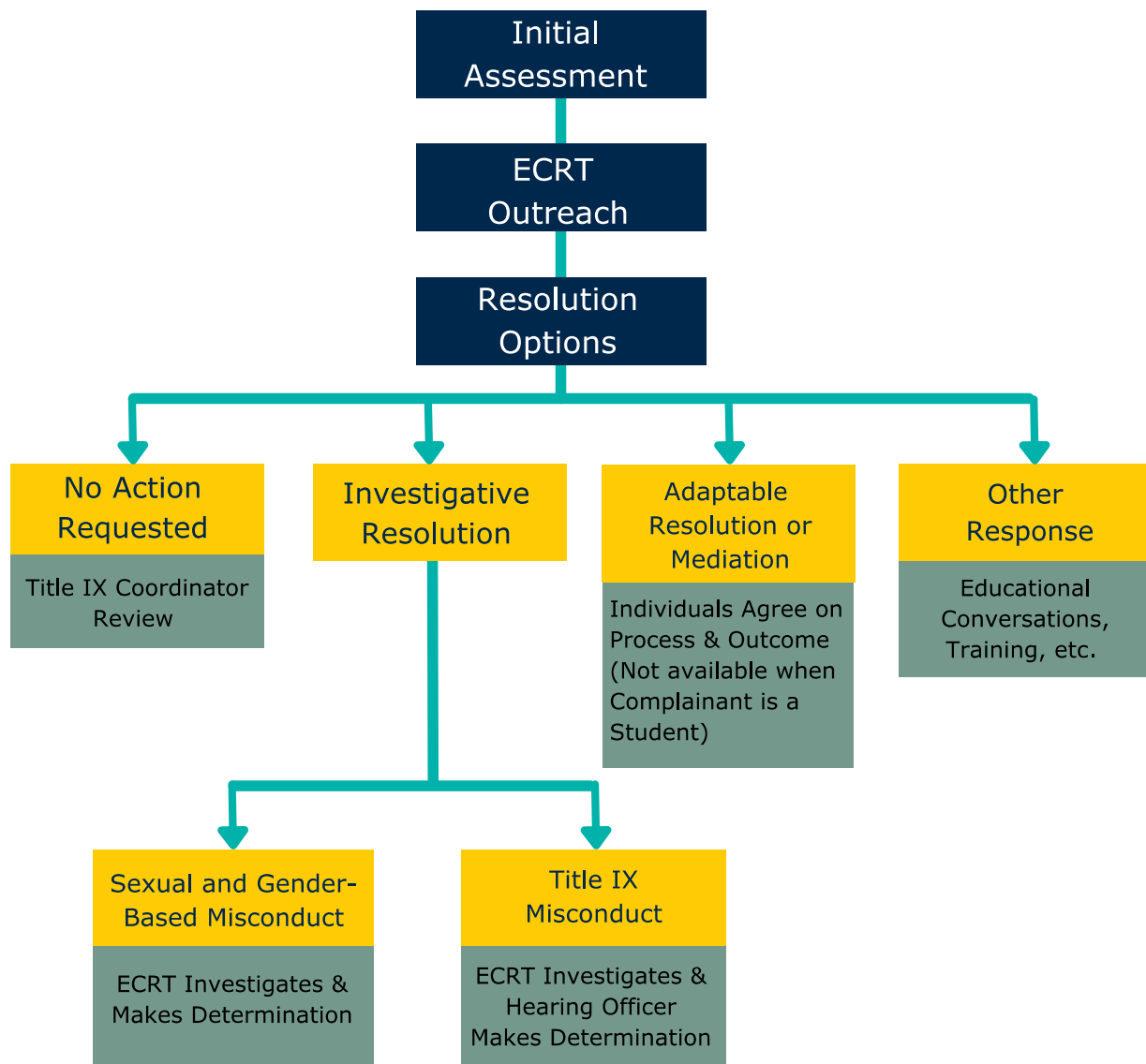
### \*Referral Back to ECRT

AR Cases may be referred back to ECRT for the following reasons:

- If Respondent does not agree to participate in AR
- If Title IX Coordinator does not approve the case for AR
- If one or more parties choose to stop participating in AR
- If ARC determines that the AR process may not have the intended effect

# Matters Involving Employee Respondents

As noted above, the action taken to address a report is generally made after, and based on, communication with the Complainant; review of whether there are prior reports involving the parties or of similar alleged conduct by the Respondent, possible patterns in an area, organization, or unit within the University; and consideration of whether the conduct constitutes a potential Policy violation, as alleged, or would be inappropriate but not specifically Prohibited Conduct.



