

**University of Michigan-Flint**  
**Student Sexual Misconduct Report**  
**July 2014 - June 2016**



**Office of Human Resources**  
**December 16, 2016**



December 16, 2016

Dear University of Michigan-Flint Community:

The University of Michigan-Flint is committed to encouraging and sustaining an environment free from harassment, violence, and prohibited discrimination. In keeping with that commitment, the University has prepared this inaugural report summarizing student sexual misconduct issues reported from July 1, 2014 through June 30, 2016.

The information contained in this report represents the collaborative efforts of many campus partners working together to effectively address the issues covered under the Student Sexual Misconduct Policy. A few of these partners include: the Office for Institutional Equity (OIE), the Office for Student Conduct and Conflict Resolution (OSCCR), the Women's Educational Center (WEC), and the Department of Public Safety (DPS).

This report is intended to provide insight into the number of complaints addressed by the University, and the process by which complaints are handled. In composing this report, we have been mindful of our responsibility to balance the educational benefit of sharing as much as appropriate about these matters, while at the same time respecting the privacy of those involved. Therefore, this report combines the data from two years with an anticipated biennial publication going forward.

We want this report to be useful to you. Therefore, if you have any feedback to offer on how this report can be improved, please feel free to forward your comments.

Thank you for continued commitment to addressing this important issue.

Sincerely,

A handwritten signature in black ink that reads 'Kirstie J. Stroble'.

Kirstie J. Stroble  
Institutional Equity Specialist

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## Introduction

The University's *Student Sexual Misconduct Policy* ("Policy") provides information regarding the process under which the University will proceed once it is made aware of sexual misconduct concerns.

This is the first report of this type, and it provides data covering the periods from July 1, 2014 to June 30, 2016<sup>1</sup>. Due to the size of the campus and the number of reports, we anticipate that we will continue to provide this report on a biennial basis to ensure the confidentiality of those involved. We have tried to provide useful and educational information in an accessible format; however, we welcome your feedback in order to make this document more helpful, easier to understand, or otherwise improve its contents.

Please provide any feedback to UM-Flint's Institutional Equity Specialist:

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213 University Pavilion  
303 E. Kearsley Street, Flint, MI 48502-1950  
(810) 762-3150  
[umfinstitutionalequity@umflint.edu](mailto:umfinstitutionalequity@umflint.edu)

or the University's Title IX Coordinator:

Jeffrey Frumkin  
Interim Senior Director  
Office for Institutional Equity  
Associate Vice Provost for Academic and Faculty Affairs  
2072 Administrative Services Building  
1009 Greene Street, Ann Arbor, MI 48109-1432  
(734) 763-0235  
[institutional.equity@umich.edu](mailto:institutional.equity@umich.edu)

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

### I. What is Sexual Misconduct?

Sexual misconduct encompasses a wide variety of behavior, from making unwanted sexual comments to rape. Whether certain behavior constitutes sexual misconduct depends greatly upon the circumstances surrounding the behavior. This report contains data about every student sexual misconduct concern reported to the Institutional Equity Specialist (IES) during the reporting

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<sup>1</sup> We note that the final data set contained in this report was compiled on October 10, 2016. There were no outstanding cases from this reporting period.

period. In an effort to make this report more useful to our community, the data is in many instances separated into subgroups, such as those sexual misconduct reports that did not include concerns about touching; those that raised concerns about touching, but not penetration (e.g., groping, etc.); and those that raised concerns about penetration (e.g., oral, anal or vaginal).

To read the definition of sexual misconduct as set forth in the Policy, please visit <https://www.umflint.edu/rights-and-responsibilities>.

