University of Michigan Policy On Sexual Misconduct by Students

Effective August 19, 2013
This document sets forth the University's policy on sexual misconduct by students and outlines response procedures, resources, and related information for students. Students may use the following navigation guide to identify and explore priority information and support. To access these topics directly, click on the section titles listed.

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I. Introduction

The University of Michigan values civility, dignity, diversity, education, equality, freedom, honesty, and safety, as described in the *Statement of Student Rights and Responsibilities*, and is firmly committed to maintaining a campus environment free from sexual harassment and sexual assault, collectively referred to in this policy as *sexual misconduct*.

Sexual misconduct jeopardizes the mental, physical, and emotional welfare of our students and the safety of our community. Sexual misconduct diminishes students' individual dignity and impedes their access to educational, social, and employment opportunities. It may cause lasting physical and psychological harm. Sexual misconduct violates our institutional values and its presence in the community presents a barrier to fulfilling the University's scholarly, research, educational, patient care, and service missions. Sexual misconduct, therefore, will not be tolerated at the University of Michigan and is expressly prohibited.

This policy provides information regarding the University's prevention and education efforts related to sexual misconduct by students. The policy also explains how the University will proceed once it is made aware of possible student sexual misconduct in keeping with our institutional values and to meet our legal obligations under *Title IX* and other applicable law.

II. Building a Safe and Just Educational Environment Free from Sexual Misconduct

Members of the University community are encouraged to contribute to the prevention of, intervention in, and effective response to student *sexual misconduct*. All members of the community may play a role in building a safe and just educational environment by:

- Modeling healthy and respectful behavior in personal and professional relationships;
- Increasing personal awareness of what constitutes sexual misconduct;
- Speaking out against behavior that encourages sexual misconduct or discourages reporting;
- Developing the necessary skills to be an effective and supportive ally to survivors of sexual misconduct;
- Intervening in situations that can lead to sexual misconduct and related misbehavior; and
- Interrupting an incident of sexual misconduct if it is safe to do so.

The University has created or identified resources, both across campus and in the larger community, to reduce, eliminate, and address the effects of sexual misconduct involving students. Many programs or units serve to ensure a safe campus, educate about and prevent sexual misconduct, assist and advocate for survivors of *sexual assault*, and ensure a fair process when sexual misconduct is reported. To learn more about how to prevent sexual misconduct on campus and support education efforts, visit the *Sexual Assault Prevention and Awareness Center* (SAPAC)
III. Policy Coverage

For purposes of this policy, sexual misconduct encompasses a range of behaviors that can create a hostile educational environment, including sexual assault and sexual harassment.

This policy applies to sexual misconduct that is committed by a University student or by a participant in a University Program whenever that sexual misconduct occurs:

(a) On campus, which includes the University of Michigan Health System; or

(b) Off campus, if:

(i) In connection with a University or University-recognized program or activity; or

(ii) In a manner that may pose an obvious and serious threat of harm to, or that may have the effect of creating a hostile educational environment for, any member(s) of the University community.

This policy also prohibits retaliation in connection with any reports of possible sexual misconduct that are made under this policy. This policy and related processes may also, at the University’s discretion, apply to a Respondent’s reported violations of other University policies if, in the University’s judgment, those other allegations are directly related to the reported sexual misconduct.

Sexual misconduct reportedly committed by faculty or staff, including by student-employees in the context of their employment, or otherwise not covered by this policy, will continue to be addressed in accordance with U-M’s Sexual Harassment Policy (SPG 201.89-0).

IV. Reporting Sexual Misconduct

The University strongly encourages the prompt reporting of sexual misconduct. The report may be made by:

- A person who believes they experienced sexual misconduct (a “Complainant”); or
- A person who has information that sexual misconduct may have been committed by a University student or a participant in a University Program (a “Reporter”).

If the Reporter or Complainant chooses not to participate in the University review of the report, the University may, as described below, pursue the report without that person’s participation.
A. Non-Confidential Reports

Reports should be made to the U-M Title IX Coordinator at the Office for Institutional Equity. Reports or disclosures made to any other non-confidential University employee will be directed to the Title IX Coordinator for further review.

B. Confidential Support

Complainants and Reporters may contact any of the confidential locations identified in this policy to access confidential assistance or resources or to explore reporting options without initiating further action from the University.

C. Timeliness

To promote timely and effective review, the University strongly encourages Reporters and Complainants to make reports of possible sexual misconduct within 180 calendar days following the last occurrence of the behavior giving rise to the concern. Although the Title IX Coordinator may pursue a report made after 180 days, the lapse of time may make it more difficult to gather relevant and reliable information.

