INTRODUCTION

The Department of Public Safety (DPS) is responsible for maintaining a safe environment on the properties of the University of Michigan – Flint. The department’s primary goals are:

- To deter, detect, and respond to criminal activity on campus and near campus;
- To assist students, faculty, staff, and visitors to the campus with security related problems.

These goals are attained through selective hiring, intensive training, quality respectful service, and enforcing the policies of the university and all local, state, and federal laws. DPS is dedicated to the highest professional and ethical standards, which are upheld through a commitment to safety, courtesy, and excellence.

Because safety is everyone’s responsibility, we need your cooperation and assistance to enhance safety on and near campus. Please be aware of your surroundings and follow your instincts. Report all crimes, suspicious persons or activities, and concerns to the department, no matter how minor you perceive the situation. If you are a witness or victim of a crime, immediately contact the DPS at (810) 762-3333 or 911 to report the incident. The department is available to assist you 24-hours-a-day, 7-days-a-week.

Visit DPS at umflint.edu/safety.

This handbook details the many services available to you and provides a reference to issues of campus safety and security. There are several other resources, including the University of Michigan Standard Practice Guide, the Code of Student Conduct, the Faculty Handbook and the Staff Handbook which discuss various issues pertaining to students, faculty and staff.

Welcome to the University of Michigan – Flint and Go Blue!
September 25, 2020

Dear Campus Community Members,

I want to acknowledge Executive Sergeant Heather Bromley (McDonald) for her continued exceptional performance as the University of Michigan-Flint Clery Compliance Officer. Executive Sergeant Heather Bromley's attention to detail is evident throughout this report. Executive Sergeant Bromley led our department’s successful efforts to become the first State of Michigan campus police or public safety department to obtain State of Michigan Law Enforcement Accreditation.

The DPS is a professional, full-service public safety agency with the responsibility to provide police and security services to our campus community 24 hours a day and 365 days a year. We are committed to establishing a partnership with our community to address safety concerns, reduce crime and improve quality-of-life. This report is evidence of our on-going effort to inform you of the safety programs and services available, the crimes that are reported to our police and security personnel, and the steps you can take to maintain a safe and secure campus. It also is provided as our compliance document as called for under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act as well as the annual Fire Safety Report as required by the Higher Education Opportunity Act.

The DPS takes the commission of crimes against our students, faculty, staff and visitors seriously and aggressively responds to and investigates reported crimes. We collaborate with other law enforcement agencies and campus groups to reduce crime on campus. We offer free educational opportunities such as Rape Aggression Defense training (RAD), alcohol awareness sessions, active attacker and lock down educational sessions and bicycle/pedestrian safety classes, and interactive safety marches. We are also committed to engaging the greater Flint community. DPS has taken a leadership role in the Urban Safety Corps project and sponsoring and organizing events such as Touch-A-Truck and Read with a Cop/Little Free Library. Our community engagement efforts are constructed with the desired outcome of building trust and mutual respect between law-enforcement and those who they serve. We welcome you to visit our department website and consider participating in one of our personal safety sessions or community events.

Our goal is to develop and maintain an informed, vigilant and caring population of involved people who report suspicious and unlawful behavior immediately to the DPS. Join the effort to help keep our campus safe and report criminal activity and suspicious behavior. Safety is everyone’s responsibility!

Go Blue!

Raymond D. Hall | Chief of Police/Director of Public Safety
raydhall@umich.edu | umflint.edu/safety | (810) 762-3333
UNIVERSITY OF MICHIGAN-FLINT ANNUAL SECURITY REPORT

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ANNUAL SECURITY REPORT

This Annual Security Report (ASR), compiled and published by the University of Michigan – Flint Department of Public Safety (DPS), is a safety and security resource for university students, faculty, staff, visitors, and prospective students and employees. It provides useful information and references for issues relating to campus safety. It is organized into the following major sections:

- The Quick Reference section lists Emergency Services and provides phone numbers for safety, security, and medical; counseling; health, mental health, substance abuse; and UM-Flint resources.
- The Crime Statistics section lists statistics of crimes reported on and near campus in the past three calendar years.
- The Campus Safety section details safety on campus, offers some risk reduction techniques, and describes services available on- and off-campus.
- The Safety and Health-Related Resources, Counseling and Support Services, and University Programs section describes police agencies, on-campus support services, off-campus support services, and University programs that address issues of safety, health, mental health, discrimination, and conflict resolution.
- The Emergency Notification and Response section describes the University’s timely warning notification system and response.
- The Information, Programs, Policies and Procedures section specifically provides details on these topics around the crimes of dating violence, domestic violence, sexual assault, and stalking.
- The University Policies and Regulations section provides details of University and State of Michigan rules, regulations and laws regarding safety issues such as alcohol, drugs, fire setting, false alarms, weapons possession, access/key control.
- The Annual Fire Safety Report includes fire statistics for on-campus student housing facilities, description of fire safety systems in each housing facility as well as additional fire safety information.

Compiling the ASR/AFSR

The UM-Flint Department of Public Safety (DPS) maintains documentation and prepares this report to comply with the Jeanne Clery Disclosure and Campus Security Policy and Crime Statistic Act. The full text of this report (available for viewing and/or download) can be located on the DPS website and specifically at www.umflint.edu/safetyreport. This report, compiled by the UM-Flint Clery Compliance Coordinator in DPS, is prepared in cooperation with campus partners, local and state law enforcement agencies surrounding the Flint campus and outlying areas as well as those with police jurisdiction for other UM-Flint owned or controlled properties.

Additionally, each of the resources listed in the report contribute to its compilation, especially key stakeholders such as Human Resources, the Intuitional Equity Specialist and units in the Office of the Vice Chancellor for Division of Student Affairs. The report also includes the Annual Fire Safety Report (AFSR) with statistics and fire safety information provided for University Housing facilities as required by the Higher Education Opportunity Act.

Each year by October 1, an e-mail notification is made to all enrolled students, faculty, and staff that provides the website address to access this report (Annual Security Report and Annual Fire Safety Report). Copies of this report also may be obtained at the DPS administrative office located in the Hubbard Building at 602 Mill Street or by calling (810) 762-3330. All prospective students and employees are informed in application and/or orientation communications of the report’s existence and the website address where it can be found.

The complete ASR/AFSR can be viewed and/or downloaded at www.umflint.edu/safetyreport.
Emergency Services

Fire

Police or Medical Emergencies

Dial 9-1-1

Alternatively, pick up an emergency blue light phone or a parking structure emergency phone located in University-owned parking structures. There is no need to dial; simply lifting the receiver or pushing the button alerts DPS.

Dialing 9-1-1 from a University phone, you will be connected with DPS.

Note: phones that are connected to the university’s central telephone network will go directly to DPS. University phones do not require the dialing of the first two digits for calls made within the university, and do not require dialing, “9” prior to making a call to a location outside of the university.

Dialing 9-1-1 from a non-University phone or cell phone, you will be connected with the Genesee County Central Dispatch.

Mental Health, Counseling & Support / Advocacy

UM-Flint Counseling & Psychological Services (CAPS) (serving students) (810) 762-3456
264 University Center; 8am – 5pm, Mon-Fri

*After hours, please contact DPS at (810) 762-3333 to be connected with on-duty counseling staff.

Genesee Health System Crisis Services

UM-Flint Faculty and Staff Counseling and Consultation Office (FASCCO) (734) 936-8660
8am – 6pm, M, until 5pm, Tu-Fri

National Domestic Violence Hotline (800) 799-7233

National Suicide Prevention Lifeline (800) 237-TALK (8255)

UM-Flint Center for Gender and Sexuality (CGS) (810) 237-6648
213 University Center; 8am – 5pm, Mon-Fri

Substance Abuse & Physical Health

Alcohol and Drug Information (800) 729-6686

National Center on Drug Abuse Hotline (800) 662-HELP (4357)

M-Healthy Alcohol Management Program (734) 998-2017

Genesee Health System

www.genhs.org (810) 762-3705

Toll Free: (866) 211-5455

420 W. Fifth Ave; Flint, MI; 8am – 5pm, Mon-Fri

UM-Flint Department of Public Safety keeps a crime log and fire log in compliance with the Jeanne Clery Disclosure and Campus Security Policy and Crime Statistic Act.

The most recent sixty (60) days of the Crime Log and the Fire Log are public and open to public inspection, upon request, during normal business hours at the DPS Communication Office at the Mill Street Parking Ramp located at 402 Mill Street.

Requests for any portion of the logs older than sixty (60) days will be available within two business days of a request.
1. CRIME STATISTICS

CRIME STATISTICS

Campus crime, arrest, and referral statistics include those incidents reported to the Department of Public Safety (DPS), other law enforcement agencies, and designated campus officials considered to be “Campus Security Authorities” (CSAs). These incident reports are also reviewed by the Director of Public Safety for consideration of timely warning publications.

While UM-Flint encourages all campus community members to accurately and promptly report all crimes and other emergencies directly to the Department of Public Safety at 810-762-3333 for purposes of making timely warning reports and the annual statistical disclosure, we also recognize that some may prefer to report to other individuals or University offices. The Clery Act recognizes certain University officials and offices as “Campus Security Authorities” (CSAs). The Act defines these individuals, among other individuals, as “An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An official is defined as a person who has the authority and the duty to take action or respond to particular issues on behalf of the institution."

While UM-Flint has identified many CSAs at our campus, we officially designate the following office as the place where campus community members are to report all crimes for purposes of making timely warning reports and the annual statistical disclosure:

<table>
<thead>
<tr>
<th>Official to Receive Crime Reports</th>
<th>Campus Address</th>
<th>Telephone Number</th>
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</thead>
<tbody>
<tr>
<td>Department of Public Safety (DPS)</td>
<td>Mill St Parking Deck, Visitor Entrance Hubbard Building – 602 Mill Street</td>
<td>Dispatch: (810) 762-3333</td>
</tr>
</tbody>
</table>

Campus “professional counselors” in Counseling and Psychological Services (CAPS) staff have Clery Act-designated confidential privilege and are not required to report crimes for inclusion into the Annual Security Report. However, as a matter of policy, they are encouraged to inform persons being counseled of the procedures to report crimes on a voluntary, confidential basis for inclusion into the annual crime statistics.