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## Formal Complaints

Of the 301 reports in which the Respondent was understood to be a current University of Michigan employee (faculty or staff),

- There were 12 matters in which a Formal Complaint was filed alleging conduct that would, if supported by evidence, constitute a Policy violation and opening an investigation:
  - In 10 cases, Complainant(s) initiated an investigation; and
  - In 2 cases, the Complainant(s) did not file a Formal Complaint but the Title IX Coordinator filed a Formal Complaint to initiate an investigation.

An investigation was opened in each of the matters in which a Complainant(s) filed a Formal Complaint alleging conduct that would, if supported by evidence, constitute a Policy violation and requested an investigation, as well as those matters in which the Complainant did not file a Formal Complaint but the Title IX Coordinator initiated the opening of an investigation. It is possible and appropriate under some circumstances for the Title IX Coordinator to open an investigation without a Formal Complaint filed by a Complainant. This is common in matters where:

- Respondent's specific identity is known to ECRT;
- Respondent is a University employee;
- The conduct, as alleged, constitutes a potential Policy violation, and ECRT has, or has a reasonable mechanism to obtain, sufficient information to conduct a fair, thorough, and effective investigation.

## Why Aren't There More Employee Investigations?

In this report, Investigation refers to a specific, formal resolution process through ECRT. It is important to understand that a formal Investigation is only one of many actions that may be requested to address a concern. Consistent with Title IX regulations, a Formal Complaint is required to initiate a formal Investigation. The most common way a Formal Complaint is filed is by a complainant who is thereby requesting an Investigation under the applicable procedures. As discussed on pages 24-25, some complainants do not wish to pursue an investigation, and either or both parties may not even be identified to ECRT. As noted on page 39, there were 12 instances



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this year in which a complainant(s) or the Title IX Coordinator filed a Formal Complaint containing allegations of a potential Policy violation(s) and initiated an Investigative Resolution under the Employee Procedures.

Under Title IX, a report from a third party is not a Formal Complaint. If the Complainant declines to file a Formal Complaint, the Title IX Coordinator may do so where appropriate. In instances where the complainant has requested that no Investigation be opened, for the Title IX Coordinator to file a Formal Complaint means that the Title IX Coordinator has determined:

- There is sufficient information to indicate a potential violation of the Policy;

and

- There is sufficient information and legal ability to complete the appropriate Investigation process to reach a determination regarding responsibility under the Policy; and
- There is a reason such as safety of the complainant, safety of the University community, the risk of future Prohibited Conduct, or other sufficient justification to override the complainant's request.

Generally, where the concerns involve potential misconduct by a University faculty or staff member, if the first two criteria above are met, the Title IX Coordinator files a Formal Complaint to initiate an Investigation. As noted on page 39, this year, two of the 12 Investigations under the Employee Procedures were initiated by the Title IX Coordinator filing a Formal Complaint, and 10 were initiated by the complainant.

## Investigations

It is sometimes possible, but often is not feasible, for the University to proceed with an Investigation to reach a finding of a violation without the Complainant's participation in an Investigation and/or hearing when the Respondent is an employee.

An Investigation under the Employee Procedures is appropriate when:

- The Respondent is an Employee; and
- The alleged conduct would constitute Prohibited Conduct, if supported by evidence; and
- The Complainant requests an investigation; or
- The Complainant elects not to file a Formal Complaint but is willing to participate; and
- The Title IX Coordinator determines there is sufficient information to proceed and a Title IX or other obligation to do so.