D. Reports to Law Enforcement

The University also encourages anyone who believes they experienced a sexual assault (or any other crime) to make a report to the University of Michigan Police Department (UMPD), if the assault occurred on campus, or to local law enforcement, for assaults occurring off campus. Collection and preservation of evidence relating to the reported sexual assault is essential for law enforcement investigations, so prompt reporting of the incident to law enforcement is especially critical. Designated University staff will, upon request, assist an individual in making a report to law enforcement. For assaults occurring in the residence halls or at the University Health System, Housing Security or Hospital Security, respectively, can assist in making a report to UMPD. For reports relating to off-campus assaults, UMPD can assist in identifying the appropriate law enforcement agency to which to make the report.

In addition, upon being notified of a potential sexual assault or other form of sexual misconduct that may also constitute a crime, the Title IX Coordinator will notify UMPD to ensure appropriate distribution of University-wide warnings, if needed, and maintenance of accurate statistics.

V. The University’s Response Procedure

Upon receipt of a report, the University will generally proceed as described below.

A. Services

Once the University is put on notice of possible sexual misconduct, the Complainant will be offered appropriate confidential support and other resources and notified of applicable institutional policies. The University will take appropriate steps to prevent and/or address retaliatory conduct following a report.
The Respondent will also be offered appropriate confidential support and other resources and notified of applicable institutional policies.

If requested, other participants in the process (such as Reporters or witnesses) may also be offered appropriate support services and information.

If needed, the Dean of Students Office will help to coordinate the services provided for students by various University offices.

B. Interim Interventions

The University may also implement interim interventions, as may be appropriate for the individuals involved and for the larger University community. Interim interventions may include separation of the Complainant’s and Respondent’s academic and living situations or other interventions outlined in Section VI. below. These interim interventions may be kept in place until the end of any review or appeal process.

C. Decision to Proceed with Investigation

If the Complainant is willing to participate in the review and investigation process, the University will proceed as described in the Investigation section below.

If the Complainant requests confidentiality or asks that the report of sexual misconduct not be pursued, the University will, generally before taking any further investigative steps, forward that information, along with all available information about the report, to a review panel. The review panel will consist of the Title IX Coordinator and staff members. These panel members will represent the interests of the University, law enforcement, survivors of sexual misconduct, persons accused of sexual misconduct, and/or other offices as deemed necessary and appropriate under the circumstances.

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

Specifically, the panel members will provide information and advice to the Title IX Coordinator regarding:

1. Their perspectives on whether, how, and to what extent, U-M should further investigate the report of sexual misconduct;
2. What steps may be possible or appropriate when a Respondent is unknown; and
3. What other measures or remedies might be considered to address any effects of the reported sexual misconduct on the campus community.

In all cases, the final decision on whether, how, and to what extent the University will conduct an investigation, and whether other measures will be taken in connection with any allegation of sexual misconduct, rests solely with the Title IX Coordinator.
D. Investigation

The Title IX Coordinator will determine the most effective method of reviewing the concerns raised by the reported sexual misconduct. In all cases, the University will respond to the report in a prompt, thorough, procedurally fair, and effective manner. Upon receipt of a report, the University will strive to complete its review within sixty (60) calendar days.

In most cases, this review will involve conducting a thorough fact-finding investigation, which includes meeting separately with the Complainant (if participating), Respondent, Reporter (if applicable), and pertinent witnesses, and reviewing other relevant information. Occasionally, a different or less formal response to the report may be warranted (see, for example, Section VIII, Informal Resolution Options).

At any time during the course of an investigation, the Complainant, Respondent, or any witnesses may provide a written statement, other supporting materials, or identify other potential witnesses, regarding the matter under review.

Throughout the process, any person participating in the process may have a Support Person present at any meeting related to the review of the reported sexual misconduct.

E. Standard of Proof

The Investigator’s findings will be made using the preponderance of the evidence standard. This standard requires that the information supporting a finding of responsibility be more convincing than the information in opposition to it. Under this standard, individuals are presumed not to have engaged in sexual misconduct unless a preponderance of the evidence supports a finding that sexual misconduct occurred.

F. Investigation Findings and Outcome Notification

In most cases, the Investigator will prepare a written report at the conclusion of an investigation. Before the report is finalized, the participating Complainant and Respondent will be given the opportunity to review their own statement and, to the extent appropriate to honor due process and privacy considerations, the participating Complainant and Respondent may also be provided with a summary of other information collected during the investigation. A Complainant or Respondent must submit any comments about their own statement, or on any investigation summary that might be provided, to the Investigator within five (5) calendar days after that statement or summary was sent to them for review.

Following the receipt of any comments submitted, or after the five (5)-day comment period has lapsed without comment, the Investigator will address any identified factual inaccuracies or misunderstandings, as appropriate, and then make a determination.

The Investigator’s final written report will generally contain, at a minimum:

1. A summary of the investigation;
2. The Investigator's findings; and
3. A summary of the Investigator's rationale in support of the findings.

The Investigator's report and findings must be reviewed and approved by the Title IX Coordinator. The University's written determination will then be provided simultaneously to the participating Complainant and Respondent. The University neither encourages nor discourages the subsequent disclosure or sharing of the written notification by either person.