The institution does not have policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the Annual Security Report.

The crime classifications and geographical references in the statistics charts on pages 7-12 are those defined as, and required to be, disclosed by the Clery Act. See page 9 and 11 for associated detail and maps.

Definitions of Clery Act Reportable Crimes

Aggravated Assault – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Arson – To any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Burglary – The unlawful entry of a structure to commit a felony or a theft.

Manslaughter by Negligence – The killing of another person through gross negligence.

Motor Vehicle Theft – The theft or attempted theft of a motor vehicle.

Murder and Non-negligent Manslaughter – The willful (non-negligent) killing of one human being by another.

Robbery – The taking, or attempting to take, anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Sex Offenses – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This includes the rape of both males and females.
- Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape – Sexual intercourse with a person who is under the statutory age of consent.

Domestic Violence – A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; By a person with whom the victim shares a child in common; By a person who is cohabitating with, or has cohabited with, the victim as a spouse or intimate partner; By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence
occurred; by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Dating Violence** – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Stalking** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- Fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

For purposes of this definition:
- **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- **Reasonable person** means a reasonable person under the similar circumstances and with similar identities to the victim.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act Reporting.

**Hate Crime** – a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For Clery Act purposes, Hate Crimes include any of the above defined offenses [murder/non-negligent murder, sex offenses (rape, fondling, incest, statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, and arson] as well as the following offenses that are motivated by bias based on one of the Categories of Prejudice listed below, plus the following four crimes.

- **Larceny/Theft** – the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
- **Simple Assault** – unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
- **Intimidation** – to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism to Property (except Arson)** – to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**Categories of Prejudice**

**Race** - A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

**Religion** - A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

**Sexual Orientation** - A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

**Gender** - A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

**Gender Identity** - A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

**Ethnicity** - A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

**National Origin** - A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

**Disability** - A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

**Reasonable person** means a reasonable person under the similar circumstances and with similar identities to the victim.

**Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Any incident meeting this definition is considered a crime for the purposes of Clery Act Reporting.


**Law Violations:**

**Drug Law Violation** – The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

**Liquor Law Violation** – The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Weapon Law Violations** – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

*Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established; and, those referrals that may result in the imposition of a sanction.
## Criminal Offenses – UM-Flint Campus

<table>
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<tr>
<th>Offense</th>
<th>Year</th>
<th>On-Campus</th>
<th>Crimes Unfounded</th>
<th>Residence Halls†</th>
<th>Non-Campus</th>
<th>Public Property</th>
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† Residential Facilities: These statistics are included in the On-Campus statistics; they include only incidents which occurred in residence halls.

* The reports for domestic violence and dating violence also may be included in a sexual assault or aggravated assault category.
### Criminal Offenses – UM-Flint Campus - continued

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<tr>
<th>Offense</th>
<th>Year</th>
<th>On-Campus</th>
<th>Crimes Unfounded</th>
<th>Residence Halls†</th>
<th>Non-Campus</th>
<th>Public Property</th>
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</table>

† Residential Facilities: These statistics are included in the On-Campus statistics; they include only incidents which occurred in residence halls.

**Unfounded Clery crime reports:**
Total number of Clery-reportable crime reports that were determined by the Department of Public Safety to be unfounded:
- 2019, zero (0)
- 2018, zero (0)
- 2017, zero (0)

All statistics reported in the charts upon these pages include all reported offenses and attempted offenses requested from area law enforcement agencies; such as the Michigan State Police, Genesee County Sheriff Department, and City of Flint Police Department.

**Hate Crime reports:**
In 2019 the following crimes that manifest evidence of prejudice based on race, religion, sexual orientation, gender, gender identity, disability, national origin, or ethnicity were reported for reportable geography (on-campus, non-campus, public property):
- One DPS report, on-campus occurring in a residence hall, simple assault, sexual orientation
- There were no hate crime reports for non-campus or public property geographical locations.

In 2018 the following crimes that manifest evidence of prejudice based on race, religion, sexual orientation, gender, gender identity, disability, national origin, or ethnicity were reported for reportable geography (on-campus, non-campus, public property):
- One DPS report, on-campus, malicious destruction of property/vandalism, multiple race bias.
- One DPS report, on-campus, malicious destruction of property/vandalism, gender bias
- There were no hate crime reports for non-campus or public property geographical locations.

In 2017 there were no crimes that manifested evidence of prejudice based on race, religion, sexual orientation, gender, gender identity, disability, national origin, or ethnicity reported for reportable geography (on-campus, non-campus, public property).
The Clery Act Reporting Boundary Map may be viewed and downloaded at https://www.umflint.edu/sites/default/files/groups/Public_Safety/Clery/Maps/clery_map_2020.jpg

Definitions of Clery Act Geography

- Non-Campus Property – Any building or property owned or controlled by a student organization that is officially recognized by UM-Flint; or any building or property owned or controlled by the University that is used in direct support of, or in relation to, UM-Flint’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the University of Michigan-Flint.

- On-Campus Property – Any student housing facility that is owned or controlled by UM-Flint, or is located on property that is owned or controlled by the University, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

- Public Property – All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

### Criminal Offenses – University of Michigan - Flint

at the University Center of Lansing Community College, Downtown Campus

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>UM-Flint @ Univ Center, LCC Crimes Unfounded</th>
<th>Offense</th>
<th>Year</th>
<th>UM-Flint @ Univ Center, LCC Crimes Unfounded</th>
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* The reports for domestic violence and dating violence also may be included in a sexual assault or aggravated assault category.

Note: UM-Flint does not maintain residential facilities on the Lansing Community College (LCC) campus.

Statistics reported in the chart upon this page include all reported offenses and attempted offenses provided by the Lansing Community College Police and Public Safety Department for the University Center. The LCC Annual Security Report may be viewed by selecting the Annual Security Report tab located on the Campus Safety website at [https://www.lcc.edu/campuslife/safety/](https://www.lcc.edu/campuslife/safety/) found under Public Safety Information. A direct link to the 2020 report is available at [https://www.lcc.edu/campuslife/documents/annual_security_report.pdf](https://www.lcc.edu/campuslife/documents/annual_security_report.pdf).

Registered sex offender information is available for public access and viewing at the State of Michigan Public Sex Offender Registry at: [www.mipsor.state.mi.us/](http://www.mipsor.state.mi.us/).

University of Michigan – Flint students, faculty, and staff on the Lansing Community College campus are to comply with emergency policy and procedures for the LCC campus while on the LCC campus. These policies are available directly at: [https://lcc.edu/campuslife/safety/safety-info.html](https://lcc.edu/campuslife/safety/safety-info.html).

**Hate Crime**

In 2019, 2018, and 2017 there were no crimes that manifest evidence of prejudice based on race, religion, sexual orientation, gender, gender identity, disability, national origin, or ethnicity were reported for reportable geography.
Criminal Offenses – University of Michigan - Flint at the University Center of Lansing Community College, Downtown Campus

Interactive Map available at: https://internal.lcc.edu/maps/main/.
A printable campus map is available at: https://lcc.edu/about/locations/documents/lcc-campus-map-flat-2017.pdf
2. SAFETY ON CAMPUS

REPORTING AND RESOURCES

Reporting Crime on Campus
All University community members, students, faculty, staff, and visitors are encouraged to accurately and promptly report all suspicious activity and all crime to the UM-Flint Department of Public Safety (DPS) and/or other appropriate police agencies when the victim of crime elects to or is unable to make such a report. All students and employees should report Clery Act crimes for the purpose of making timely warning reports and the annual statistical disclosure to DPS.

Police are able to provide numerous resources to victims, investigate and solve crimes, assist in adjudication, and help create personal safety plans. Sexual misconduct also may be reported to the UM-Flint Institutional Equity Specialist.

To report a crime or an emergency, call 9-1-1. The call will be answered by the Department of Public Safety (DPS) Communications Center if on-campus, or by the Flint Police Department or other appropriate law enforcement agency via Genesee County 911 off-campus. Calls from on-campus blue-light emergency telephones directly access DPS. DPS Communication Officers are available 24-hours a day to answer your call. The DPS Communications Center can be reached at (810) 762-3333.

If assistance is required from the Flint Fire Department, local ambulance provider, Flint Police Department, or other law enforcement agency, DPS Communication Center will contact the appropriate agency. If a sexual assault is reported, staff on the scene, including DPS, will inform the survivor of a wide variety of services both on- and off-campus. The YWCA of Greater Flint has trained staff who are available to assist a reportee 24-hours a day.

This publication contains information about on-campus and off-campus resources. The information is made available to provide the UM-Flint community with specific information about the resources available in the event that they become victims of crime. The information about resources is not provided to infer that those resources are reporting entities for the UM-Flint.

Campus Security Authorities
Certain University employees are considered Campus Security Authorities (CSAs) by the University and/or the US Department of Education. These include staff within the Division of Student Affairs, University Residential Life and Housing staff, Student Conduct Officers, Dean of Students, advisors/officers in recognized student organizations, club sport directors/coaches/officers, Center for Gender and Sexuality staff members, human resource directors & staff HR services, Office for Institutional Equity / Title IX directors and staff, Northbank Center security staff members, as well as employees of the Department of Public Safety (DPS).

The UM-Flint Campus Security Authority (CSA) Reporting Form is available for on-line completion and submission at: https://www.umflint.edu/safety/campus-security-authority-csa-reporting-form.

Professional Counselors and Pastoral Counselors
Under the Clery Act, pastoral and professional counselors who learn about crimes when acting in their pastoral or professional counseling capacity at the University of Michigan - Flint do not have an obligation to report crime statistics for the annual report. Pastoral and professional counselors at UM-Flint are encouraged, through training and discussions; to verbally inform the persons they are counseling, that the institution does not have policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics; however, crimes may be reported to DPS and they are able to assist with reporting.

- Pastoral counselors are defined as persons who are associated with a religious order or denomination, are recognized by that religious order or denomination as someone who provides confidential counseling, and are functioning within the scope of that recognition as a pastoral counselor.

- Professional counselors are defined as persons whose official responsibilities include providing mental health counseling to members of the institution’s community, and who are functioning within the scope of their license or certification. At UM-Flint these individuals include the Director of Counseling and Psychiatric Services (CAPS) and licensed counselors within CAPS when functioning as professional counselors.