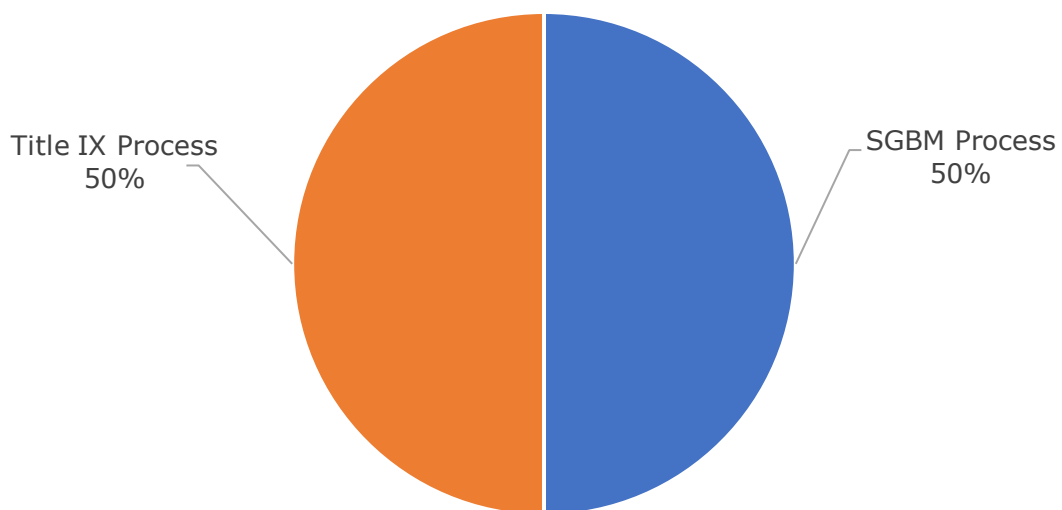
As a result of federal Title IX regulations implemented by the Department of Education in 2020, there are two investigation processes under the Employee Procedures:

- Sexual and Gender-Based Misconduct Process;
- Title IX Misconduct Process.

Of the 12 investigations conducted under the Employee Procedures:

- 6 were conducted under the Sexual and Gender-Based Misconduct Process;
- 6 were conducted under the Title IX Misconduct Process.

Employee Investigation Types



	<b>SGBM Process</b>	<b>Title IX Process</b>
<b>Applicability</b>	Conduct at issue, as alleged, constituted Prohibited Conduct but not Title IX Misconduct	Conduct at issue, as alleged, constituted Prohibited Conduct & at least one allegation constitutes Title IX Misconduct
<b>Investigation</b>	Conducted by ECRT or other investigators as designated by Title IX Coordinator	Conducted by ECRT or other investigators as designated by Title IX Coordinator
<b>Parties have opportunity to provide &amp; identify evidence &amp; potential witnesses</b>	Yes	Yes
<b>Investigator, not parties, responsible for identifying and obtaining all relevant &amp; available evidence</b>	Yes	Yes
<b>Parties have opportunity to review all evidence prior to a determination being reached</b>	Yes	Yes
<b>Review of Report by Title IX Coordinator or designee</b>	Yes	Yes
<b>Live hearing with cross-examination</b>	No	Yes
<b>Decision-maker</b>	ECRT	Hearing Officer

<b>Possible Outcomes</b>	Violation; no violation; no violation but other inappropriate behavior found	Violation; no violation; no violation but other inappropriate behavior found
<b>Corrective Action</b>	Determined by applicable supervisory authority	Determined by applicable supervisory authority
<b>Appeals of Determination as to Responsibility</b>	Yes	Yes
<b>Resulting disciplinary action subject to Applicable Grievance Procedures</b>	Yes	Yes