If a Complainant has chosen not to participate in the University's review of the sexual misconduct report but desires to be notified of the outcome, the University will notify the Complainant. If a Complainant has expressed a desire, in writing, not to be notified of the outcome, the University will honor that decision. In such cases, the University will not send the notification itself to the Complainant, but may proceed with any necessary follow-up, including as described below, and may need to provide notification of that follow-up if appropriate.

VI. Sanctioning

If the Respondent is found responsible for sexual misconduct, the University will initiate a sanctioning process designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and Title IX obligations. Sanctions or interventions may also serve to promote safety or deter students from similar future behavior. Some behavior is so harmful to the University community or so deleterious to the educational process that it may require more serious sanctions or interventions, such as removal from University housing, removal from specific courses or activities, suspension from the University, or expulsion.

A. Process

Whether resolved by agreement or decision, the University will strive to complete the sanctioning process within fifteen (15) calendar days after the University's findings are shared with the participating Complainant and Respondent.

1. Resolution by Agreement

After being notified of the outcome, the Resolution Coordinator (RC) will consult with the participating Complainant, Respondent, Title IX Coordinator, and other affected parties, as appropriate, to gather input on potential sanctions/interventions. Depending on the circumstances, the RC may ask to meet with each party separately or invite them to submit statements to the RC for consideration. If a Complainant or a Respondent meets with the RC, they may be accompanied by a Support Person.

The RC will then prepare a proposed resolution agreement between the University and the Respondent, informed by input from the Respondent, the Complainant (if participating), and the University. The proposed agreement will be shared with the Respondent and the participating Complainant in a manner that honors due process and privacy considerations. Each may discuss the proposed agreement with others before deciding whether to accept it or object to it. If the
Respondent accepts the proposed agreement and the Complainant does not object to it, the agreement will become binding, the Respondent will be required to fulfill the sanctions/interventions included therein, and neither the Complainant nor the Respondent will be permitted to appeal. If the Respondent is unwilling to enter into an agreement, or if the Complainant objects to the proposed agreement, the sanctions/interventions will be decided by a Resolution Officer, as described below.

2. Resolution by Decision

If the Respondent is unable or unwilling to enter into an agreement as outlined above, a Resolution Officer (RO) will be appointed to determine appropriate sanctions/interventions. The RO will not modify the findings of the investigative report and will address only what sanctions/interventions are appropriate. The RO’s review will consist solely of (1) reviewing the investigative report, the proposed resolution agreement, and any written objections to the proposed resolution agreement submitted by the Complainant or Respondent; and (2) consulting with appropriate University officials. To ensure fairness and consistency, as well as compliance with the University’s Title IX obligations, the RO must consult, at a minimum, the Resolution Coordinator, the Dean of Students, and the Title IX Coordinator. The RO will then either adopt the proposed resolution agreement or modify the sanctions/interventions as needed.

Once a decision has been reached and approved by the Dean of Students, the RO will issue a letter to the Respondent and Complainant sharing, in a manner appropriate to honor due process and privacy considerations, the final sanctions/interventions. In contrast to resolutions reached by agreement between the University and the Respondent, a decision made by the RO may be appealed in accordance with Section VII. Review of the Decision.

B. Potential Sanctions or Interventions

Sanctions or interventions may include, but are not limited to, one or more of the following:

- **Formal Reprimand**: A formal notice that the student has violated University policy and that future violations may be dealt with more severely.

- **Disciplinary Probation**: A designated period of time during which the student is not in good standing with the University. The terms of probation may involve restrictions of student privileges and/or set specific behavioral expectations.

- **Restitution**: Reasonable and limited compensation for loss, damage, or injury to the appropriate party in the form of money or material replacement.

- **Restriction from Employment at the University**: Prohibition of or limitation on University employment.

- **Class/Workshop/Training/Program Attendance**: Enrollment in and completion of a class, workshop, training, or program that could help the student or the University community.
• **Educational Project:** Completion of a project specifically designed to help the student understand why certain behavior was inappropriate and to prevent its recurrence.

• **University Housing Transfer or Removal:** Placement in another room or housing unit or removal from University housing. Housing transfers or removals may be temporary or permanent depending on the circumstances.

• **Professional Assessment:** Completion of a professional assessment that could help the student or the University ascertain the student's ongoing supervision or support needs to successfully participate in the University community.

• **Removal from Specific Courses or Activities:** Suspension or transfer from courses or activities at the University for a specified period of time.

• **No Contact:** Restriction from entering specific University areas and/or from all forms of contact with certain persons.

• **Suspension:** Separation from the University for a specified period of time or until certain conditions are met.

• **Expulsion:** Permanent separation from the University.