## **II. The Number of Reports of Sexual Misconduct**

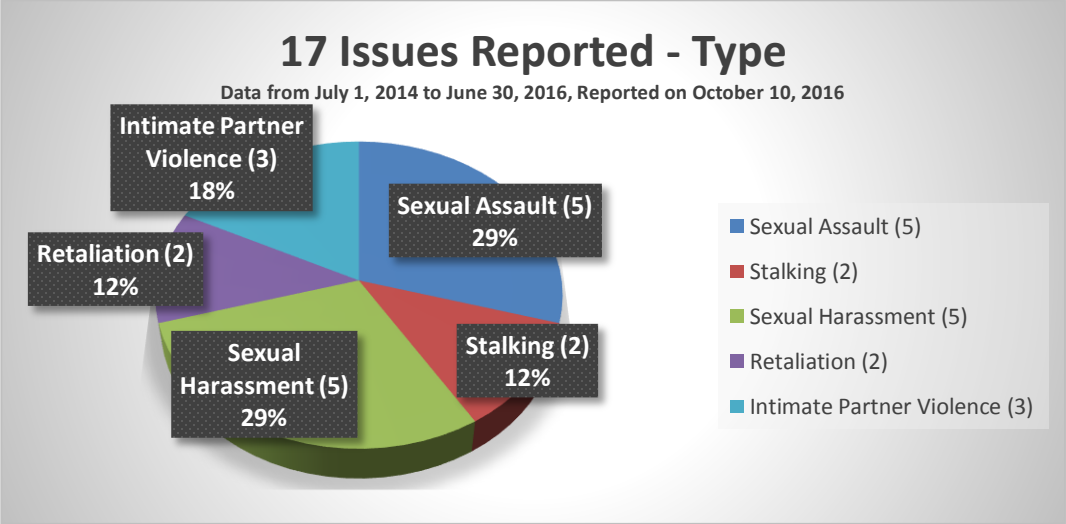
The University encourages every member of its campus community to report sexual misconduct. From July 1, 2014 to June 30, 2016, the IES received 17 reports of sexual misconduct. A report can be made by anyone who experienced sexual misconduct, who witnessed it, who has heard about it, or who otherwise has knowledge of possible sexual misconduct. We encourage reporting because it allows the University to provide for the safety and well-being of both individual community members and the overall campus community. It also allows us to provide resources and support for those impacted by the reported misconduct. There are a variety of ways to report a sexual misconduct concern, including a report directly to the IES, DPS, or the Dean of Students.

From July 1, 2014 through June 30, 2016, 17 incidents were reported to the IES<sup>2</sup> via these various mechanisms. Specifically, there were nine incidents reported from July 1, 2014 through June 30, 2015, and eight incidents reported from July 1, 2015 to June 30, 2016. Of these 17 reports received by the IES, as noted in the chart below, five were concerns about sexual assault<sup>3</sup>, and another five involved concerns about sexual harassment.

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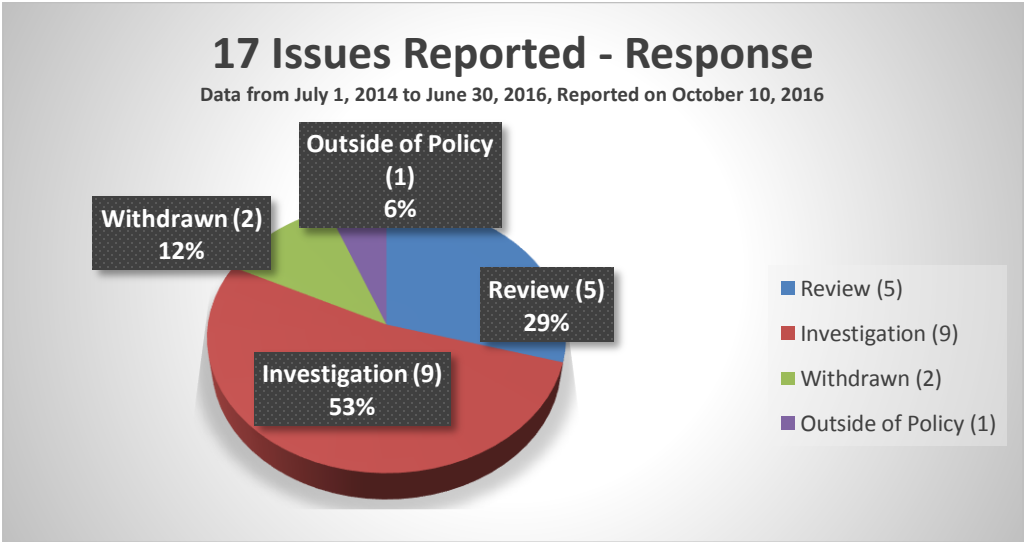
<sup>2</sup> Incidents were also reported to the Institutional Equity and Diversity Consultant, the predecessor and previous title for this position.

<sup>3</sup> As defined in the policy, sexual assault is “unwanted or unwelcome touching of a sexual nature, including hugging, kissing, fondling, oral sex, anal or vaginal intercourse, or other physical sexual activity that occurs without valid consent.”



