

University of Michigan-Flint
Student Sexual Misconduct Report
July 2016 - June 2018



Office of Human Resources
May 2019



May 2019

Dear University of Michigan-Flint Community:

On December 16, 2016, the University of Michigan-Flint Office of Human Resources issued its first biennial student sexual misconduct report, which covered student sexual misconduct matters from July 1, 2014 to June 30, 2016. This report marks our second student sexual misconduct report, which addresses student sexual misconduct matters from July 1, 2016 to June 30, 2018.

The information contained in this report represents the collaborative efforts of many campus partners working together to effectively address the issues covered in the Student Sexual Misconduct Policy. This report is intended to provide insight into the number of complaints reported to and addressed by the University, as well as the process by which complaints are handled. In composing this report, we have been mindful of our responsibility to balance the educational benefits of sharing as much information as is appropriate about these matters, while at the same time respecting the privacy of those involved.

Throughout the period captured in this report, the Student Sexual Misconduct policy addressed sexual misconduct reports against students and addressed all forms of sexual misconduct, including but not limited to sexual harassment, sexual assault, intimate partner violence or stalking based on a romantic or sexual interest. As we embarked on a new calendar year and the Winter 2019 semester, the University of Michigan-Flint adopted an Interim Policy and Procedures on Student Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence (Policy and Procedures). University students who violate this Policy may face disciplinary action up to and including expulsion.

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 to umfinstitutionalequity@umflint.edu.

Thank you for continued commitment to addressing this important issue.

Sincerely,

Kirstie J. Stroble
Institutional Equity Specialist

Contents

Introduction.....	4
I. What is Sexual Misconduct?	4
II. The Number of Reports of Sexual Misconduct.....	5
III. How the Sexual Misconduct Reports Were Addressed.....	6
a. Interim Measures/Resources	7
b. Reported Incidents that Did Not Fall Under the Policy	9
c. Review	9
d. Informal Resolution	10
e. Investigations	11
IV. Sanctions	13
V. Appeals	14
VI. Education and Prevention Measures	15
VII. Conclusion.....	16

Introduction

Please provide any feedback regarding the content or format of this document to UM-Flint's Institutional Equity Specialist:

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umfinstitutionalequity@umflint.edu

or the University's Title IX Coordinator:

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Interim Senior Director, Title IX Coordinator
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

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 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).

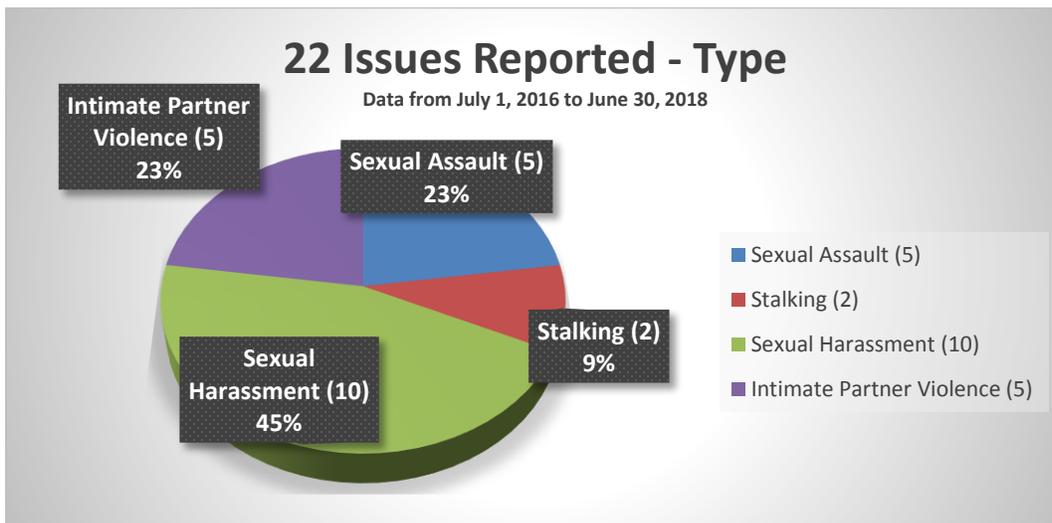
To read the definition of sexual misconduct as set forth in the Policy, please visit https://www.umflint.edu/sites/default/files/groups/Human_Resources/student_sexual_misconduct_policy_fall_2014.pdf.

II. The Number of Reports of Sexual Misconduct

The University encourages every member of its campus community to report sexual misconduct. From July 1, 2016 to June 30, 2018, the IES received 22¹ 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 or the Department of Public Safety.