In addition to the sanctions/interventions applied to students found responsible for sexual misconduct, the University may find it helpful or necessary to request or require others to undertake specific steps designed to eliminate the misconduct, prevent its recurrence, or remedy its effects. Examples include, but are not limited to, the following:

• Requesting or requiring a University entity to conduct training for its staff or members;

• Making involved parties aware of academic support services available;

• Making involved parties aware of counseling or medical services available;

• Arranging, where possible, for a party to re-take or withdraw from a course without penalty; and

• Revising University policies, practices, or services.

**VII. Review of the Decision**

Either party may appeal the outcome of the matter except where a Respondent has accepted an agreement under the sanctioning process outlined above. A review of the matter will be efficient and narrowly tailored. A party may seek review only on the following grounds:

1. A material deviation from the procedures affected the outcome of the case;

2. There is new and relevant information that was unavailable, with reasonable diligence and effort, at the time of the investigation that could reasonably affect the investigation findings;

3. The sanctions/interventions are inappropriate or disproportionate to the determined violation(s); or

4. A review of all available and relevant information indicates that the evidence clearly does not support the finding(s) and provides firm and definite support for modifying the original finding(s).
To request a review, a party must submit a written appeal to the Resolution Coordinator within ten (10) calendar days of the date of the notification of the decision regarding any sanctions or interventions. If the investigation concluded that no violation occurred, a party may seek review of that decision based on any of the above grounds for review within ten (10) calendar days of the date of the notification of the Investigator’s decision. The Vice President of Student Affairs (VPSA) may deem a late submission reasonable under certain extraordinary and extenuating circumstances.

The Appeals Board described in the Statement of Student Rights and Responsibilities will strive to complete review of an appeal within fifteen (15) days of its receipt. In a closed session, the Appeals Board will review the matter based on the issues identified in the request for appeal. The Appeals Board may conclude that there are no relevant issues of concern and therefore recommend that the VPSA affirm the final decision and any sanctions/interventions. If the Appeals Board identifies issues of concern, the Board will provide the VPSA with one of the following recommended actions and any additional instructions or recommendations it deems appropriate under the circumstances:

1. If there was a material deviation from procedure, remand the matter to the Title IX Coordinator and/or a new Investigator with corrective instructions from the Appeals Board.
2. If new information appears relevant, refer the matter to the Title IX Coordinator, and the original Investigator if available, to determine whether any modifications may need to be made to the original investigative report.
3. If the sanctions are clearly inappropriate or disproportionate, alter the sanctions or interventions accordingly.
4. If the evidence clearly does not support the finding(s) and provides firm and definite support for modification, the matter will be submitted to the VPSA or designee to review, in consultation with the Title IX Coordinator, and make any necessary modifications to the report.

After necessary consideration and consultation with others, as appropriate, including the Title IX Coordinator, the VPSA or the VPSA’s designee may accept or modify the recommendations made by the Appeals Board. The VPSA’s final and unreviewable decision will be made available to the participating parties, in writing, simultaneously.

VIII. Informal Resolution Options

The University recognizes that in some limited circumstances (and never in sexual assault cases) voluntary informal resolution options may, if implemented consistently with institutional values and legal obligations, be an appropriate means of addressing some behaviors reported under this policy. The informal resolution options available under this policy recognize:

- Sexual misconduct affects Complainants, Respondents, Reporters, community members, family members, and others (collectively “affected parties”);
- Affected parties often benefit when resolution processes and outcomes are tailored to meet
their unique needs and interests;

- Complainants and other affected parties may find it useful to meet with a Respondent who acknowledges the substance of the underlying events and who acknowledges that the Complainant or other affected parties have reported experiencing harm as a result;

- Structured interaction between affected parties can facilitate long-term healing and reduce recidivism; and

- Participants in informal resolution processes must be protected from secondary victimization and other potential harms.

With approval from the Title IX Coordinator, informal resolution options may be used during any of the following phases of the resolution process:

- The investigation phase: as a means of addressing the reported or admitted behavior, preventing its recurrence, andremedying its effects absent a formal finding;

- The sanctioning phase: as a means of creating appropriate sanctions or interventions after a finding of responsibility; and/or

- The reintegration phase: as a means of reintegrating the Respondent into the University community after a period of separation and addressing any lingering community concerns.

The following conditions must be satisfied for an informal resolution process to be initiated:

- The Title IX Coordinator must have reviewed the matter to the extent necessary to confirm that it is of the type that would be appropriate for an informal resolution process and must have concluded, in consultation with appropriate University employees, that use of an informal resolution process would be consistent with the University's legal obligations under Title IX or otherwise;

- Participating parties must have voluntarily elected to pursue an informal resolution process without pressure or compulsion from others and must have been advised that they may withdraw from the process at any time;

- Respondent must acknowledge the substance of the underlying events and that the Complainant and other affected parties have reported experiencing harm as a result; and

- Individuals who wish to participate in an informal resolution process must have successfully completed preparatory meetings with appropriate staff.