Reporting Crime Off Campus
The Division of Student Affairs maintains contact with recognized fraternity and sorority organizations through Fraternity and Sorority Life. Criminal activity at recognized fraternity and sorority residences, as well as other non-campus locations of student
organizations officially recognized by the University of Michigan – Flint, should be reported to the Flint Police Department or applicable local police jurisdiction. The close working relationship between DPS, Flint Police Department, Michigan State Police, and area law enforcement agencies allows for staff to review, record and publish criminal activity near the campus as non-campus locations when activity occurs at locations of student organizations officially recognized by the UM–Flint. When a UM-Flint student is involved in an off-campus offense, police officers may assist with the investigation in cooperation with local, state, or federal law enforcement. Flint Police Department, Genesee County Sheriff Department and Michigan State Police routinely work and communicate with DPS on any serious incidents occurring on campus or in the immediate neighborhood and business areas surrounding campus.

Voluntary, Confidential Crime Reporting: The University of Michigan-Flint does not have policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the Annual Security Report.

Campus Safety Information and Resources
The University of Michigan-Flint is committed to providing a working and learning environment for students, faculty, staff and campus visitors. UM-Flint celebrates, recognizes and values diversity. Information identified below, available directly at https://www.umflint.edu/campus-safety-information-and-resources, is intended to provide resources for all individuals affiliated with, or that chose to visit, the Flint campus.

The information provided below is pursuant to P.A. 265 of 2018, Section 245A, subsections identified below:
- Emergency Contact Resources – Public Safety, Police, Fire and Medical
- Campus Department of Public Safety and Title IX Office Location Information
- Safety and Security Services Provided by UM-Flint
- Children (Minors) on Campus Policy
- Resources for Survivors of Sexual Assault or Sexual Abuse
- Reporting Options for Sexual Misconduct and Assault
- Resource Handbook for Campus Sexual Assault Survivors, Friends and Family and Our Community Matters Resource Guide
- Campus Security Policies and Crime Statistics

University of Michigan-Flint Office for Intitutional Equity and Title IX
The University of Michigan – Flint Student Annual Report Regarding Intitutional Response to Reports of Prohibited Conduct by Faculty, Staff, Students and Third Parties can be found by visiting https://www.umflint.edu/oie/annual-reports.

The current publication July 2018-June 2019 may be viewed directly at: https://www.umflint.edu/sites/default/files/groups/Office_for_Institutional_Equity_and_Title_IX/2018-2019_annual_report_regarding_institutional_response_to_reports_of_prohibited_conduct_by_faculty_staff_students_third_parties.pdf.

Sex Offender Registry
A non-permanent resident of Michigan who is required to register shall report their status within ten days in person to DPS, if any of the following occur:
- The individual is or becomes an employee, contractual provider, employee of a contractual provider, or volunteer with the University of Michigan – Flint and their position will require that they be present on campus for 14 or more consecutive days or 30 or more total days in a calendar year.
- The status described above is discontinued.
- The individual is or enrolls as a student with the University or the individual discontinues that enrollment.

If the individual is a permanent resident of Michigan, they shall report their status in person at the local law enforcement agency having jurisdiction where their new residence is located. If the individual resides on campus (student residence halls), then they must report their status to DPS. Persons residing on University property outside of the Flint campus will be directed to the local police agency that has overall jurisdiction.

Registered sex offender information is available for public access and viewing at the State of Michigan Public Sex Offender Registry at: www.mipsor.state.mi.us/.
CAMPUS SECURITY AND ACCESS CONTROL

Residence Halls are secured 24 hours a day; all other campus facilities have scheduled open hours which may vary at different times of the year. The University of Michigan – Flint is a part of the City of Flint; and, therefore is open and accessible to members of the community including visitors and guests during scheduled business hours. The academic and administrative buildings are open to the public, at a minimum, during normal business hours. Access to some of these buildings are also controlled by key and/or card access after normal business hours, and all of these buildings have varied levels of access. During non-business hours, access is permissible by authorized persons possessing University identification and DPS issued keys or card access. All campus buildings are patrolled by DPS Public Safety Officers on a regular basis via foot, bike and cars.

For information about the access protocol for a specific building and/or to request key/card access, contact DPS IT Security Specialist at (810) 762-3330. More information and is available at www.umflint.edu/safety/security-technology-services.

Residence Hall Security and Access Control

University Housing & Residential Life is a residential community safeguarded, in part, by an access-control system that provides surveillance of selected public spaces, restricts entry to the residential buildings and assigned space to residents and guests. Residence Halls are patrolled by DPS Officers on a routine basis. Residence Hall staff enforce policy and security measures in residence halls in order to promote a safe and respectful community environment.

UM-Flint Campus Exterior Lighting

Outside lighting on campus is designed for pedestrian safety and security.

Sidewalks are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building.

Landscape/grounds personnel trim shrubs from sidewalks, walkways, and building entrances to enhance lighting and visibility.

This map is available on the DPS website: https://www.umflint.edu/sites/default/files/groups/Public_Safety/Clery/Maps/campus_exterior_lighting_2020.jpg
Emergency Blue Light Phones

The University has installed more than 100 emergency phones throughout the UM-Flint campus. Phones are located in public areas of buildings including parking decks, elevators, residence halls, administration buildings, and numerous outdoor locations. Emergency phones provide direct voice communications to the UM-Flint Department of Public Safety Communications Center. When the telephone receiver is removed from the cradle or the button is pushed, the DPS Communication Officer is automatically alerted and an officer is sent to the location of the telephone. No dialing or conversation is required. If possible, however, try to describe the emergency to the DPS Communication Officer.

This map is available on the DPS website at https://www.umflint.edu/sites/default/files/groups/Public_Safety/Clery/Maps/emergency_blue_light_phones_2020.jpg
3. SAFETY AND HEALTH-RELATED RESOURCES, COUNSELING AND SUPPORT SERVICES, AND UNIVERSITY PROGRAMS

SAFETY AND HEALTH RELATED RESOURCES

UM-Flint Department of Public Safety (DPS)

<table>
<thead>
<tr>
<th>DPS Administrative Offices</th>
<th>DPS Communications Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>602 Mill Street, 103 Hubbard Building; Flint, MI 48502</td>
<td>Mill Street Ramp</td>
</tr>
<tr>
<td>(810) 762-3330</td>
<td>Dial 911 for Police, Fire, or Medical Emergencies</td>
</tr>
<tr>
<td><a href="http://www.umflint.edu/safety">www.umflint.edu/safety</a></td>
<td>(810) 762-3333</td>
</tr>
</tbody>
</table>

For an emergency, dial 9-1-1 from any University phone, or lift the receiver or press the button on an emergency blue light campus, elevator or parking structure phone.

The Department of Public Safety (DPS) is responsible for all police and security functions related to the University’s Flint campus. As such, DPS provides a streamlined approach to safety and security, improved efficacy and consistency in incident response protocols and procedures, while building partnerships that support campus safety across the institution.

DPS maintains an emergency Communications Center to monitor intrusion alarms, robbery, fire, elevator, temperature and maintenance alarms for University buildings. Appropriate response is determined and necessary action is taken. The DPS Communications Center is operated 24 hours a day, seven days a week. The communication officers monitor radio traffic from a variety of university departments as well as other public safety agencies, and dispatch resources as appropriate. Further, the communications officers monitor radio communications from a variety of University departments as well as other public safety agencies, and dispatch resources as appropriate.

To deter crime and contribute to campus safety, DPS installs and monitors security cameras across campus. To date, there are over 400 security cameras located throughout public areas of campus.

DPS is a full service law enforcement agency. Police officers are licensed by the Michigan Commission on Law Enforcement Standards (MCOLES), and have the authority to investigate, search, arrest, and use reasonable force as necessary to protect persons and property, and to enforce the laws of the State of Michigan, City of Flint, and the Ordinance of the Regents of the University of Michigan on property owned or leased by the University of Michigan - Flint and throughout Genesee County. Non-sworn DPS security officers, including DPS student employees, have “citizen/private person” arrest and enforcement authority for felonies committed in the employee’s presence.

Fiscally, UM-Flint generates a comprehensive plan to include renewal/deferred campus maintenance. This document identifies short- and long-term standards and recommendations for existing buildings, landscaping, maintenance, and similar security issues, as well as new facility design criteria to improve the safety of the campus environment. Additionally, DPS provides input on safety and security specific to lighting and landscaping. Lighting maintenance is a responsibility jointly shared by the University and the City of Flint. Any faulty lighting should be immediately reported to Facilities & Operations or DPS.

On a requested basis, DPS makes presentations designed to inform students and employees about safety and security procedures and practices that aid in the prevention of crime, with a focus on individual and community responsibility for personal and property security and the security of others. One presentation trains students and employees in active aggressor response. Overview of safety presentations are made to each session of new student and parent orientations. Contact DPS to schedule a presentation.

For more information about our safety and security services and programs, please visit the DPS website at www.umflint.edu/safety.

University police and security officers patrol all campus buildings and grounds including campus streets and sidewalks. These patrols are designed to deter, prevent, and detect crimes and property loss from crime, fire, and floods. Patrols are conducted 24 hours a day, seven days a week. Patrols are performed by officers on foot, on bicycle, and in motor vehicles.
Specialized police services provided by officers include criminal investigations, accident investigations, evidence technicians, bicycle patrol, and special victims’ services. DPS employees operate under, and are dedicated to, the community oriented policing philosophy as a way of delivering services to our campus community.

The Department of Public Safety (DPS) has a cooperative relationship and works closely with the Flint Police Department and other local, state, and federal law enforcement agencies in matters of mutual concern. UM-Flint has a written Memorandum of Understanding with the City of Flint and Genesee County Sheriff’s Department in which agencies agree to aid the other if in need of law enforcement assistance. This is just one example of the cooperation, including crime report sharing, between area police agencies.

Additionally, DPS partners with campus departments and organizations to provide free campus transportation and primary and ongoing educational prevention & awareness programs including and educational awareness and programming around reducing harmful alcohol consumption. Security awareness programs are offered to inform the campus community about campus security procedures and practices and to encourage the campus community to be responsible for their security and that of others.