From July 1, 2016 through June 30, 2018, 22 incidents were reported to the IES via various mechanisms. Specifically, there were 4 incidents reported from July 1, 2016 through June 30, 2017, and 18 incidents reported from July 1, 2017 to June 30, 2018.

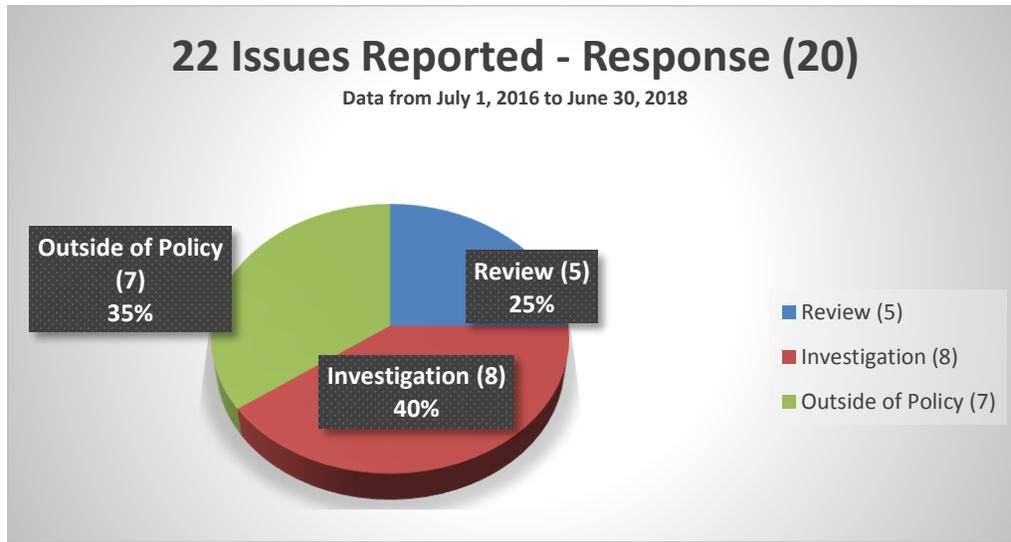
During the previous reporting period (July 1, 2014 through June 30, 2016), 17 incidents/matters were reported to the IES, compared to 22 incidents reported during the current reporting period. We believe that this increase is the result of the University's continued response to reports of sexual misconduct and through the collaborative efforts of many campus partners to bring continued awareness to our campus community on these issues. This is likely due to continuing efforts around training and awareness of the Policy, as well as increased societal awareness of sexual misconduct, such as through the #MeToo movement.



¹ In addition to these 22 total reports, there were two additional reports made (one in each of the fiscal years of the report, July 1, 2016 and June 30, 2018) where the Complainant's and Respondent's affiliation with the University was unknown. In other words, it was unable to be determined by the IES whether the Complainant or Respondent was a student, faculty/staff member, third party or had no affiliation whatsoever with the University. Therefore, these reports were not included in the total number of reports for this time period.

III. How the Sexual Misconduct Reports Were Addressed

The IES followed up on all 22 reports to determine appropriate next steps. Of those 22 reported incidents, as discussed more fully below, seven were determined not to fall within the scope of the Policy, five were reviewed by the IES and Title IX Coordinator and the Title IX Coordinator determined not to proceed with an investigation based upon the information available, and eight proceeded to investigation.²



Although the specific nature of the actions taken by the University varies from case-to-case depending upon multiple factors, the University’s process for responding to a report of sexual misconduct may include: (1) the provision of confidential support and other resources to the complainant and the respondent; (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) 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

² As noted later on in this report, four reports were captured in two investigations, with two Respondents having two reports against each of them.

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) as required by law.

The following is a discussion of the various actions taken by the University in response to each of the 22 sexual misconduct reports:

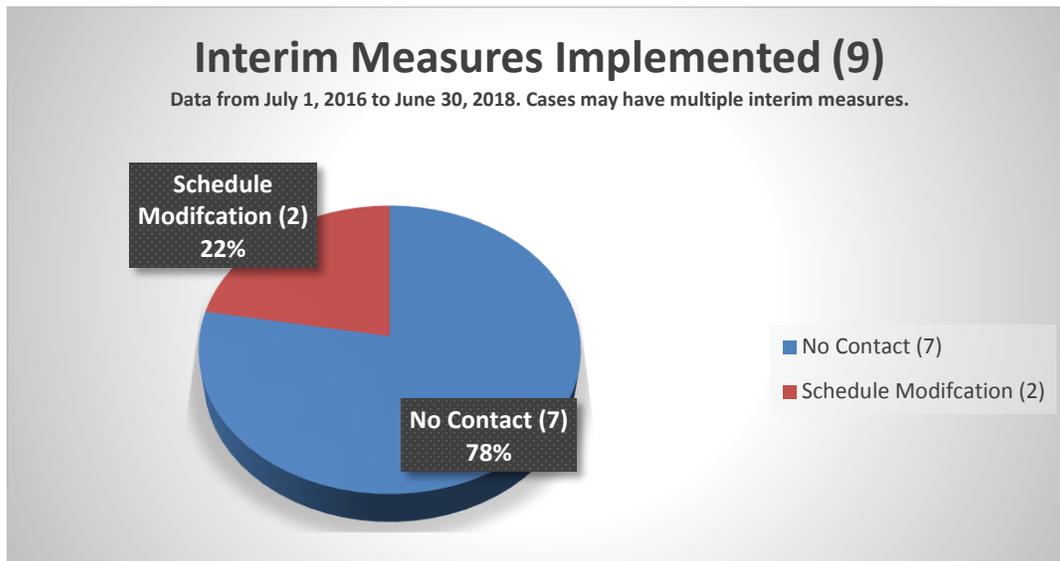
a. Interim Measures/Resources

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 Center for Gender and Sexuality (formerly known as the Women’s Educational Center), by utilizing separate staff members for each party. 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 is a confidential resource, which means that disclosures of sexual misconduct made to these offices are not reported to the IES; however, these offices can assist students who wish to report sexual misconduct concerns.

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, campus schedule modification 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 seven 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 seven 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 two cases, more than one interim measure was put in place, resulting in a total number of 9 interim measures.



In all of the seven cases where interim measures were implemented, the Respondent was instructed not to have contact with the Complainant.³ In two of those cases, the University restricted the times the Respondents could be on campus, which is noted as a schedule modification. No housing accommodations were needed in any of the seven cases. Housing accommodations include actions such as relocating or removing a Respondent from housing⁴ 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

³ 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.

⁴ If the Complainant prefers, the Complainant will be relocated.

miss classes. 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 assistance before reporting their concerns to the IES or the student may never report their concerns to the IES. In addition, sometimes the Center for Gender and Sexuality and/or other offices may assist the student with a wide variety of matters, such as 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 22 reported incidents during the reporting period, seven were 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 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.

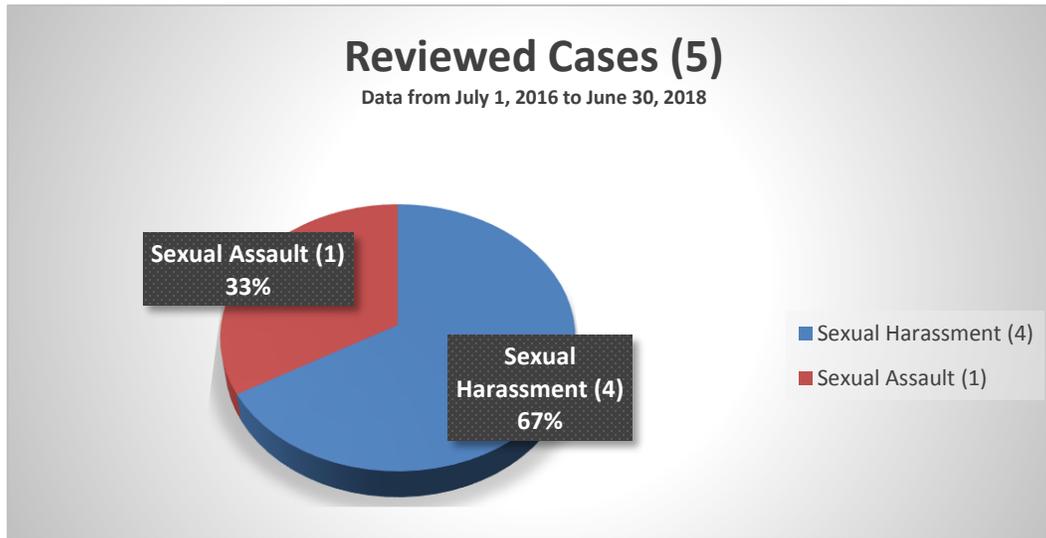
c. Review

Some sexual misconduct reports immediately proceed to investigation, but there are instances when an investigation may not be possible 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, five reports were closed after having been reviewed.



Of the five reviewed cases:

- One case was reported by a third party, but the Complainant did not want to pursue an investigation.
- Three cases were reported by the Complainants, but the Complainants did not want to pursue an investigation.
- In the last case, the Complainant did not respond to the IES's repeated attempts to proceed with an investigation.