Individuals may be accompanied by a Support Person at any meetings related to the informal resolution process. Information shared or obtained during an informal process will be treated as confidential to the extent permitted by law and will not result in subsequent disciplinary action by the University, unless additional action is deemed necessary to fulfill the institution’s legal obligations. Any agreements reached in an informal process must be approved by the Dean of Students, who will consult with the Title IX Coordinator to ensure consistency with the University’s Title IX obligations. If the Dean of Students approves an agreement, the Respondent will be required to comply with the agreement. If no agreement is reached, the matter may be referred to the Title IX Coordinator for further action.
For further information regarding informal resolution options, including whether a specific matter may be eligible for informal resolution, an affected party may consult the assigned Resolution Coordinator.

IX. Student Expectations and Rights

All students are afforded the rights outlined in Section II Student Rights, in the Statement of Student Rights and Responsibilities. Certain additional student protections and expectations pertain to the process for resolving student sexual misconduct allegations. Respondents and Complainants participating in this process may also expect the following:

- Respect for Privacy
- Information and Choice on Participation
- Access to Confidential Assistance and Resources
- Other Resources for Students
- Protection from Retaliation and Assurance of Fair Treatment
- Timeliness of Process
- Coordination with Concurrent Legal Proceedings
- Respect for Medical Amnesty Provisions

Respect for Privacy
Information regarding sexual misconduct reports, and any investigation or review of those reports, including any sanctioning determinations, will be shared among University employees with a legitimate educational interest or with external individuals or entities only on a need-to-know basis and only as permitted under University policy and applicable law.

Information and Choice on Participation
Complainants, Respondents, or students serving as Reporters or witnesses may choose to participate or decline to participate in the process. However, even if a Complainant or Respondent declines to participate, as described in this policy, the University may continue to investigate the matter and issue findings based on available information.

Access to Confidential Assistance and Resources
Before, during, or after any review or investigation process, students may find it helpful to consult with a counselor or seek other forms of assistance. Students who wish to seek information or support in a confidential manner may contact the following campus and community resources. All information shared with these offices will remain confidential to the extent permitted by law and University policy. Discussions with representatives of these offices will not be considered a report to the University regarding the problematic behavior and therefore will not, without additional action by the Complainant or a Reporter, result in further action by the University.

Complainant Confidential University Support Services:
- Sexual Assault Prevention and Awareness Center
- Counseling and Psychological Services
- Office of the Ombuds

Respondent Confidential University Support Services:
- Counseling and Psychological Services
- Office of the Ombuds
A. General University Resources

- **Sexual Assault Prevention and Awareness Center (SAPAC)**
  
  [http://sapac.umich.edu/](http://sapac.umich.edu/)
  [sapac@umich.edu](mailto:sapac@umich.edu)
  
  (734) 936-3333 (24 hr. Crisis Line)
  
  (734) 764-7771
  
  509 Michigan Union
  
  530 S. State Street, Ann Arbor, Michigan 48109-1308

SAPAC promotes healthy relationships, teaches non-violence and equality, supports survivor healing, and fosters a respectful and safe environment for all members of the University of Michigan community. SAPAC provides educational and supportive services for the University of Michigan community related to sexual assault, intimate partner/dating/domestic violence, sexual harassment, and stalking. SAPAC's 24 hr. Crisis Line is staffed by professional staff advocates who can provide crisis intervention and support, as well as information and referrals.

- **Counseling and Psychological Services (CAPS)**
  
  [http://www.caps.umich.edu](http://www.caps.umich.edu)
  
  (734) 764-8312
  
  3100 Michigan Union
  
  530 S. State Street, Ann Arbor, Michigan 48109-1308

CAPS offers a variety of services aimed at helping students resolve personal difficulties and acquire the skills, attitudes, and knowledge that will enable them to take full advantage of their experiences at the University of Michigan.

- **Office of the Ombuds**
  
  [http://www.umich.edu/~ombuds/](http://www.umich.edu/~ombuds/)
  [ombuds-DSA@umich.edu](mailto:ombuds-DSA@umich.edu)
  
  (734) 763-3545
  
  6015 Fleming Administration Building
  
  503 Thompson Street, Ann Arbor, Michigan 48109–1340

The Ombuds Office is a place where student questions, complaints, and concerns about the functioning of the University can be discussed confidentially in a safe environment. The Office offers informal dispute resolution services, provides resources and referrals, and helps students consider options available to them.

B. Resources for Student-Employees

Students who are also employees of the University may also contact the following offices:

- **Faculty and Staff Assistance Program (FASAP)**
  
  [http://www.umich.edu/~fasap/](http://www.umich.edu/~fasap/)
  [fasap@umich.edu](mailto:fasap@umich.edu)
  
  (734) 936-8660
  
  2076 Administrative Services Building
  
  1009 Greene Street, Ann Arbor, Michigan 48109-1432
The Faculty and Staff Assistance Program (FASAP) provides support and assistance to University staff and faculty in resolving personal or work-related concerns. Through a range of sensitive and innovative services, FASAP seeks to enhance the emotional health, well-being, and job-performance of members of the University community.