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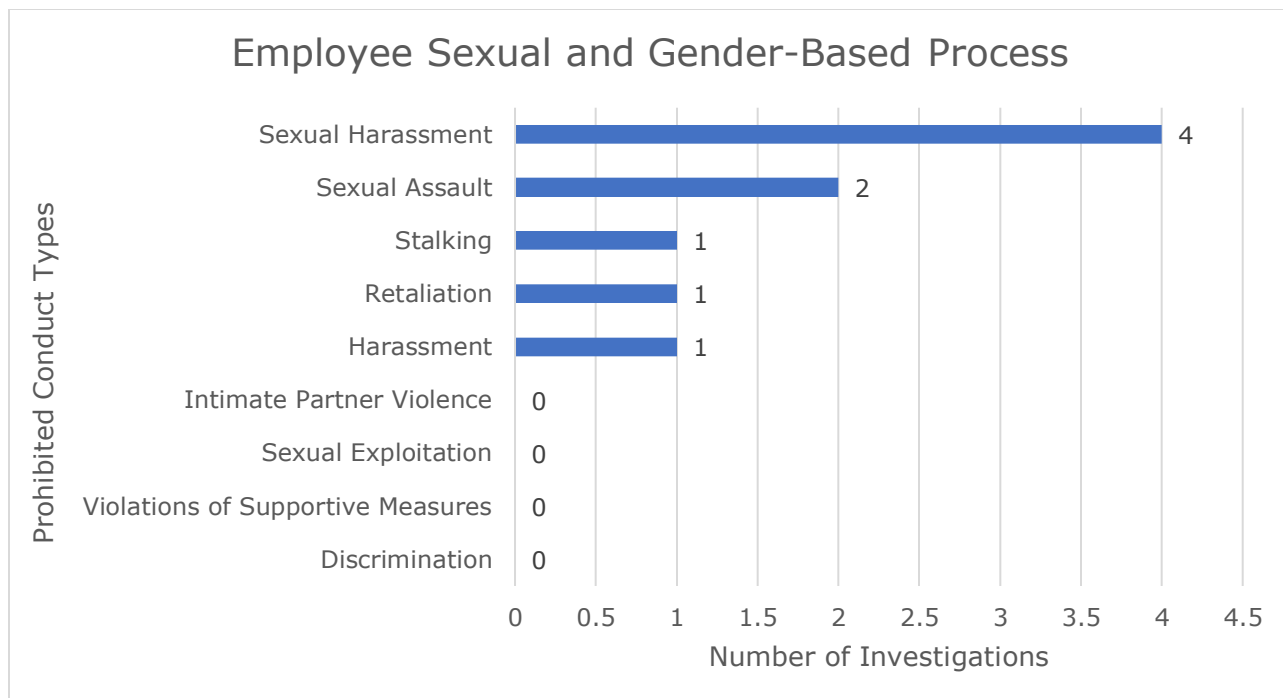
## Sexual & Gender-Based Misconduct Process

As noted in the preceding table, the Sexual and Gender-Based Process is used when none of the alleged conduct would constitute Title IX Misconduct, either because it does not fit the specific conduct definitions or because certain specific circumstances do not apply.

Of the 6 investigations conducted under the Sexual and Gender-Based Misconduct Process:

- 1 involved an allegation(s) of Retaliation;
- 4 involved an allegation(s) of Sexual Harassment;
- 2 involved an allegation(s) of Sexual Assault;
- 1 involved an allegation(s) of Sex and Gender-Based Discrimination;  
and
- 1 involved an allegation(s) on Sex/Gender-Based Stalking.

None of the matters addressed using the Sexual and Gender-Based Misconduct Process involved allegations of Sexual Exploitation, Gender-Based Harassment, Intimate Partner Violence or Violation of Supportive Measures.



Of the 6 investigations conducted using the Sexual and Gender-Based Misconduct Process of the Employee Procedures during the relevant time period:

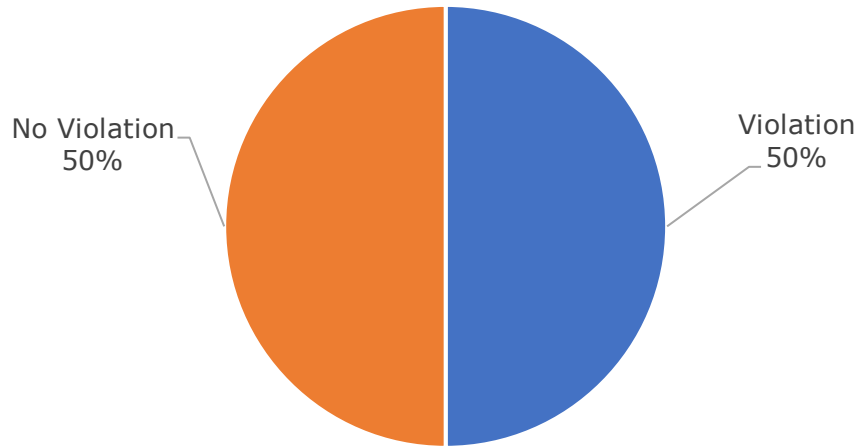
- 2 have been completed with a determination regarding responsibility;
- 3 were pending at the time of data compilation;
- 1 was closed where, during the process, the Respondent's employment ended and they are ineligible for re-hire at the University.

Of the 2 investigations that have been completed to a determination regarding responsibility:

- 1 resulted in no Policy violations or other inappropriate behavior found;
- 1 resulted in a finding of at least one Policy violation or other inappropriate behavior;
  - 1 resulted in a finding of at least one Policy violation;
  - 0 resulted in no Policy violations, but other inappropriate behavior found.