**Campus Transportation**

For updated campus transportation information, visit DPS, Parking & Transportation at www.umflint.edu/safety/services/parking.

**Safe Ride – operated by DPS**

Safe Ride, operated by Public Safety Student Patrol Officers, is a free transportation service that operates within specific campus geographic boundaries. Rides across campus are requested on demand using the Tap Ride app available for download at the Apple Store or Google Play Store.

For more information and to view the service boundary map visit DPS at www.umflint.edu/saferide.

**RAD Program – Provided by DPS**

The Rape Aggression Defense (RAD) System is a program of realistic, self-defense tactics and techniques. It is a comprehensive course for women and men that begins with awareness, prevention, risk reduction, and avoidance, while progressing on to the basics of hands-on defense training. RAD is not a martial arts program. DPS courses are taught by certified RAD instructors and provide you with a workbook/reference manual. The DPS RAD Program, taught by DPS personnel, is dedicated to teaching defensive concepts and techniques against various types of assault, by utilizing easy, effective and proven self-defense tactics. Our system of realistic defense will provide students with the knowledge to make an educated decision about resistance.

DPS offers this program at no cost. Call DPS at (810) 762-3330 to register. Sgt. Meoachy Proby is available to provide more program details, answer program questions, and facilitate class registration for individuals or groups. More information can be found on the DPS website at www.umflint.edu/safety/rad-training.

**Drunk Goggles – Provided by DPS**

The Alcohol Impairment Simulation Goggles offer sober people an opportunity to experience what it’s like to navigate basic tasks after drinking. They give participants of alcohol education programs a safe way to learn the important lesson that alcohol greatly impairs a person’s balance, vision, reaction time and judgment.

The drunk simulation goggles are available in five levels that model the impairment associated with a particular blood alcohol concentration (BAC) — from less than .06 to .25+ BAC. Fatal Vision is available with either a clear lens to simulate daytime or shaded lens to simulate nighttime conditions. Purchase two or more different goggles to show how increased BAC results in increased impairment.

DPS offers this program at no cost. Call DPS at (810) 762-3330 to register. Sgt. John Bundy is available to provide more program details, answer program questions, and facilitate class registration for individuals or groups.

**Bicycle Registration Program – Provided by DPS**

Bicycles are easy targets for theft. The Department of Public Safety (DPS) offers a free Bicycle Registration Program to members of the campus community to deter theft and avoid the consequences or assist in the recovery of stolen property.

Once you register your information, you’ll receive a sticker to place on your bicycle. This sticker will help serve as a theft deterrent. Additionally, if your bicycle is found or recovered, the registration record will help DPS return your bicycle to you. Call DPS at (810) 762-3333; Public Safety Officer Russell Taunt is available to provide more program details, answer program questions, and facilitate bicycle registration.
### Safety and Risk Reduction Techniques

The following prevention tips are offered to help ensure personal safety and the safety of one’s belongings.

#### Home Safety

**University Residence Halls**
- Make a habit of keeping your doors locked. Lock your room door when sleeping, when leaving a roommate asleep inside, and when leaving your room.
- Do not leave valuables in open view. Take valuables home during vacation.
- Never prop open doors to residence halls.
- Do not allow door to door salespeople to enter your room. Report them to DPS.
- Require identification and authorization from maintenance staff requesting access to your room.
- Report to the residence hall staff all doors, locks, and windows that are in need of repair.
- Be suspicious of unknown persons loitering or checking doors in your hall and call DPS to report them.
- Backpacks, purses, book bags, laptops, etc., should never be left unattended.

**If you live in the City of Flint:**
- The Department of Public Safety offers Operation Identification. This program allows residents (and all community members) to visit DPS to borrow an engraving tool to mark their valuables.
- It is recommended that residents know their local neighborhood watch group and the name of their neighborhood block captain.

#### Suspicious Activity

Since safety is everyone’s responsibility, it is important for people to be aware of types of behavior and actions which may signal criminal activities. In the UM-Flint setting, these may include:
- A person who seems to be wandering in the hallways or lurking about the building.
- Any unusual or suspicious noise that you can’t explain, such as breaking glass or pounding.
- Vehicles moving slowly without lights or to no apparent destination.
- A stranger sitting in a vehicle for an extended period of time for no apparent reason.
- A person hanging around residence hall windows or parking lots.
- Persons removing property from a building at night. Remember, if you are in doubt, contact the police. They will be able to assist you.

DPS staff suggests the following approach to reporting suspicious activity on campus:
- Remain calm. Keep away from the suspicious person(s) or activity. Call 9-1-1, DPS at (810) 762-3333, or pick up a campus blue light emergency phone or a carport phone.
- Tell the police whether the crime is in progress or has already been committed. If you see a crime in progress, report it immediately.
- If you live in the City of Flint: Call the Flint Police Department at (810) 762-3333, or pick up a campus blue light emergency phone, and head to a populated area.

#### Fire Safety

- If you see smoke or fire, activate the fire alarm and call 911 from a safe location.
- Familiarize yourself with locations of fire alarm pull stations, fire extinguishers, stairways and emergency exits in your building(s). Always identify two means of egress from your location.
- If the building’s fire alarm sounds, immediately evacuate via the nearest exit, encouraging those around you to evacuate as well.
- Fire alarm activations require “full” evacuation of all affected buildings.
- Evacuate through the nearest available exit.
- Use stairs, not elevators.
- Assist those with disabilities or special needs.
- Stay clear of building exits and fire lanes.
- Meet at designated assembly areas.
- Re-enter only when directed by authorities.

#### Office, Class-room, or Lab Safety

- Avoid working or studying alone in a building at night. If you must work late, let someone you trust know where you are and when you will be done.
- Avoid using stairs in remote sections of a building.
- Keep your purse in a locked cabinet or drawer. Never leave it in, on top of, or underneath a desk.
- While in class, the library, or the lab, keep personal belongings in view.

#### Active Aggressor Response

**Dial 9-1-1**

**Run**
- Evacuate via a safe route and remove yourself from the threat.
- Encourage others to leave but don’t slow down to escape.
- Prevent others from walking into the danger zone.

**Hide – if not safe to run**
- Seek a safe location.
- Secure area by locking or barricading door.
- Turn off lights and silence electronic devices.

**Fight – as a last resort**
- Distract, disorient and disarm the aggressor.
- Use improvised weapons.
- Fight to survive.

#### Outdoor Safety

- Learn the locations of all campus blue light emergency phones.
- Take advantage of nighttime escort services.
- Walk on designated walkways that are well lit and well-traveled.
- Walk confidently and assertively. Be alert and aware of your surroundings.
- Purses should be carried close to the body and secured under one arm. Backpacks should be carried over one shoulder and secured with one arm.
- Do not run or jog alone, especially at night.
- Do not ever hitchhike.
- Avoid shortcuts through parks, vacant lots, and other deserted places.

**Bicycle Safety**

To cycle safely, remember to:
- Ride with the traffic or use bike paths whenever possible.
- Follow same driving laws as motor vehicles.
- Use reflectors, reflective tape, or other similar devices on bikes.

**Pedestrian Safety**

- If you are followed by someone, call 9-1-1 or if safe to do so, call DPS at (810) 762-3333 or use the nearest blue light emergency phone.
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Other Emergency Responders

Flint Police Department – 210 E. 5th Street; Flint, MI
For an emergency off-campus, dial 9-1-1. If you are using a non-University phone, the Genesee County Communications Center will dispatch the Flint Police Department. The Flint Police Department is available 24 hours a day, 7 days a week. For non-emergency incidents occurring off-campus in the City of Flint where there is no suspect information available, the Flint Police Department offers Coplogic-on-line citizen police reporting. More information is available at www.cityofflint.com/public-safety/police-department/coplogic. The main desk for non-emergency calls can be reached at (810) 237-6800.
The Flint Police Department uses community crime strategies throughout city neighborhoods. The strategy seeks the engagement of the community, including residents, faith-based organizations and other local government agencies to help address the factors that contribute to negative impacts upon communities. This strategy is just one approach to their community policing model.
For more information on the Flint Police Department and other city services, please visit www.cityofflint.com/public-safety/police-department/.

Flint Fire Department – 310 E. 5th Street; Flint, MI
For an emergency, dial 9-1-1. For non-emergency calls, the Flint Fire Department may be contacted at (810) 762-7336.
The Flint Fire Department’s mission is to serve and protect the people from loss of life and property from fire and other natural and man-made disasters, to provide emergency medical services that are responsive to the needs of the community, and to provide fire prevention and education activities to the citizens of the City of Flint. More information is available at www.cityofflint.com/public-safety/fire-department.

UM-Flint Environmental, Health and Safety (EHS)
(810) 766-6763 801 | Northbank Center (NBC) | www.umflint.edu/ehs
The University’s Environmental, Health and Safety (EHS) Department is a vital link in the enhancement of a healthy and safe University environment where individuals pursue research and education, and enjoy the benefits the University has to offer. EHS’s specialized program areas lead the University and support the surrounding community through partnership, guidance, and education to promote health, safety, protection of the environment, and compliance with local, state and federal rules dealing with hazardous materials, operations, fire and life safety, and environmental protection. The combined technology, training, and expertise within each program area serve the safety and health needs of the University community.

ON-CAMPUS SUPPORT SERVICES

Counseling and Psychological Services (CAPS)
(810) 762-3456 | 264 University Center (UCEN) | www.umflint.edu/caps/counseling-and-psychological-services-caps
Hours of operation:
Monday – Friday 8 am – 5 pm
CAPS provides confidential free services to enrolled students that help to maximize their academic and personal potential. Students are provided with counseling, therapy, and limited psychological testing. Common reasons students seek out CAPS service include, but are not limited to: anxiety, depression, self-esteem, academic role and relationship issues.
“CAPS After Hours”: CAPS offers after hours support by a licensed mental health profession to any UM-Flint student or any person concerned about a UM-Flint student. CAPS is available evenings, weekends, and holidays and can be reached by calling the Department of Public Safety (DPS) at (810) 762-3333 to be connected with the professional on-duty.