- **University of Michigan Health System Employee Assistance Program**
  
  [http://hr.umich.edu/mhealthy/programs/mental_emotional/eap.html](http://hr.umich.edu/mhealthy/programs/mental_emotional/eap.html)
  
  eap@umich.edu
  
  (734) 763-5409
  
  D2101 Medical Professional Building
  
  599 Simpson Road, Ann Arbor, Michigan 48109

The Employee Assistance Program (EAP) is a confidential, no-cost service for UMHS Faculty, Staff, and their families. EAP provides brief counseling and coaching services, mediation services, crisis intervention, assessment and referral, educational and training programs, and supervisory, staff, and team consultation.

### C. Community Resources

Any University of Michigan community member may also contact the following community resources:

- **SafeHouse Center**
  
  
  info@safehousecenter.org
  
  (734) 995-5444 (24 hr. HelpLine)
  
  4100 Clark Road, Ann Arbor, Michigan 48105

The SafeHouse Center HelpLine is staffed 24 hours a day to answer calls from survivors of domestic violence and sexual assault. Advocates and volunteer counselors are available to answer questions and provide support for survivors and their family members and friends. Advocates provide information and referrals, and will help answer any questions the caller may have about accessing SafeHouse services. The HelpLine also provides a service called the Language Line, which allows a survivor that speaks a language other than English to have a conversation with SafeHouse staff through a confidential interpreter.

- **Association of Religious Counselors**
  
  [http://www.umich.edu/~religion/index.html](http://www.umich.edu/~religion/index.html)

The Association of Religious Counselors (ARC) is an independent association of representatives from religious and spiritual communities that serve the students, staff, and faculty of the University of Michigan, Ann Arbor. Committed to the central role of religion and spirituality in the development of the whole human being – body, heart, mind, and soul – ARC advocates for the religious, spiritual, and ethical dimensions of university life. ARC provides its members opportunities for networking, education, and advocacy. In addition, ARC facilitates communication and cooperation between its members and the University of Michigan. ARC is guided by understanding and respect for the societal, cultural, and religious diversity of the student community and the university environment that embraces it.
**Other Resources for Students**

Although the following resource offices will respect privacy to the greatest extent possible, these offices may share information with others to ensure that the University responds appropriately and effectively to certain community concerns.

- **Dean of Students Office**
  
  [http://deanofstudents.umich.edu/](http://deanofstudents.umich.edu/)
  
  (734) 764-7420
  
  3000 Michigan Union
  
  530 S. State Street, Ann Arbor, Michigan 48109-1308

  The Dean of Students Office provides direct support to students who are involved in the review of possible *sexual misconduct* reported under this policy. The Dean of Students Office also coordinates interim separation issues when necessary.

- **Rackham Graduate Student Ombuds**
  
  (734) 936-1647
  
  1530 Rackham Building
  
  915 E. Washington Street, Ann Arbor, MI 48109-1070

  The Graduate Student Ombuds helps graduate students and postdocs resolve concerns, problems, or conflicts with regards to University policies, procedures, and decisions. The services of the Graduate Student Ombuds are available to all Rackham graduate students and postdocs. The Ombuds provides a neutral place to express concerns. Individuals work with the Graduate Student Ombuds to identify steps to achieve a timely and fair resolution to a problem.

**Protection from Retaliation and Assurance of Fair Treatment**

The University will take appropriate steps to ensure that a person who in good faith reports, complains about, or participates in a sexual misconduct investigation will not be subjected to retaliation by the Respondent or by others with knowledge of the underlying report. Anyone who believes they are experiencing retaliation is strongly encouraged to report that concern using the same procedure for reporting possible sexual misconduct under this policy. A retaliation concern will be reviewed as a separate offense under this policy; that is, a person can be found responsible for retaliation even if not found to be responsible for the underlying reported sexual misconduct.

The University also will take appropriate steps to ensure that Respondents accused of sexual misconduct or retaliation are treated fairly throughout the University's review.

**Timeliness of Process**

Upon receipt of a report, the University strives to complete its review of that report within sixty (60) calendar days, its sanction or intervention process within fifteen (15) calendar days after the University's findings are shared with the participating Complainant and Respondent, and its appellate process within fifteen (15) days of the Appeals Board's receipt of the appeal. There are, however, many factors that may affect the length of time needed to complete various portions of the resolution process fairly and equitably. As such, some matters will be resolved before the designated time frames and some may be resolved afterward.