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## Employee SGBM Procedures Investigative Resolution Findings



### Appeals

Under the Employee procedures effective October 1, 2021, the Complainant and the Respondent have the opportunity to appeal the determination regarding responsibility in the Sexual and Gender-Based Misconduct Process.

Under the Policy, each appeal is considered by an external reviewer who may either uphold the finding, or remand the matter back to ECRT for further proceedings.

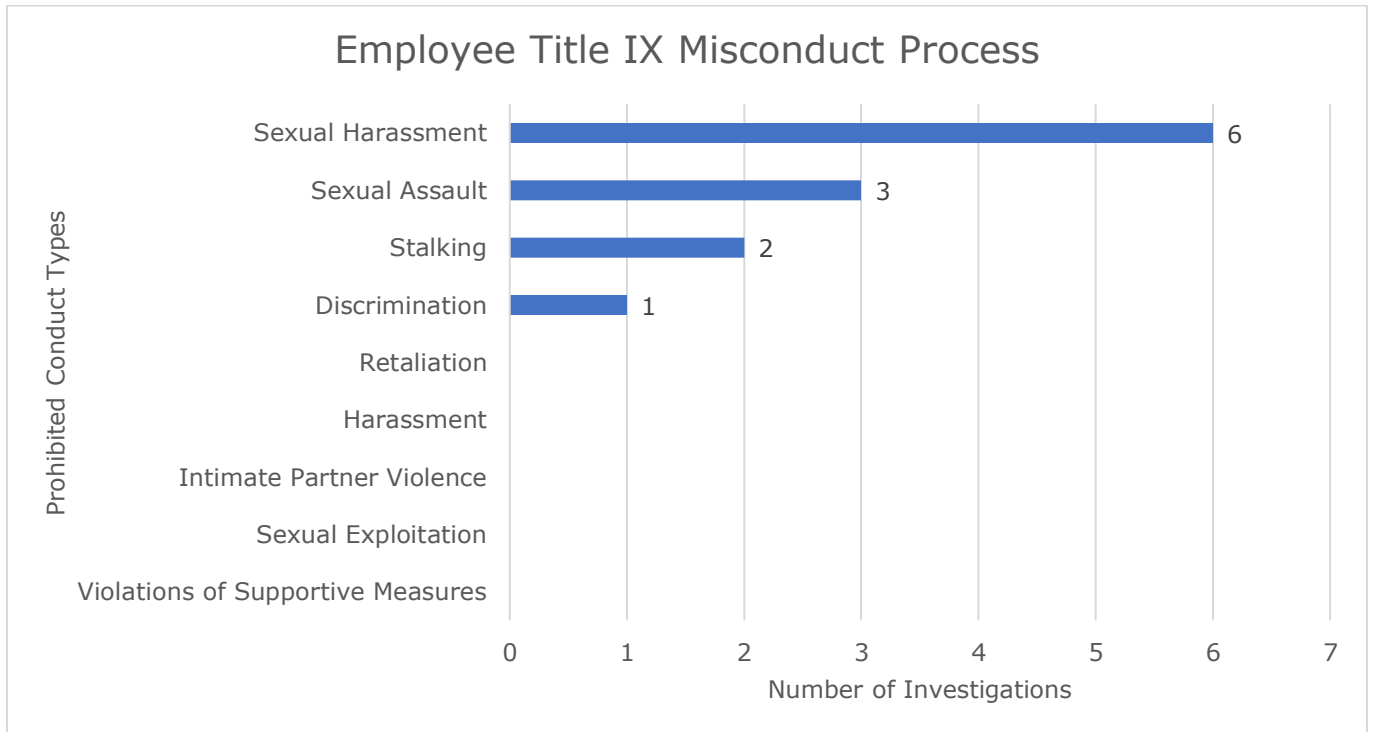
Of the matters reported during FY23 and completed under the October 1, 2021 Employee Procedures, Sexual and Gender-Based Misconduct Process to date, no appeals were filed.

## Title IX Misconduct Process

As noted in the preceding table, the Title IX Misconduct Process is used when an investigation involves one or more allegations that may constitute Title IX Misconduct. Accordingly, all 6 involved allegations of Title IX Misconduct, and:

- 6 involved allegations of Sexual Harassment;
- 3 involved allegations of Sexual Assault;
- 2 involved allegations of Stalking; and
- 1 involved allegations of Sex/Gender-Based Discrimination.