Faculty and Staff Counseling and Consultation Office (FASCCO)
(810) 936-8660 | https://hr.umich.edu/benefits-wellness/health-well-being/mental-health-counseling-consultation-services/faculty-staff-counseling-consultation-office-fascco
FASCCO offers a number of services to help with personal difficulties encountered at both work and home. All services are confidential and free of charge for faculty and staff (active and retired). Local services are coordinated by the Ann Arbor campus.
Center for Gender and Sexuality (CGS)  
(810) 237-6648 | 213 University Center (UCEN) | https://www.umflint.edu/cgs  
Hours of operation:  
- Monday – Friday 8 am-5 pm  
The Center provides confidential services around issues of sexual assault, interpersonal violence, stalking, and sexual harassment. Services include; educational programs, professional training, support and advocacy for survivors, in person outreach services, assistance in working with the criminal justice system, medical, and/or university systems. The Center's support and advocacy services are free of charge to all members of the UM-Flint community. Center for Gender and Sexuality staff are designated Campus Security Authority's and report Clery Act designated crimes confidentially without disclosure of personally identifying information.  
The Center is dedicated to creating and sustaining a safe and inclusive campus community by providing educational programs, social and educational events, resources, outreach and advocacy for all students, staff, and faculty regardless of their sexual orientation, gender identity, and gender expression.

Office of the Dean of Students (DOS)  
(810) 762-5728 375 | University Center (UCEN) | https://www.umflint.edu/deanofstudents  
The Dean of Students Office provides a wide variety of student centered services to include services around student conduct and community standards, crisis and emergency services, and student sexual misconduct services.

Faculty Ombuds  
Thomas Wrobel, Ph.D. | Email: twrobel@umich.edu  
The Faculty Ombuds provides confidential and impartial assistance supporting faculty in the resolution of matters related to their employment. The ombuds shall respond to faculty concerns for assistance in a timely manner and provide options for addressing faculty concerns.  
You may contact the Faculty Ombuds at twrobel@umich.edu. Please do not share confidential information in emails to the Faculty Ombuds.

Compliance Resource Center  
(866) 990-0111 | http://compliance.umich.edu/  
The University has many policies, procedures, handbooks, and guidelines that describe the various standards and responsibilities which the community agrees to uphold. This site collates and summarizes, at an institutional level, those guiding principles that are particularly relevant to compliance and ethics. Note: The Compliance Hotline is not for reporting criminal or medical emergencies.  
On-line reports may be filed at: https://secure.ethicspoint.com/domain/media/en/gui/55302/index.html.

ITS User Advocate  
The UM-Flint Information Technology User Advocate, a committee of campus partners, investigates non-criminal reports of violation of the responsible use of computing resources at the university and works with the UM-Flint community to ensure that certain information technology policies are followed. Users should complete the User Advocate on-line form if they suspect non-criminal abuse of university computing resources including the following:  
- Harassing messages  
- Spam sent using a umflint.edu email address  
- Digital copyright infringement  
- Misappropriation of computing resources for commercial use  
Policies regarding the responsible use of information technology at the University of Michigan-Flint are available at http://cio.umich.edu/policy. Additionally, UM-Flint users are subject to the policies and guidelines established by the Flint campus. These policies and guidelines can be found at www.umflint.edu/its/policies.  
Report an IT Security Incident: https://docs.google.com/forms/d/e/1FAIpQLSc6FfcXQRZQpWR2MZ96DL8sPpCTUN_zcXJ-fbzQ2VzpsEKgA/viewform?usp=sf_link
If you suspect a potential IT security incident involving a computer system, software, or data – immediately fill out the report form to submit the details to the ITS Helpdesk (). Examples of IS Security Incidents include:

- Unauthorized exposure of private personal information (which may lead to identity theft or misrepresentation
- Computer break-ins and other unauthorized use of UM-Flint systems or data
- Theft or loss of equipment, including portable equipment such as laptops and flash drives used to store or work with university sensitive data.
- Interference with the intended use of ITS resources.

Users should report IT security incidents via the Form, by calling 810-762-3123, option 1 or emailing ITSHelpdesk@umich.edu.

**Student Legal Services:**
Beginning Fall 2020, UM-Flint is piloting a student legal service program with the Ann Arbor campus: please visit [https://studentlegalservices.umich.edu/](https://studentlegalservices.umich.edu/) to learn more.

**OFF-CAMPUS SUPPORT SERVICES**

**Legal Services of Eastern Michigan**
LSEM: Flint Office  |  436 S. Saginaw Street; Flint, MI 48502
Phone: (810) 234-2621  |  Toll Free: (800) 322-4512  |  [http://www.lsem-mi.org](http://www.lsem-mi.org)

**Hours of operation:**
- Monday – Friday 8 am-5 pm
  - Evening Hours: 2nd & 4th Mondays of each month – 5 pm – 7pm

Legal Services of Eastern Michigan (LSEM) provides legal assistance to low-income and all senior citizen residents in 14 counties including Genesee County.

**Y.W.C.A of Greater Flint**
801 S. Saginaw Street; Flint, MI 48501
Phone: (810) 238-7621  |  Crisis Line: (810) 238-7322  |  [http://www.ywcaflint.org](http://www.ywcaflint.org)

**Hours of operation:**
- Monday – Friday 8 am-5 pm
- 24-hour shelter and help line

YWCA of Greater Flint is an organization dedicated to eliminating racism, empowering women and promoting peace, justice, freedom and dignity for all. Further, the YWCA works to end domestic violence, and sexual assault in Genesee County. This program offers emergency shelter (open 24-hours), legal advocacy, crisis intervention, advocacy, residential and non-residential confidential counseling, drop-in support groups, and follow up services.

Services are confidential and free of charge.

**One Stop Housing Resource Center**
601 N. Saginaw Street; Flint, MI 48502
Phone: (810) 600-4525  |  [http://www.shelterofflint.org/onestophousing.html](http://www.shelterofflint.org/onestophousing.html)

**Emergency Shelter/Services Inquiries**
(810) 239-5433 924 Cedar Street; Flint MI 48503;
Shelter of Flint’s One Stop Housing Resource Center is a collaborative program among non-profit organizations that provide comprehensive housing placement services for people who are homeless, at risk of becoming homeless, or have special needs in Genesee County. One Stop strives to eliminate barriers for those we serve by providing services that meets the needs of the individual and family and enhances the community safety-net by placing homeless service providers in one, easily accessible location.

One Stop Housing Resource Center serves as the Housing Assessment & Resource Agency (HARA) for Genesee County. As the HARA, One Stop Genesee offers many different opportunities for individuals and families to receive vital services that meet their varying needs: central intake and assessment; referrals; screenings and inspections; Housing Choice Voucher assessments; and direct client assistance.
COMMUNITY MEDICAL RESOURCES

Call 9-1-1 for emergency response. DPS is available for emergency response by calling 9-1-1 from a campus telephone or direct at (810) 762-3333. Emergency health care providers in the greater Flint campus area include the following:

**Hurley Medical Center**
(810) 262-9000  1 Hurley Plaza  [www.hurleymc.com/services/emergent](http://www.hurleymc.com/services/emergent)
Hurley Medical Center provides emergency care 24 hours/day, 7 days/week. It is a recognized level 1 trauma center, equipped to deal with all emergency problems for persons of all ages.

**McLaren Hospital – Flint**
(810) 342-2000  401 S. Ballenger Hwy  [www.mclaren.org/flint/emergency-services.aspx](http://www.mclaren.org/flint/emergency-services.aspx)
McLaren-Flint provides emergency care 24 hours/day, 7 days/week. It provides trauma care and entire spectrum of emergent services for persons of all ages.

**Urgent/Non-Emergent Medical Need Providers**
Student health resources can be found on-line at [www.umflint.edu/reccenter/student-health-resources](http://www.umflint.edu/reccenter/student-health-resources). The UM-Flint provides a resource of Greater Downtown Flint Health Care Resources to address a variety of health care needs including medical, dental, vision, behavioral health, pediatric care, OB/GYN, and laboratory services.

This publication is available for view or download at [https://www.umflint.edu/sites/default/files/users/etrout/1campushealthresource-trifold2019-proofk.pdf](https://www.umflint.edu/sites/default/files/users/etrout/1campushealthresource-trifold2019-proofk.pdf).

UNIVERSITY SERVICES

**Police Department (DPS) Oversight Committee**
(810) 762-3150  213 University Pavilion (UPAV)  [https://www.umflint.edu/node/7213](https://www.umflint.edu/node/7213)
The function of this independently elected Committee, as provided by Michigan Public Act 120 of 1990, is to receive and address grievances and complaints by persons against the Department of Public Safety (DPS) or UM-Flint police officers. The Committee may make recommendations concerning such grievances to the Director of DPS, including recommendations for disciplinary action.

To get information or to file a grievance, call (810) 762-3150, email the Committee at Flint-HRAA-Service@umflint.edu, or stop by Room 213 University Human Resources in the University Pavilion.

**The Office for Institutional Equity and Title IX Services**
(810) 762-3150  234 University Pavilion (UPAV)  Reporting: [https://umflint.ut1.qualtrics.com/jfe/form/SV_bkLlhN2wWKWyNbd](https://umflint.ut1.qualtrics.com/jfe/form/SV_bkLlhN2wWKWyNbd)
[https://www.umflint.edu/oie/institutional-equity-and-title-ix](https://www.umflint.edu/oie/institutional-equity-and-title-ix)  Email: institutionalEquityFlint@umich.edu

Diversity is fundamental to our mission. The University of Michigan-Flint is committed to creating and maintaining a working and learning environment that embraces individual differences. We celebrate, recognize and value diversity. University Human Resources is committed to ensuring that all staff, faculty and students have equal access and opportunities, and receive the support needed to be successful. Additionally, we are committed to the principles of equal opportunity in all employment, educational and research programs, activities and events, as well as to the use of affirmative actions to cultivate and maintain an environment that fosters equal opportunity.

**Institutional Equity services:**
Information, consultation, training, and resources to the Campus community with regard to diversity, harassment and discrimination prevention, affirmative action, equal opportunity and disability matters; individual consultation with campus community managers, supervisors, staff, faculty, students, and administrators; neutral non-criminal investigation for all complaints of harassment and discrimination; support for the Campus’ compliance efforts in the areas of equal opportunity, affirmative action, harassment and discrimination prevention, and compliance with all applicable state and federal civil rights laws.