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

The IES followed up on all 17 reports to determine appropriate next steps. Of those 17 reported incidents, as discussed more fully below, one was determined not to fall within the scope of the Policy, two were withdrawn by the Complainant during the course of the investigation<sup>4</sup>, five were reviewed by the IES and Title IX Coordinator and the Title IX Coordinator decided not to proceed with an investigation based upon the information available, and nine were fully investigated.



Although the specific nature of the actions taken by the University varies from case-to-case depending upon multiple factors, the University’s process for responding to a report of sexual

<sup>4</sup> The University did not proceed with these investigations.

misconduct may include: (1) the provision of confidential support and other resources<sup>5</sup>; (2) interim measures, including but not limited to separation of the Complainant's and Respondent's academic and/or living situations; (3) review by IES, the Title IX Coordinator, a representative from OGC, and any other necessary staff for a determination regarding next steps based upon the available information; (4) an informal resolution; (5) an investigation; (6) investigation findings; (7) sanctions; and (8) an appeal of the investigation findings and/or sanctions.

The two most significant factors that affect how the institution addresses sexual misconduct concerns are: (1) how much information is available (e.g., whether the Respondent can be identified) and (2) whether the Complainant (if the Complainant's identity is known)<sup>6</sup> is willing to be involved in an investigation and/or identified as having come forward with a complaint. For example, a Complainant may report that s/h/ze was sexually assaulted, but may not – or may not be able to – provide the University with the name of the person who assaulted him/her/zir or other identifying information at that time. The IES follows up with the Complainant to try to obtain that information; however, if the information is not available, generally an investigation is not possible unless the information is provided by a third party or the University is otherwise able to discern the identity of the person. In such an instance, the University would offer resources and support to the Complainant, including interim measures (see below). The University would also ensure the Complainant is aware that s/h/ze may come forward with details at a later date, at which time the University will take further action as appropriate. If the matter involves possible criminal activity, the IES would also report it to the University of Michigan-Flint Department of Public Safety (DPS).

The following is a discussion of the various responses taken by the University in response to each of the 17 sexual misconduct reports.

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

One of the first steps the University takes when a sexual misconduct concern is raised is to offer the Complainant (and, subsequently, the Respondent) resources and support. Complainants and Respondents are both offered support through the Women's Educational Center<sup>7</sup>. In addition, students have access to a number of other support resources on campus, including but not limited to Counseling and Psychological Services (CAPS) and the Office of the Ombuds. CAPS and the Office of the Ombuds are confidential resources, which means that disclosures of sexual misconduct made to these offices are not reported to the IES; however, these offices can assist

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<sup>5</sup> To the Complainant and Respondent.

<sup>6</sup> The IES sometimes receives complaints about incidents from third parties who are unable or unwilling to identify the parties involved.

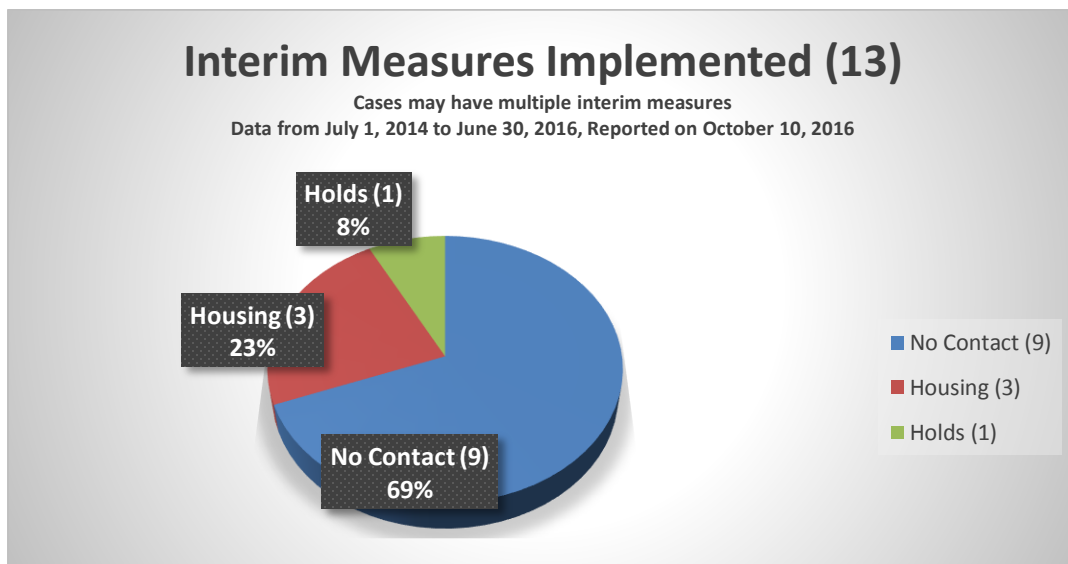
<sup>7</sup> The Women's Educational Center provides resources to both the Complainant and Respondent by utilizing separate staff members for each party and by remaining confidential with each party.