**Coordination with Concurrent Legal Proceedings**

Students may engage criminal prosecution procedures and/or civil litigation in connection with the same behavior that forms the basis of a sexual misconduct report under this policy. In such cases,
the University is committed to appropriate coordination with UMPD and local law enforcement and may, if requested and appropriate, share information with those agencies. The University will fulfill its legal and ethical obligation to take immediate and appropriate action to investigate possible sexual misconduct, even if there are other external processes or procedures pending in connection with that same sexual misconduct report. Similarly, if the University finds sexual misconduct has occurred, the University will take effective steps to end it, prevent its recurrence, and address its effects, regardless of what external proceedings may also be pending.

Standards for criminal investigations are different than the standards for a violation of this policy, and therefore the University will not base its decisions under this policy solely on law enforcement reports and/or actions. Accordingly, the University will not normally wait for the conclusion of a criminal investigation or other proceedings before implementing its review of reported sexual misconduct under this policy.

**Respect for Medical Amnesty Provisions**

Sometimes students are reluctant to seek help after experiencing sexual misconduct, or may be reluctant to help others who may have experienced sexual misconduct, because they fear being held responsible by the University or law enforcement for underage alcohol consumption. To better ensure that minors who may be at medical risk as a result of alcohol intoxication will receive prompt and appropriate medical attention, the State of Michigan has adopted a medical amnesty law to remove perceived barriers to seeking help. This law also provides amnesty from prosecution for alcohol possession or consumption for minors who report experiencing criminal sexual misconduct or who assist those who report experiencing such misconduct.

Michigan law includes an exemption from prosecution for the following:

- A minor who voluntarily accesses a health facility or agency for treatment or observation after consuming alcohol;
- Any minor who accompanies a minor who voluntarily accesses a health facility or agency for treatment or observation after consuming alcohol; and
- Any minor who initiates contact with law enforcement or emergency medical services personnel for the purpose of obtaining medical assistance in connection with their own personal consumption of alcohol or consumption by others.

**X. Definitions**

For purposes of this policy, the following terms have the definitions provided below. Please note that some of these terms may also be used in other contexts, such as in connection with concurrent legal proceedings, and that they may have different meanings in those contexts.

**Complainant**

An individual who reportedly experienced sexual misconduct, regardless of whether that individual participates in the disclosure or review of that report by the University at any point.

**Consent**

Clear and unambiguous agreement, expressed in mutually understandable words or actions, to engage in a particular activity. Consent can be withdrawn by either party at any point. Consent must be voluntarily given and may not be valid if a person is being subjected to actions or behaviors.
that elicit emotional or psychological pressure, intimidation, or fear. Consent to engage in one sexual activity, or past agreement to engage in a particular sexual activity, cannot be presumed to constitute consent to engage in a different sexual activity or to engage again in a sexual activity. Consent cannot be validly given by a person who is incapacitated. For purposes of this policy, the issue is whether the Respondent knew, or should have known, that the activity in question was not consensual.

**Incapacitated**
Lacking the physical and/or mental ability to make informed, rational judgments. This may have a variety of causes, including, but not limited to, being asleep or unconscious, having consumed alcohol or taken drugs, or experiencing blackouts or flashbacks.

**Investigator**
An appropriately trained individual, who may be a University employee, who reviews and investigates reports of sexual misconduct under this policy.

**Reporter**
An individual who reports to the University a concern regarding possible sexual misconduct. A Reporter need not be a Complainant.

**Resolution Coordinator**
An appropriately trained staff member in the Office of Student Conflict Resolution who is assigned to each case to facilitate appropriate resolution/sanctioning processes.

**Resolution Officer**
A University official, recommended by the Faculty Senate or Vice President for Student Affairs, who is trained to review reported violations of the Statement of Student Rights and Responsibilities and of this policy.

**Respondent**
A University student or participant in a University Program who is reported to have engaged in sexual misconduct. This term also includes individuals whose identities are unknown if (a) there is reason to believe that they may be a University student or participant in a University Program or (b) the Complainant or Reporter is a student.

**Sexual Misconduct**
Umbrella term used to encompass unwanted or unwelcome conduct of a sexual nature that is committed without valid consent, including sexual assault and sexual harassment. Sexual misconduct may occur between people of the same sex or between people of different sexes. Sexual misconduct can include both intentional conduct and conduct that results in negative effects, even if those negative effects were unintended. Sexual misconduct can also include retaliation in connection with a Complainant’s or Reporter’s allegations under this policy. Sexual misconduct may include the following:

**Sexual Assault**
Unwanted or unwelcome touching of a sexual nature, including hugging, kissing, fondling, oral sex, anal or vaginal intercourse, or other physical sexual activity that occurs without valid consent.
**Sexual Harassment**
Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature if: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s education, living environment, employment, or participation in a University-related activity or University Program; (2) submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that individual’s education, living environment, employment, or participation in a University-related activity; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s educational performance or creating an intimidating, hostile, offensive, or abusive environment for that individual’s education, living environment, employment, or participation in a University-related activity.