**Additional Services:**
- Interpreting, communicating, and applying the University’s policies and procedures
- Resolving workplace challenges, and developing appropriate goals and objectives
- Developing strategies to create high-performing teams
• Identifying training initiatives
• Addressing many other workplace needs including allegations of workplace harassment, or unfair treatment

**Title IX services:**
Monitors the University’s compliance with Title IX; in conjunction with the Title IX Coordinator, ensures appropriate education and training for students and employees; coordinates the University’s investigation, response and resolution of all reports under policy; and ensures appropriate actions to eliminate Prohibited Conduct, assists in preventing its recurrence and remedies its effects.

The University encourages every student who may have experienced harm to get the support and information they need, regardless of whether they would like to move forward with a report of potential policy violations or criminal conduct to campus officials or to law enforcement. The University offers a wide range of resources to provide support and guidance in response to any incident of Prohibited Conduct.

For comprehensive information on accessing University and community resources, including emergency and ongoing assistance; health, mental health, and advocacy services; options for reporting Prohibited Conduct to the University and/or law enforcement; and available support with academics, housing, and employment, University students and employees should contact the Office for Institutional Equity and may refer to the **Our Community Matters Resource Guide, Resource Handbook Campus Sexual Assault Survivors, Friends and Family.** Third parties should contact the Office for Institutional Equity / Title IX to discuss available University and/or community resources and reasonable available assistance.

Kirstie Stroble, I/Director
University of Michigan – Flint | Office for Institutional Equity & Title IX
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UM-Flint features a specific webpage to find all information, education, resources and reporting options and campus procedures around sexual violence and sexual misconduct: [https://www.umflint.edu/sexualmisconduct](https://www.umflint.edu/sexualmisconduct).

**Office of Student Conduct and Community Standards (OSCCS)**
(810) 762-5728 375 University Center (UCEN)

Hours of operation:
- Monday – Friday 8 am-5 pm

The Office of Student Conduct and Community Standards (OSCCS) promotes and supports a civil, healthy, and safe campus community through the establishment and administration of standards outlined in the **Student Conduct and Community Standards-Code of Student Conduct.** When incidents occur, primarily on campus, and University of Michigan-Flint students are involved, the Office of Student Conduct and Community Standards is the main university entity that works with students to resolve disciplinary matters.

The Office of Student Conduct and Community Standards also provides conflict resolution services that assist students in examining personal values, goals, and behaviors, while resolving disputes in a fair and effective manner. If you find yourself in conflict with another student, OSCCS services and resources can provide you with valuable skills to resolve current and future disputes. To this end, OSCCS provides:

- Consultation services and conflict resolution through mediation and other informal problem solving practices
- Coordination of campus resources in resolution of behavioral issues
- Interpretation of campus policies and procedures
- Adjudication and resolution of formal student conduct incidents

**Campus Assessment, Response, and Evaluation (CARE) Team:**
A cross-divisional, multi-disciplinary campus team with a centralized focus on addressing situations and behaviors that have the potential to impede student success and/or threaten the safety and security of the campus and learning environment. The mission of the University of Michigan-Flint CARE Team is to provide a coordinated, caring response to situations and behaviors that have the potential to impede success and/or threaten the safety and security of the campus and learning environment. This response is tied to the parallel mission of educating and empowering campus constituents to identify and report concerns. Visit: [https://www.umflint.edu/bit/behavioral-intervention-team](https://www.umflint.edu/bit/behavioral-intervention-team) for more information, guidance and reporting options.
4. EMERGENCY NOTIFICATION AND RESPONSE

UM Emergency Alert System

UM-Flint Emergency Alert is a mass, urgent notification system, comprised of a variety of methods by which the University, without undue delay, will notify students, faculty, staff, visitors and members of the general public of an active major campus emergency:

- Text message (SMS) to cell phones
- Voice message to cell or landline telephones
- Email
- Public Address / Fire Alarm Systems
- Social Media

When a DPS incident commander, or designee, confirm there is a significant active emergency or dangerous situation impacting the public safety of the campus, the process for initiating an Emergency Alert begins. Initial incident confirmation by DPS may occur by observation of a police or security officer, multiple witness telephone calls, alarms activating in the DPS Communications Center or a confirmed report from another emergency responding agency (such as the National Weather Service, the fire department, ambulance, hazardous materials response team, FBI, County Public Health, etc.). At the direction of the DPS commander, or designee, an urgent notification will be sent without undue delay through the UM-Flint Emergency Alert system on confirmation.

Examples of activations may include:

- When a person actively shooting a weapon is threatening campus.
- When a bomb threat is confirmed.
- When a tornado warning is issued for the county.
- When a major hazardous material spill is impacting a large portion of campus.
- When UM-Flint administration declares an emergency reduction in operations or delay in opening.

The emergency message content will be developed by University Communications, or designee. The message will be sent by University Communications (primary), or designee, Public Safety Director, or designee, or other EAS authorized users. The Director of Public Safety, or designee, will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. This will contribute to determining the content of the message will promote safety and aid in the prevention of similar crimes; and, the message will include pertinent information about the crime that triggered the Emergency Alert. Follow-up information, including an “all-clear” message, will be disseminated as appropriate, except for an expired weather warning.

As a robust, regional campus, more than a single mode of notification in an emergency may be required. UM-Flint Emergency Alerts adds to the array of communication methods used during campus emergencies, such as building alarms and public address announcements. However, the UM-Flint Emergency Alerts are issued campus-wide, not to smaller segments of the community.

In order to receive urgent notification alert messages, UM-Flint students, faculty and staff may register telephone or cell phone numbers and a device to receive text messages. Additionally, UM-Flint automatically will register all student, faculty and staff @umich email addresses.

Visit the Campus Emergency Information Center at https://www.umflint.edu/emergency where you can sign up for Alerts and read more about the UM Flint Campus Emergency Alert system. To sign up for alert messages, students may visit: https://sis.umflint.edu/. Faculty and Staff may visit https://csprod.dsc.umich.edu/services/umalert to sign up for alert messages.
Timely Warnings
A timely warning will be issued for all Clery Act crimes that occur on the University of Michigan-Flint’s Clery Act geography that are reported to campus security authorities, the Department of Public Safety, or local police agencies and are considered by the institution to represent a serious or continuing threat to safety of students and employees. Upon the judgement of the UM-Flint Public Safety Director, or designee, a “Crime Alert, on-campus” will be issued to serve as a timely warning in a manner that is timely and will aid in the prevention of similar crimes. The intent of this warning regarding criminal incident(s) is to enable people to protect themselves; and, a warning is issued whenever there is a threat that a crime is ongoing or may be repeated. The University may also issue “Crime Alert, off-campus” for incidents that don’t meet the requirements for a Timely Warning when, in the determination of UM-Flint Public Safety Director, or designee, there may be a potential serious or continuing threat to students, employees, and visitors on the campus.

When a DPS incident commander, or designee, confirm there is a serious or on-going threat affecting the public safety of the campus, timely warning will be sent without undue delay. UM-Flint University Communications, or designee, will develop the content of the message with input from the UM-Flint Public Safety Director, or designee who will determine what information would promote safety and that would aid in the prevention of similar crimes; and, the message will include pertinent information about the crime that triggered the timely warning.

The message will be sent by University Communications (primary), or designee, or the UM-Flint Public Safety Director, or designee. The timely warning will be issued as soon as pertinent information is available. Victim’s names will not be disclosed in the alerts or to media. Crime Alerts likely will not be issued when the release of such information would compromise an investigation or when the report is made after considerable delay.

A copy of the timely warning will be emailed to all students, faculty, and staff via all registered campus email addresses. Timely warning information may be shared via social media and person-to-person. Anyone, including students and employees, should report Clery Act crimes for the purpose of making timely warning reports and the annual statistic disclosure without delay to DPS by telephone at (810) 762-3333 or in person at DPS Communication Center, Mill Street Ramp.

Other Communication Methods
In addition to the UM-Flint Emergency Alert System and crime alerts, DPS may employ a variety of communication methods to inform building occupants or a larger portion of campus about imminent safety threats. Communication methods will be deployed based on a number of factors that will be evaluated for each incident, such as the nature and extent of the threat, the technology available in that building or area, the time of day, etc. Other communication methods may include use of public address systems, fire alarm systems, telephones, and person-to-person communication.

Emergency Operations Plan


- More information on creating a campus culture of preparedness is available through the EHS website at [https://www.umflint.edu/ehs/emergency-preparedness-and-response](https://www.umflint.edu/ehs/emergency-preparedness-and-response).

The UM-Flint Emergency Preparedness and Response Guidelines Flip Chart is made available for posting in classrooms, employee lounges, hallways, and other high traffic areas around campus. Building-specific evacuation maps are posted in strategic locations in occupied campus buildings.

Students, faculty, and staff with questions about emergency procedures in their buildings should check with their department head or contact UM-Flint EHS at (810) 766-6763 for assistance.

EHS manages an annual plan that is comprised of annually schedule drills, exercises and appropriate follow-through activities designed for assessment and evaluation of emergency plans and capabilities. Activities, assessments and evaluations are exercised, at minimum, each year in all campus buildings including residence halls. Participation includes EHS staff, DPS staff building staff/occupants at minimum. These exercises could be drills, tabletops, functional or full-scale exercises and are designed for assessment and evaluation of emergency plans and capabilities by UM-Flint Environment, Health and Safety. EHS publicizes via email emergency response and evacuation procedures in conjunction with the test to document, for each test, a description of the exercise, the date, time and whether it was announced or unannounced.
A minimum of one fire drill per academic year is conducted in each residence hall. The UM-Flint Emergency Alert system is tested, or activated, minimally once each calendar year. Additionally, EHS is available to meet and assist in developing and delivering department-specific emergency preparedness planning, training, and exercises.