students who wish to report sexual misconduct concerns. Other offices may be obligated to report any concerns of sexual misconduct to the IES or the Title IX Coordinator.

Another aspect of the support provided by the University is to offer “interim measures.” Interim measures are steps taken to provide for the safety and well-being of the parties and/or the campus community, and can include a variety of actions taken by various offices on campus. Examples of interim measures include safety escorts, “no contact” directives, changes to academic schedules, changes to housing arrangements, interim suspension, etc. Many different types of interim measures are offered when sexual misconduct is brought to the IES’s attention, regardless of whether the Complainant wants to file a complaint with the IES and/or report the matter to the police. Interim measures are determined on a case-by-case basis, depending upon the needs of the parties involved and the nature of the sexual misconduct concerns. Consistent with federal guidance, interim measures are put in place with the least possible burden to the Complainant.

During the reporting period, interim measures and resources were made available when the identity of one or more of the parties was known. Interim measures were implemented in nine cases; in the remaining matters, interim measures were either offered, but the offer was not accepted or interim measures were not necessary, given the known circumstances.

In those nine cases in which interim measures were put in place, the nature and type of interim measure varied. The specific interim measures depend upon a student’s request and the University’s assessment of what is necessary and appropriate to provide for the safety and well-being of the Complainant and the campus community. In four cases, more than one interim measure was put in place, resulting in a total number of 13 interim measures.





In all of the nine cases where interim measures were implemented, the Respondent was instructed not to have contact with the Complainant.<sup>8</sup> In three of those cases, the University also provided housing accommodations. Housing accommodations include actions such as relocating or removing a Respondent from housing,<sup>9</sup> providing emergency housing on or off campus, restricting a Respondent from a particular residence hall or area of a residence hall, etc. Dining accommodations also can be made, but none were necessary. Examples of dining accommodations include restricting use of a certain dining hall, either entirely or during certain hours, or providing a student with access to alternate dining accommodations.

No academic accommodations were necessary. Academic accommodations can include, but are not limited to, actions such as changing class schedules so that the parties are not in the same course, removing a Respondent from an academic program, changing a seating chart, or informing faculty that a student may need an extension for assignments or exams and/or may miss classes. In one instance, the University placed a hold on a Respondent's record, which can affect, among other things, registration and the ability to obtain copies of transcripts without approval.<sup>10</sup> Other interim measure areas were also available, but were not implemented during the reporting period.

Finally, we note that there may be instances in which the University has provided interim measures and support to students but the data is not captured in this report. For example, a student may seek confidential assistance before reporting their concerns to the IES or the student may never report their concerns to the IES. In the meantime, the Women's Educational Center and/or other offices may assist the student with a wide variety of matters, such as academic accommodations, seeking a personal protection order, assistance and support addressing the matter through the criminal justice system, etc. While every effort has been made to accurately account for interim measures in this report, we acknowledge that additional informal measures may have been provided that are not accounted for here.

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

In some instances, the IES receives reports of sexual misconduct that, upon review, are determined not to fall under the Policy. For example, some reports involve behavior that, even if proven, would not constitute sexual misconduct. Of the 17 reported incidents during the reporting period, one was not within the scope of the Policy. If the underlying behavior is inappropriate or a violation of another University policy, the matter will be referred by the IES to the appropriate office for follow up. In other cases the reported behavior was committed by an

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

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

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

individual who is not affiliated with the University. For instance, a student may report a sexual assault that occurred while the student was traveling in another state by a person who has no association with the University. This student would still be offered resources and support through the University. Or, for example, the University may receive a report from a third party, but the person who is reported to have experienced the unwanted behavior informs the IES that they have not in fact experienced any unwelcome sexual conduct. Again, the student would be offered resources and support and encouraged to contact the IES if any unwanted conduct of a sexual nature were to occur in the future.