None of the investigations conducted using the Sexual and Gender-Based Misconduct Process involved allegations of Intimate Partner Violence, Sexual Exploitation, Gender-Based Harassment, Retaliation, or Violation of Supportive Measures.





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Of the 6 investigations conducted using the Title IX Misconduct Process of the Employee Procedures during the relevant time period:

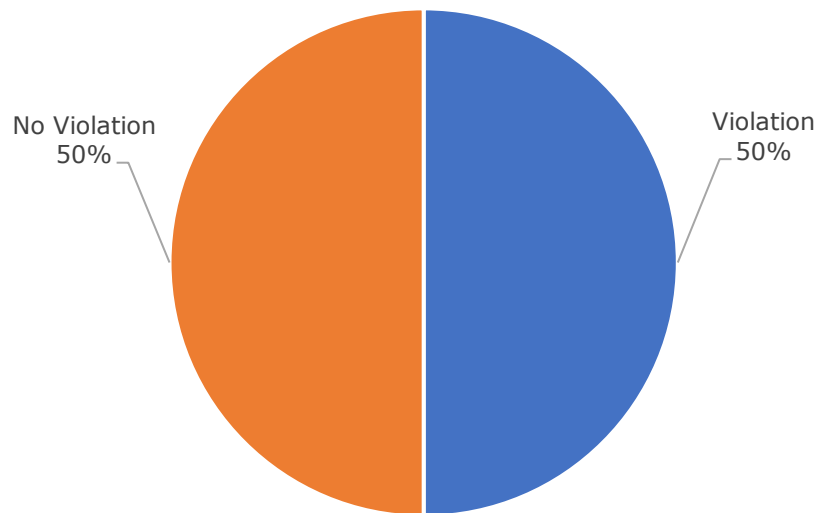
- 2 investigations/hearing were proceeding; and
- 4 had been completed with a determination regarding responsibility at the time of data gathering for this report.

Of the 4 investigations/hearings that have been completed to a determination regarding responsibility:

- 2 resulted in no Policy violations or other inappropriate behavior found;
- 2 resulted in a finding of at least one Policy violation.

There were no findings of inappropriate behavior but no policy violation.

Employee Title IX Procedures  
Investigative Resolution Findings



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## Title IX Misconduct Process – Appeals

Both the Complainant and the Respondent have the opportunity to appeal the determination regarding responsibility in the Title IX Misconduct Process.

Under the Policy, each appeal is considered by an external reviewer who may either uphold the finding or remand the matter back to ECRT and/or the Hearing Officer, as appropriate, for further proceedings.

Of the matters reported during FY23 and completed under the Title IX Misconduct Process to date:

- One Respondent appealed a finding of violation.
  - The appeal was pending at the time data was collected for this report.
- No appeals were filed by any Complainant.

## Corrective Action

When a Respondent is found to have violated the Policy, the Respondent's supervisor(s) or other appropriate University administrator(s) determines corrective action that is designed to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects.

In the two matters in which a Respondent was found to have engaged in a Policy violation or other inappropriate behavior through either investigative process under the Employee Procedures, corrective action has been taken in both matters. In some instances, the initial corrective action is a referral to a disciplinary review conference, or other applicable proceeding to determine further actions imposed. Where a disciplinary review conference has been completed and resulted in additional actions, the resulting actions are listed rather than the referral to a disciplinary review conference.

- In 1 instance, the Respondent was issued a 5-day disciplinary lay off.
- In the other, in which the Respondent has left their employment at the University, the respondent was designated ineligible for re-hire.