**Missing Student Notification protocol**

On-campus student residents can review and complete their emergency contact information in their SIS account at [http://sis.umflint.edu/](http://sis.umflint.edu/) and also have the option to complete a Missing Person Contact Form available at [https://docs.google.com/forms/d/e/1FAIpQLSfc95u5JE2fAdRub6WEiKU12mDImB4XgpXpXd7yAXQz74FgkQ/viewform](https://docs.google.com/forms/d/e/1FAIpQLSfc95u5JE2fAdRub6WEiKU12mDImB4XgpXpXd7yAXQz74FgkQ/viewform). These links and guidance are available through the Office of Housing and Residential Life at [https://www.umflint.edu/reslife/emergency-contact](https://www.umflint.edu/reslife/emergency-contact). The Missing Persons Contact Form provide residents, regardless of age, with the ability to provide a confidential contact (a person to be called if they are believed to be missing). The information on the form also informs the residents that if they are under the age of 18 and are missing, police will contact their custodial parent or legal guardian within 24 hours of the determination that the student is missing, unless they are deemed an emancipated minor. The information is confidential and only available to authorized campus officials and law enforcement, for purposes of pursing a missing person investigation.

The University requires all official missing student reports be immediately referred to campus police, Department of Public Safety (DPS) at (810) 762-3333. The University will notify campus police, DPS within 24 hours of the determination that the student is missing.

If someone has a concern that a student resident is missing (or has been missing more than 24 hours), this concern must be immediately reported to the Department of Public Safety (DPS) at (810) 762-3333. DPS will generate a missing person report and initiate an investigation. DPS will make notification to the confidential contact designated by the student if the student is deemed missing through investigative efforts. That notification will be made within 24 hours of that determination.
## 5. Programs, Policies, Procedures: Dating Violence, Domestic Violence, Sexual Assault, Stalking

### Educational Programs & Campaigns: Dating Violence, Domestic Violence, Sexual Assault, Stalking

The University of Michigan-Flint offers educational programs and campaigns specific to the promotion of the prevention and awareness of dating violence, domestic violence, sexual assault and stalking. Programming is comprehensive, intentional and integrated programming, initiatives, strategies and campaigns intended to end dating violence, domestic violence, sexual assault and stalking are

- culturally relevant,
- inclusive of diverse communities and identities,
- sustainable,
- responsive to community needs,
- informed by research or assessed for value, effectiveness or outcome, and
- consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

The University of Michigan - Flint provides comprehensive primary prevention and awareness programs to all incoming students, and new employees on dating violence, domestic violence, sexual assault and stalking.

- **Primary prevention programs** are defined as programming, initiatives and strategies intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. Examples of these programs might include programs that promote good listening and communication skills, moderation in alcohol consumption and common courtesy.

- **Awareness programs** are defined as communitywide or audience-specific programming, initiatives and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety and reduce perpetration.

UM-Flint’s primary prevention and awareness programs include programs that promote good listening and communication skills, moderation in alcohol consumption and common courtesy; and programs that provide bystander education information, information on consent, applicable state and local laws and campus policies, and risk reduction strategies for individuals and communities.

- Prior to arrival on campus, students complete an Everfi sexual assault education module, an online educational requirement for all incoming first-year and transfer (new) students that addresses relationship violence, sexual and gender-based misconduct, sexual assault, and stalking. For more information on this program, visit the Sexual Assault Prevention Module at [https://www.umflint.edu/osccr/student-conduct-and-community-standards](https://www.umflint.edu/osccr/student-conduct-and-community-standards).

- Beginning in Fall 2018, all first year and transfer (new) students are provided an opportunity to attend an in-person peer-delivered, interactive sexual violence (dating violence, domestic violence, sexual assault and stalking) prevention including bystander education workshop in the first semester on campus. This workshop is designed to promote healthy relationships and building students’ skills in communicating about interests, needs and desires in sexual or intimate relationships thereby promoting good listening and communication skills, moderation in alcohol consumption and common courtesy. This workshop provides initiatives and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety and reduce perpetration.

- An online module for faculty and staff provides information about maintaining a respectful, inclusive and equitable working and learning environment free from sexual harassment and misconduct. “Cultivating a Culture of Respect: Sexual Harassment and Misconduct Awareness” is mandatory for all UM-Flint new and current employees. [https://maislinc.umich.edu/maislinc/app/management/LMS_ActDetails.aspx?UserMode=0&ActivityId=46215](https://maislinc.umich.edu/maislinc/app/management/LMS_ActDetails.aspx?UserMode=0&ActivityId=46215) For those who use screen readers, and for those who prefer a text based program, use this transcript of the Haven online training program at: [https://www.umflint.edu/sites/default/files/groups/Sexual_Misconduct/cultivating-a-culture-of-respect-accessibility-transcript-5-20-19.pdf](https://www.umflint.edu/sites/default/files/groups/Sexual_Misconduct/cultivating-a-culture-of-respect-accessibility-transcript-5-20-19.pdf). The online module is the first step in a multilayered approach to a series of education and training programs designed to have meaningful impact on our campus and workplace culture.
Haven is an online training program covering Student Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence (dating violence, domestic violence, sexual assault and stalking. Every member of the university community is strongly encouraged to complete the online Haven for Faculty and Staff program. [https://shib.everfi.net/login/default.aspx?id=umichfacstaff] For those who use screen readers, and for those who prefer a text based program, use this transcript of the Haven online training program at: https://oie.umich.edu/education-and-training-programs/haven-training-for-faculty-staff-accessible-version/.

**State of Michigan Laws: Dating Violence, Domestic Violence, Sexual Assault, Stalking**

The University of Michigan -Flint prohibits the crimes of dating violence, domestic violence, sexual assault and stalking as those terms are defined for purposes of the Clery Act and as described in the University’s primary prevention and awareness programs for all incoming students and new employees. State of Michigan laws can be found in the Michigan Compiled Laws (MCL) and viewed at www.legislature.mi.gov. The following Michigan law excerpts can be compared with the federal Clery Act definitions provided on page 6-7.

**Domestic Violence (includes dating violence) – MCL § 750.81**

Domestic violence = assault or assault and battery of:

- Spouse or former spouse,
- An individual whom he or she has or has had a dating relationship,
- An individual with whom he or she has a child in common, or
- A resident or former resident of his or her household.

“Dating relationship” means frequent, intimate association primarily characterized by the expectation of affectional involvement. Misdemeanor punishable by jail for not more than 93 days and/or a $500 fine.

**Aggravated Domestic Violence** is same as above and inflicts serious or aggravated injury. Misdemeanor punishable by imprisonment for not more than 1 year and/or a $1,000 fine.

**Sexual Assault – Criminal Sexual Conduct – MCL – § 750.520**

“Sexual contact” includes the intentional touching of the victim’s or actor’s intimate parts or the intentional touching of the clothing covering the immediate area of the victim’s or actor’s intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for:

- Revenge.
- To inflict humiliation.
- Out of anger.

“Sexual penetration” means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of another person’s body, but emission of semen is not required.

- **First Degree – MCL § 750.520b:** felony punishable by imprisonment for life.
- **Second Degree – MCL § 750.520c:** felony punishable by imprisonment for not more than 15 years.
- **Third Degree – MCL § 750.520d:** felony punishable by imprisonment for not more than 15 years.
- **Fourth Degree – MCL § 750.520e:** misdemeanor punishable by imprisonment for not more than 2 years and/or a $50 fine.

**Stalking – MCL § 750.411h:** This is defined as two or more separate incidents of non-consenting contact between stalker and victim. The acts must be done willfully, be such as would cause a reasonable person to suffer emotional distress, and to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Misdemeanor punishable by up to one year in jail and a $1,000 fine.

**Aggravated Stalking:** This is defined as a violation of a Personal Protection Order, bail, probation condition, or a second offense. Stalking also is a violation of the Code of Student Conduct. Felony punishable by imprisonment up to five years and/or a $10,000 fine.
### Bystander Techniques & Risk Reduction: Dating Violence, Domestic Violence, Sexual Assault, Stalking

#### Bystander Intervention – Safe and Positive Options

Bystander intervention is defined as safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes five stages: 1) recognizing situations of potential harm; 2) understanding institutional structures and cultural conditions that facilitate violence (this might include fraternity or sports cultures at some institutions); 3) overcoming barriers to intervening; 4) identifying safe and effective intervention options; and 5) taking action to intervene.

Be aware of the bystander effect: Individuals are less likely to act/offer help when other people are present. Here are some intervention methods individuals:

- **DIRECT:** You directly tell the person being inappropriate that what they are doing is wrong.
- **DELEGATE:** You delegate the intervention to someone you think is better able to handle the situation.
- **DISTRACT:** You become a distraction by thinking up creative ways to engage.

It takes the whole UM-Flint community to ensure our culture of care! We encourage every member of our community to be an active bystander to help prevent and address sexual misconduct.

Bystander intervention refers to safe and positive ways that individuals who witness sexual violence, harassment or misconduct can act to prevent or intervene.

This can include identifying and stopping situations before they happen; stepping in during an incident; supporting an individual after an incident; and speaking out against ideas and behaviors that support sexual misconduct or violence.

**How can you be an active bystander?**

- **Speak up:** If someone says something offensive, derogatory, or abusive, let them know that behavior is wrong and you don’t want to be around it. Challenge others to be respectful.
- **Get support from others around you:** You don’t have to intervene alone if you see or hear something troubling.
- **Be respectful, direct and honest when intervening.** Instead of accusing, try “I feel when you say things like that.”
- **Distract:** If you see harassing behavior, try to interrupt. Ask the harasser a question to distract them; or ask the person being harassed if they can come help you with something.
- **Empower victims to reach out for help and services.**
- **Safety first:** If something does not feel safe, reach out to DPS.

### Risk Reduction

Risk reduction are options designed to decrease perpetration and bystander inaction; increase empowerment for victims in order to promote safety; and help individuals and communities address conditions that facilitate violence.

No victim is EVER to blame for being assaulted or abused. Below are some tips to help reduce your risk, to recognize warnings signs of abusive behavior and how to reduce the risk of a potential attack and leverage bystander intervention techniques.

#### Warning Signs of Abusive Behavior

Intimate partner abuse (domestic and dating abuse) often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

1. Being afraid of your partner;
2. Constantly watching what you say to avoid a “blow up;”
3. Feelings of low self-worth and helplessness about your relationship;
4. Feeling isolated from family or friends because of your relationship;
5. Hiding bruises or other injuries from family or friends;
6. Being prevented from working, studying, going home, and/or using technology (including your cell phone);
7. Being monitored by your partner at home, work or school; and
8. Being forced to do things you don’t want to do.
Help Reduce Your Risk and Avoid Potential Attacks
If you are being abused or suspect that someone you know is being abused, speak up or intervene.