Please note that in two of the reported incidents, although the Complainant did not want to pursue an investigation, based on the information that the University obtained, efforts were made to correct and resolve the matter through appropriate resolution, which at times can involve a conversation with the Respondent to discuss the alleged behavior. In addition, in each of these cases, the Complainant's were offered resources and the option to pursue the investigation at a later date.

d. Informal Resolution

The Policy provides that in some circumstances, 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, none of the reports requested or proceeded to informal resolution to resolve the complaint or in lieu of an investigation.

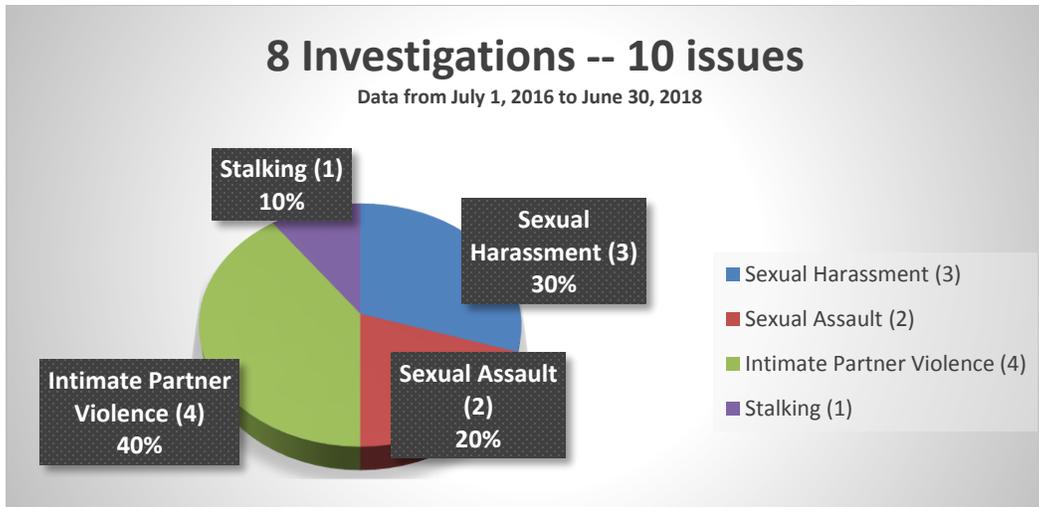
e. Investigations

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. For this reporting period, there was sufficient information to conduct eight investigations. However, one Complainant withdrew their complaint during the course of the investigation; and therefore, because the University had no compelling reason to proceed, the investigation was not completed; and in another instance, the Respondent separated from the University and it was again determined that the University had no compelling reason to proceed. This resulted in a total of six investigations.

Of the six investigations that proceeded during the reporting period, two 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.

Again, a single investigation may involve allegations of more than one type of sexual misconduct. Two of the cases during the reporting period involved more than one type of sexual misconduct. Therefore, as indicated in the chart below, eight investigations included a total of 10 issues, with two cases containing two incidents in each case.



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.

As previously noted above, the ten issues resulted in eight investigations. Of the eight investigations, two of the investigations are still open as of the date of this report and six are closed.

When OIE finds that there is insufficient evidence to conclude by preponderance of the evidence 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 or not the Policy has been violated, it issues an investigation report that is forwarded to the Office of Student Conduct and Community Standards (OSCCS). OSCCS then manages the sanctioning and appeals processes.⁵

⁵ The IES is not involved in the sanctioning process. This information has been provided for completeness.

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/Code of Student Conduct⁶, 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.
- 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.

⁶ Please note that as of August 17, 2017, the Statement of Student Rights and Responsibilities Handbook ([found here](#)) was updated and the current title of this document is named the Code of Student Conduct ([found here](#)).

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 for this time frame can be found in the policy, which is available at https://www.umflint.edu/sites/default/files/groups/Human_Resources/student_sexual_misconduct_policy_fall_2014.pdf.

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 Center for Gender and Sexuality provides resources, promotes bystander intervention training as well as sexual assault prevention and awareness services.

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:

Center for Gender and Sexuality
213 University Center
303 E. Kearsley Street, Flint, MI 48502
(810) 237-6648
<https://www.umflint.edu/cgs>

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

Dean of Students
361 University Center
303 E. Kearsley Street, Flint, MI 48502
(810) 762-3431
studentlife@umflint.edu
<https://www.umflint.edu/sil/student-involvement-and-leadership>

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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.

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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