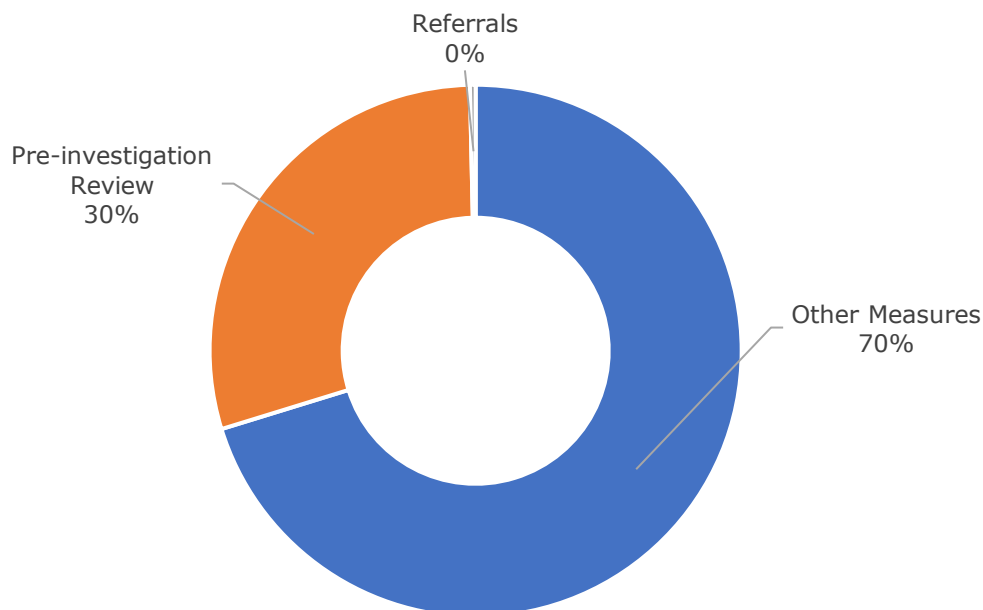
## Other Responses to Reports Regarding Employees

In the 289 remaining matters involving allegations against an employee:

- 203 matters were consultations, meaning the report resulted in some other action, or insufficient information was available to proceed with additional action;
- 85 reports resulted in a Pre-Investigation Review, which is when ECRT does not have sufficient information to initiate a formal Investigation, so ECRT takes significant additional steps to gather additional information in order to determine whether an investigation may be possible and appropriate, and ultimately, there is not enough information available or the information gathered during the review does not suggest a potential violation of the Policy;
- 1 report was addressed by an external investigation/review.

There were no cases in which a Complainant requested and the Title IX Coordinator approved the use of Adaptable Resolution or Mediation.

### Other Responses to Reports Regarding Employees



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## Matters Involving Third Party Respondents

ECRT received 386 reports that either involved Respondents who are not University students or employees, or in which ECRT did not have sufficient information regarding the Respondent's identity or affiliation status to determine whether and how the Respondent may be affiliated.

ECRT reviewed and responded to each of these 386 reports with appropriate mechanisms available, based on the nature and extent of the information provided to ECRT, in order to: address the concerns; prevent Prohibited Conduct; and remedy any impact on individuals or the broader community including through supportive measures and other resources.

The following table shows action that may be generally available for the University to address concerns involving unaffiliated Respondents under particular circumstances.

Respondent (R)	Circumstances of Incident	Example	Availability of investigation	Availability of Supportive Measures	Other Possible Action
<b>Previously but not currently affiliated</b>	Occurred while R was affiliated	<ul style="list-style-type: none"> <li>An alumnus contacts ECRT and reports that another alumnus sexually assaulted them while both were students:</li> <li>A former student contacted ECRT and alleges that a faculty member harassed them when they were a student and the faculty member has since retired</li> </ul>	Typically, not feasible (limited to no ability to impose sanctions; may not have contact information to allow Respondent to participate in a fair and meaningful investigation)	Yes	Referral to law enforcement if criminal conduct is alleged
<b>Previously but not currently affiliated</b>	Occurred while R was not affiliated	<ul style="list-style-type: none"> <li>A community member reports that a former U-M student sexually assaulted them recently, and the former student graduated prior to the incident</li> </ul>	No. R was not subject to the Policy	Yes	Referral to other entity (e.g. R's home institution, law enforcement, etc.