### **c. Review**

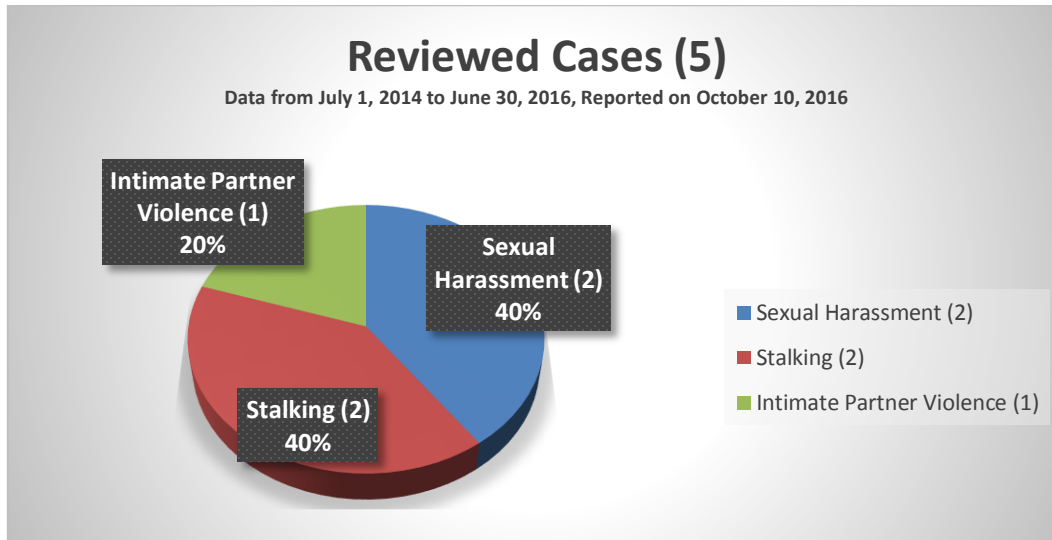
Some sexual misconduct reports immediately proceed to investigation, but there are instances when an investigation may not be possible (e.g., the Respondent's identity cannot be determined, etc.) or investigation is not wanted (e.g., a Complainant requests confidentiality or asks that the University not pursue the matter). In those instances where the Complainant declines to participate, requests confidentiality, and/or asks that the University not investigate the report, the matter is reviewed by the IES, Title IX Coordinator, a representative from OGC, and any other necessary staff.

Ultimately, the Title IX Coordinator determines appropriate next steps after the review has been made. As noted above, even in those instances in which the ultimate decision is not to proceed to investigation, the University may take other action, such as (but not limited to) providing interim measures/resources and communicating that an investigation may occur at a later date if more information becomes available or the Complainant subsequently decides to participate in the investigation. Finally, even if no investigation ensues, alleged conduct that could be criminal in nature is reported to DPS.

During the reporting period, of the 16 sexual misconduct reports that fell under the Policy,<sup>11</sup> five were reviewed.

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<sup>11</sup> As described above, 1 of the 17 reported matters fell outside the scope of the Policy, leaving 16 reports that did fall under the Policy.



Of the five reviewed cases:

- Two cases were reported by third parties, but the Complainants did not want to pursue an investigation.
- One was addressed within a separate investigation that was ongoing at the time the concerns were reported.
- In another instance, based on the statements provided by the Complainant and Respondent an immediate finding was made and referred to Student Affairs for sanctioning.
- In the last case, the Complainant did not respond to the IES's repeated attempts to proceed with an investigation; and therefore, the case was closed.

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

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

During the reporting period, of the 16 reported incidents that fell within the scope of the Policy, none were requested or proceeded to informal resolution to resolve the complaint or in lieu of an investigation.