Examples may include, but are not limited to, the following: unwanted sexual statements; unwanted personal attention including stalking and cyber-stalking; unwanted physical or sexual advances that would constitute sexual assault, as defined in this policy; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds, or images without the knowledge and consent of all parties involved; touching oneself sexually for others to view; and voyeurism (spying on others who are in intimate or sexual situations). More information about sexual harassment is available on the sexual misconduct policy website.

Conduct reported as sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of sexual harassment, a serious incident, even if isolated, can be sufficient. For example, a single instance of sexual assault can constitute sexual harassment.

**Support Person**
An individual or individuals chosen by a Complainant, Respondent, Reporter, or witness to provide support during the review of a report of possible sexual misconduct under this policy. The person(s) chosen may not already be directly involved in the investigative process (for example, as a Complainant, Respondent, witness, or Reporter) and may not speak on behalf of the person they are supporting, but instead may be present only to provide assistance or advice to the individual they are supporting.

**Title IX**
Title IX of the Education Amendments of 1972 (Title IX) (20 U.S.C. § 1681 et seq.; 34 C.F.R. Part 106) (as amended) is a federal law that prohibits sex-based discrimination, including sexual harassment and sexual assault, in education programs that receive federal financial assistance.

**Title IX Coordinator**
The University official charged with ensuring the University's overall compliance with Title IX and related University policy.

**University Program**
A University-sponsored activity that primarily includes elementary, secondary, or postsecondary student participants.
XI. Related Information

Advocacy
Investigators do not function as advocates for Complainants or Respondents. Investigators can, however, identify support resources for Complainants and Respondents (See Confidential Assistance). The Dean of Students Office may coordinate services for students upon request.

Anonymous Complainants
The University may not be able to fully address reports received from anonymous sources unless sufficient information is furnished to enable the University to conduct a meaningful and fair investigation. The University will, however, take whatever steps it deems appropriate in the best interests of the overall University community, consistent with the information available.

Non-Confidential Reporting Locations
Unless an office has been designated as a confidential resource, as described above, students should assume that any other University office to which a report is made will share that report with the Title IX Coordinator for review and handling in accordance with this policy. As noted above, the Title IX Coordinator may also share that report with UMPD if it involves a sexual assault or other crime. More information about non-confidential reporting locations is available on the sexual misconduct policy website.

Student-Employees
Student-employees who are reported to have engaged in sexual misconduct in their employment capacity will continue to be subject to review under the University's Sexual Harassment Policy (SPG 201.89-0) rather than under this policy. If a student-employee is found to have engaged in sexual misconduct, the student-employee may be subject to sanctions both in connection with their employment and in connection with their student status, as appropriate under applicable processes and in accordance with any procedures set forth in any applicable collective bargaining agreements.

Survivor-Centered Practices
The University is committed to supporting survivor-centered practices, balanced appropriately with due process rights of the Respondent. Survivor-centered practices strive to affirm the agency and strength of all people who experience sexual misconduct. The term “survivor” refers to individuals who allege being subjected to sexual misconduct and is intentionally used by University staff whose role it is to support and advocate for students who have reported experiencing sexual misconduct. Those in non-advocacy roles refer to this individual as the Complainant.

XII. Offices and Roles

The Title IX Coordinator is responsible for ensuring Title IX compliance across the University. The Title IX Coordinator manages coordination between all relevant University offices to ensure a fair, thorough, timely, and appropriate response to reported concerns of sexual misconduct.

The Office for Institutional Equity (OIE) serves as the entry point for those who report sexual misconduct involving students. OIE provides support information to students and works closely with the Office of Student Conflict Resolution (OSCR), the Dean of Students, and other offices to ensure that interim steps, if appropriate, are taken to address reported concerns. OIE staff members, working closely with the Title IX Coordinator, provide the investigative function regarding reported concerns of sexual misconduct. Once an investigation of student sexual
misconduct is completed, OIE provides its findings to OSCR for distribution and to determine any appropriate next steps.

The Office of Student Conflict Resolution (OSCR) assigns to each case a Resolution Coordinator, who works closely with the Investigator, the Title IX Coordinator, and others throughout the process. OSCR is also responsible for facilitating the sanctioning and informal resolution processes outlined in this policy.

The Dean of Students Office provides direct support to students who are involved in the review of possible sexual misconduct reported under this policy. The Dean of Students Office also coordinates interim separation issues when necessary.

The Sexual Assault Prevention and Awareness Center (SAPAC) provides direct support to Complainants as they navigate critical incidents covered under this policy. SAPAC also provides crisis intervention and academic, legal, and medical advocacy for Complainants at their request.

XIII. Annual Reporting

The Title IX Coordinator will issue an annual report to the U-M community about actions taken by the University in response to reports of sexual misconduct by students. The report will inform the community of response efforts and engage the community in education and prevention initiatives. Reports of past actions will provide an overview of information, with removal of confidential details to the extent necessary to respect the privacy of affected parties.

Effective Date: August 19, 2013