Respondent (R)	Circumstances of Incident	• Example	Availability of investigation	Availability of Supportive Measures	Other Possible Action
<b>Not affiliated</b>	Occurred on campus or in a University program or activity	<ul style="list-style-type: none"> <li>An unaffiliated third party reportedly engages in stalking of a University employee, including showing up to the employee's on-campus office</li> <li>A speaker invited by a student organization to come to campus reportedly engaged in gender-based harassment of students and staff while on campus for the event</li> </ul>	May or may not be feasible (limited to no ability to impose sanctions; may not have contact information to allow R to participate in a fair and meaningful investigation)	<p>Supportive measures and campus resources if C is participating in a University program or activity</p> <p>Resources referral whether C is affiliated with U-M or not</p>	Referral to other entity (e.g. R's home institution, law enforcement, etc.)
<b>Not affiliated</b>	Did not occur in a University program or activity	<ul style="list-style-type: none"> <li>A report that a student was sexually assaulted by an unaffiliated third party while home during winter break</li> <li>A report that an employee's unaffiliated partner is arrested for domestic violence</li> </ul>	May or may not be feasible (limited to no ability to impose sanctions; may not have contact information to allow R to participate in a fair and meaningful investigation)	<p>Supportive measures and campus resources if C is participating in a University program or activity</p> <p>Resources referral whether C is affiliated with U-M or not</p>	Referral to other entity (e.g. R's home institution, law enforcement, etc.)

# Resources for Support

## What Support Is Available at the University?

- Designated Confidential Resources are available within the community to offer supportive and other services, including consultation about reporting options on a confidential basis.
  - Confidential Resources may not share information disclosed to them except with permission of the person who shared the information or in limited health and safety circumstances.
  - Confidential Resources include the
    - [Sexual Assault Prevention and Awareness Center](#);
    - [Counseling and Psychological Services](#);
    - [Faculty and Staff Counseling and Consultation Office](#);
    - [the Office of Counseling and Workplace Resilience](#); and others.
- Non-Confidential Resources are also available to offer supportive and other services, but are not Confidential and some employees in these offices may be obligated to report (see page 8).
- The Policy identifies a variety of Confidential and Non-confidential Resources available to members of the University community.

## Supportive Measures

Supportive measures are available to all parties, regardless of whether the matter is reported, a Formal Complaint is filed, or the party participates in a resolution process.

Supportive measures are:

- Individualized services, accommodations, other assistance;
- Provided by the University;
- Free of charge;
- Available to all parties;
- Available regardless of whether a matter is reported;
- Available with or without a Formal Complaint;
- Not punitive or disciplinary in nature;
- Not an unreasonable burden upon another party;

- Designed to restore or preserve equal access to the University's Programs and Activities, protect the safety of all parties and the University's educational environment, and/or deter Prohibited Conduct.

The following table displays some examples of Supportive Measures. This table is not exhaustive, and as Supportive Measures are individualized, parties are encouraged to identify any Supportive Measures needs they may have to ECRT, or an applicable Confidential Resource (e.g., SAPAC) to explore what measures may be available to meet their needs. Additionally, a particular Supportive Measure may not be appropriate in all instances, and Supportive Measures can be implemented in combination.

Type of Supportive Measure	Example of Supportive Measure
<b>Academic</b>	Ability to: re-schedule classes, exams, and assignments; transfer course sections; modify an academic schedule; or withdraw from a class; leaves of absence
<b>University Employment</b>	Modification of work schedule or location or job assignment; leaves of absence
<b>Housing</b>	Changes in University Housing location; provision of temporary emergency University housing, assistance securing temporary off-campus housing or finding other off-campus housing
<b>Counseling Services</b>	On-campus counseling services (CAPS, SAPAC, FASSCO, OCWR, etc.); assistance connecting to community -based counseling services
<b>Security</b>	Increased monitoring of particular areas of campus; an escort to ensure safe movement on campus; temporarily limiting an individual's access to certain University facilities or activities, as appropriate
<b>Medical</b>	Assistance connecting to community-based medical services; reassignment of patient to another provider
<b>Contact</b>	Contact restriction through ECRT (typically mutual); assistance seeking a personal protection order through the court system; an instruction from DPSS to cease contact with another individual



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This year, ECRT approved at least 33 specific supportive measures, which does not include Supportive Measures arranged by other offices or granted without the need for assistance from ECRT:

- 10 academic accommodations;
- 3 employment accommodations;
- 3 Housing accommodations; and
- 17 mutual no contact restrictions.

Referrals and connections to other resources, both internal and external to the University, are not included in the data above regarding Supportive Measures, since all parties ECRT contacts are referred to resources.

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## Conclusion

For more information, including definitions, resources, and a more detailed overview of the processes used to address sexual misconduct concerns involving faculty, staff and third parties, please visit the ECRT website or University's Sexual Misconduct Reporting & Resources website.

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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