#### **e. Investigations**

As noted throughout this report, the University considers each case individually, and takes appropriate actions, including offering confidential support and resources and/or interim

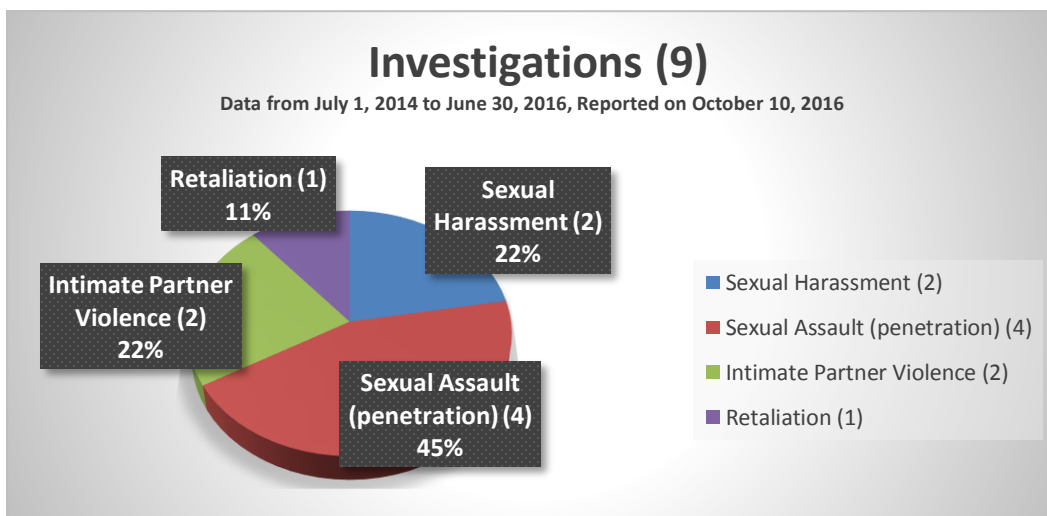
measures, and notifying DPS of possible criminal activity. However, whether an investigation can go forward depends on the available information and consideration of each individual Complainant’s wishes, balanced with the need to provide for the overall safety of the campus community. In most instances, an investigation occurs because behavior that falls under the Policy has been reported and there is sufficient information available to conduct an investigation. Of the 16 reported incidents of sexual misconduct that fell under the Policy, there was sufficient information to conduct 11 investigations. However, as stated above, two Complainants withdrew their complaints during the course of the investigation; and therefore, because the University had no compelling reason to proceed, the investigation was not completed. This resulted in a total of nine investigations.

Of the nine investigations completed during the reporting period, four concerned allegations of sexual assault. Sexual assault encompasses a broad spectrum of behavior that includes any form of unwanted sexual touching. Specifically, the Policy defines sexual assault as:

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

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

Again, a single investigation may involve allegations of more than one type of sexual misconduct. However, none of the cases during the reporting period involved more than one type of sexual misconduct.



In making a finding, the IES uses the “preponderance of the evidence” standard set forth in the Policy. Under this standard, individuals are presumed not to have engaged in the alleged

conduct unless a preponderance of the evidence supports a finding that the conduct occurred. This preponderance of the evidence standard requires that the evidence supporting each finding be more convincing than the evidence offered in opposition to it.

Of the completed nine investigations, none were pending as of October 10, 2016. Eight of the nine cases did not support a finding by the preponderance of evidence.

When OIE finds that there is insufficient evidence to conclude that the Policy was violated, that does not necessarily mean that the conduct did not occur. Rather, this outcome can have a variety of bases, such as that there is insufficient evidence to support a conclusion that the behavior occurred; that there is sufficient evidence to conclude that the behavior occurred, but it was not sufficiently severe, persistent, or pervasive to constitute sexual misconduct; or that the conduct occurred but there may not be sufficient evidence to conclude that the Respondent knew or reasonably should have known that the conduct was unwelcome to the Complainant.

After the IES reaches a conclusion as to whether the Policy has been violated, it issues an investigation report that is forwarded to the Office of Student Conduct and Conflict Resolution (OSCCR). OSCCR handles the sanctioning and appeals processes.

#### IV. Sanctions

When a Respondent is found to have violated the Policy, the University takes action designed to eliminate the sexual misconduct, prevent its recurrence, and remedy its effects. Complainants and Respondents have an opportunity to provide input regarding the sanctions they feel will most appropriately serve those objectives.

As captured from the Student Rights and Responsibilities handbook<sup>12</sup>, or more of the following sanctions may be recommended:

- A. **Formal Reprimand:** A formal notice that the Statement has been violated and that future violations will be dealt with more severely.
- B. **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. The appropriate University units shall be notified of the student's probationary status.
- C. **Restitution:** Compensation for loss, damage, or injury to the appropriate party in the form of service, money, or material replacement.
- D. **Restriction from Employment at the University:** Prohibition or limitation on University employment.
- E. **Class/Workshop Attendance:** Enrollment and completion of a class or workshop that could help the student understand why her or his behavior was inappropriate.

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<sup>12</sup> A full copy of the policy can be found at <https://www.umflint.edu/rights-and-responsibilities>.

- F. **Educational Project:** Completion of a project specifically designed to help the student understand why her or his behavior was inappropriate.
- G. **Service:** Performance of one or more tasks designed to benefit the community and help the student understand why her or his behavior was inappropriate.
- H. **Removal from Specific Courses or Activities:** Suspension or transfer from courses or activities at the University for a specified period of time.
- I. **No Contact:** Restriction from entering specific University areas and/or all forms of contact with certain person(s).”
- J. **Suspension in Abeyance:** During Suspension in Abeyance, the student remains enrolled. However, any violation of the conduct regulations during the period of Suspension in Abeyance will, after a determination of guilt, result in automatic suspension.
- K. **Suspension:** Separation from the University for a specified period of time or until certain conditions are met. When a student is suspended during a term, he or she is not exempted from the payment of tuition for that term.
- L. **Expulsion:** Permanent separation from the University. When a student is expelled during a term, he or she is not exempted from the payment of tuition for that term.
- M. **University Housing Transfer or Removal:** Placement in another room or removal from University housing.

## V. Appeals

Both the Complainant and the Respondent have the opportunity to appeal the outcome of an investigation and, if there was a finding that the Policy was violated, both parties may also appeal the sanctions.

There were no appeals requested during the reporting period. The appeals process can be found in the policy, which is available at <https://www.umflint.edu/rights-and-responsibilities>.

## VI. Education and Prevention Measures

The University continues to focus on educational measures intended to prevent sexual misconduct.

On campus, a triage process exists between individuals in Human Resources, Public Safety and Student Affairs to review and appropriately intake, investigate and adjudicate each case. In addition, our Women’s Educational Center (WEC) provides resources, promotes bystander intervention training as well as sexual assault prevention and awareness services. In 2015, these efforts were increased through the hiring of a Program Manager (Sexual Assault Advocate) and student Peer Educators.

Ongoing campus training includes (but is not limited to):

- Rape Aggression Defense (RAD) Courses – Multiple 3-hour sessions available each month for students, free of charge.

- Annual stranger abduction training for students – In conjunction with Student Government and Block Club. Training provides overall safety tips including tips designed to prevent abduction and date rape.
- Sexual Assault Awareness and Prevention programs
- Bystander Intervention Training

In addition to these efforts, there are a variety of in-person educational sessions that are focused to specific groups, such as student athletes and athletics administrators, housing staff, summer camp counselors, etc. To obtain more information on the University’s training efforts, students, faculty and staff can contact the following departments:

Women’s Educational Center  
 213 University Center  
 303 E. Kearsley Street, Flint, MI 48502  
 (810) 237-6648  
[www.umflint.edu/wec](http://www.umflint.edu/wec)  
<https://www.umflint.edu/wec>

Department of Public Safety (DPS)  
 103 Hubbard Building  
 602 Mill Street, Flint, MI 48503  
 (810) 762-3333  
<https://www.umflint.edu/safety>

Department of Student Involvement and Leadership (SIL)  
 361 University Center  
 303 E. Kearsley Street, Flint, MI 48502  
 (810) 762-3431  
[studentlife@umflint.edu](mailto:studentlife@umflint.edu)  
<https://www.umflint.edu/sil/student-involvement-and-leadership>

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<https://www.umflint.edu/hr/institutional-equity>

Students are notified of training opportunities in advance through their student UM-Flint email, Facebook, and other relevant media sources.

## VII. Conclusion

We hope that this information is helpful to the University of Michigan-Flint community. For more information, including definitions, resources, and a more detailed overview of the processes available under the Policy, or to report an incident of sexual misconduct, please visit: [www.umflint.edu/sil/reporting-sexual-misconduct](http://www.umflint.edu/sil/reporting-sexual-misconduct).

Finally, as noted above, we welcome any feedback on how we might make this document more helpful, easier to understand, or otherwise improve its contents. Please provide any feedback to the Institutional Equity Specialist (IES) or the Title IX Coordinator

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