1. Get help by contacting the UM-Flint Center for Gender and Sexuality (CGS) for support services
2. Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners
3. Consider making a report with University Police and/or the Title IX Coordinator and ask for a “no contact” directive from the University to prevent future contact
4. Consider getting a personal protection order or no contact order from your district court. CGS can assist with this.
5. Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported
6. Trust your instincts—if something doesn’t feel right in a relationship, speak up or end it

Sexual Assault Prevention (From RAINN)
• Be aware of rape drugs & only drink from un-opened containers or from drinks you have watched being made / poured
• Avoid group drinks like punch bowls
• Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle
• If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible
• If you suspect you have been drugged, go to a hospital and ask to be tested
• Keep track of how many drinks you have had
• Try to come and leave with a group of people you trust
• Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take theirs instead of giving out yours

For more strategies and methods on safe and positive bystander intervention please contact the UM-Flint Center for Gender and Sexuality (CGS) at (810) 237-6648. Programming and workshops are available.

213 University Center
Phone: 810 237-6648
umflint.edu/cgs
Sara Devitt;
CGS Sexual Assault Advocate

Ongoing Prevention & Awareness Campaigns: Dating Violence, Domestic Violence, Sexual Assault, Stalking
It’s up to each of us to create a healthy and safe campus; to support those who come forward; and to participate in the University’s ongoing prevention and awareness campaigns for students and employees. The University’s ongoing prevention and awareness campaigns for students and employees include multiple strategies in a coordinated way throughout the year to reach all populations of students and employees at UM-Flint: communication strategies, programming campus-wide and to individual groups, booths and conversational discussions.

The mission of the UM-Flint Center for Gender and Sexuality (CGS) is to provide opportunities for all members of the UM-Flint community to explore, organize, and promote learning around issues of gender and sexuality. The center also facilitates a greater responsiveness to the needs of women and LGBTQIA+ communities through outreach, education, and advocacy. Through their efforts, they have worked to provide initiatives to raise awareness of alcohol and other drug abuse, and its relationship to sexual violence (including sexual assault, dating violence, domestic violence and stalking).

Throughout the year, CGS’s professional staff make available and provide culturally relevant professional training and educational prevention and awareness programming to faculty, professional staff, and student staff, and students on a variety of issues related to sexual assault, intimate partner violence, sexual harassment, and stalking. CGS’s volunteer groups and professional staff deliver a wide range of culturally relevant educational programming and skills-training workshops for the entire campus community.
For more information on education and awareness programs provided by the UM-Flint Center for Gender and Sexuality (CGS), or to request a program or workshop, please visit: https://www.umflint.edu/cgs/events. The following is a description of some courses offered.

**Take Back the Night**
In recognition of Sexual Assault Awareness Month, this annual program features personal stories of survivors, information to raise awareness about incidents of sexual assault, resources that are available in the community, and a march through campus and the City of Flint.

**Party Smart**
This event is an educational tabling event that raises awareness around consent, sexual health, and alcohol safety tips

**Party Smarter in collaboration with Alpha Sigma Phi**
This event is a spin off of the Party Smart event and is an interactive workshop to educate about consent, sexual assault, alcohol education, safety while drinking, and more.

**Consent Training in collaboration with Housing and Residential Life**
This presentation and workshop covers issues on consent and healthy relationships. A discussion about alcohol and consent was a topic during the event.

**Consent Training in collaboration with NPHC**
This presentation and workshop covers issues on consent and healthy relationships. A discussion about alcohol and consent was a topic during the event.

**Bystander Intervention Training (Peer Education Info Series)**
In the training, students learn about bystander intervention, sexual assault, consent, and issues around alcohol and consent. Each presentation, there was a discussion around alcohol and consent.

**Bystander Intervention Trainings for new Greek Life students**
In the training, students learn about bystander intervention, sexual assault, consent, and issues around alcohol and consent. Each presentation, there was a discussion around alcohol and consent.

**Let’s Talk About Consent (Peer Education Info Series)**
This workshop focuses on having conversations around sexual boundaries, barriers to consent, and conditions of consent. A discussion about alcohol and consent was a topic during this workshop.

**Alcohol and Bystander Intervention in collaboration with Theta Chi**
In this workshop, students learned about bystander intervention, consent, sexual assault, issues around alcohol and consent, and safe drinking tips.

**Sex Signals**
Sex Signals is a two-person team of highly trained educators through Catharsis Productions. This program engages audiences in a focused discussion on social pressures, gender stereotypes, unrealistic sexual expectations, and the role of alcohol surrounding hooking up and intimate relationships.

**Sexual Violence Prevention and Intervention Certificate Program**
The Sexual Violence Prevention & Intervention Certificate program is an 8-week program that prepares students to be public voices in the campus and Flint community around sexual violence prevention and bystander intervention.

Each session has a focus based on the Social Change Model. Students who participate in the program will develop skills in leadership, collaboration, negotiation, conflict management, facilitation, and skills for bystander intervention. Students who complete the Certificate program will be compensated with a $100 stipend. There is major discussion about alcohol and consent as well as scenarios discussed involving alcohol.

**Leadership and Healthy Masculinity Certificate**
This is a 5-week Leadership and Healthy Masculinity program. Students participating in this program learn about healthy masculinity, how to recognize where violence against women, girls, and other men has been normalized and accepted and what they can do to disrupt the cycle. There is an entire session dedicated to the effects of alcohol, alcohol education, and safe drinking tips.
Other Ongoing Programming
The Office for Institutional Equity provides on-going training and education to University of Michigan-Flint faculty, professional staff, and student staff on issues related to sexual misconduct and stalking, and staff reporting responsibilities. The University’s Abuse Hurts Initiative provides training on dating violence, domestic violence and stalking to faculty and staff members at the University of Michigan - Flint. The Abuse Hurts Initiative also supports speakers and educational programming to inform the campus community on issues related to sexual assault, intimate partner violence, and stalking. For more information, contact the CGS at (810) 237-6648 or visit www.umflint.edu/cgs or www.hr.umich.edu/stopabuse. Regional resources are available at http://stopabuse.umich.edu/resources/county.html.

The Department of Public Safety (DPS) contributes annually to ongoing education and awareness programs around alcohol, sexual assault, intimate partner violence (dating / domestic violence) and stalking. DPS provides a Sexual Assault Awareness module at https://www.umflint.edu/safety/safety-tips-sexual-assault-awareness. For more information, or to request a program or workshop, please visit http://www.umflint.edu/safety/connecting_u or call DPS at (810) 762-3330.

Fatal Vision Goggles Program
DPS collaborates with the Office of Housing and Residential Life to schedule the Fatal Vision Goggles Program. During these sessions, students are given the opportunity to participate in a simulated, alcohol driving impaired experience. The demonstrations often involve maneuvering through a course designed by the DPS staff in a golf cart while wearing optically-altered goggles that illustrate different levels of intoxication. These drunk driving scenarios are presented to show the effects that alcohol has on a person’s physiological reactions, judgment, and behavior.

Interactive Safety Awareness March Program
DPS partners with the Block Club, a UM-Flint recognized student organization, to present the Interactive Safety Awareness March program. During these sessions, students are given the opportunity to participate in staged role playing scenario sessions to educate them on identifying an individual(s) under the influence of drugs and alcohol and how to effectively and safely manage the situation. Referral information is provided.

Rape Aggression Defense (RAD) Education and Prevention Programming
Each semester the Department of Public Safety offers RAD classes for the campus community. Through this interactive presentation, participants are taught the techniques of self-defense and signs of aggression about which they need to be aware. Each session is comprised of four, 3-hour classes.

“Pop with a Cop” Programming
Each semester the Department of Public Safety offers “Pop with a Cop” presentations for the campus community. Through this safety presentation, participants are encouraged to interact with DPS while being provided safety information and communicating support or concern for activities on campus.

“Educational Safety Sessions/Community Conversations” Programming
Routinely the DPS offers this presentation for the campus community. Through these safety presentations, participants are encouraged to interact with DPS while engaging in casual, open discussions about safety and other emerging topics. Conversations focus on listening to concerns or ideas around safety and our campus.

Sexual Assault Awareness Model
A mode to present facts around sexual assault, consent, protection, bystander proactivity, University resources.

Procedures Victims Should Follow: Dating Violence, Domestic Violence, Sexual Assault, Stalking
When reporting to DPS victims/survivors will be provided with a DPS Rights and Resources written pamphlet of information. Also, all reporting victims/survivors will be provided with the University written publication, Our Community Matters. These two written resources provide information directly to victims on the description of the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred; and, includes information on the importance of preserving evidence that may assist in proving that the alleged criminal offense did occur or that may be helpful in obtaining a protection order, reporting options, assistance in notifying authorities, rights of victims and the University’s responsibilities for orders of protection, “no-contact” orders, restraining orders or similar lawful orders by the court or the University.
Preserving Evidence: Dating Violence, Domestic Violence, Sexual Assault, Stalking

**Domestic and Dating Violence**

Not all experiences of domestic or dating violence cause visible injuries. If visible injuries are present, it can be helpful to document them with photographs, if it is safe to do so. It is also important to seek medical attention, if possible and safe to do so. Victims of dating and domestic violence crimes are encouraged to consider preserving evidence such as:

<table>
<thead>
<tr>
<th>Threatening calls or text messages</th>
<th>Harassing phone calls</th>
<th>Medical records</th>
<th>Pictures (self/property)</th>
<th>Witness statements</th>
</tr>
</thead>
<tbody>
<tr>
<td>911 Recordings</td>
<td>Police Reports</td>
<td>Prior restraining orders</td>
<td>Harassing social media messages or posts</td>
<td>Anything in writing</td>
</tr>
</tbody>
</table>

**Sexual Assault**

All victims of sexual assault have a right, under Michigan law (MCL 333.21527), to have a free forensic medical examination and evidence kit collected up to 120 hours (5 days) after the assault in order to preserve any evidence of the assault. The no-cost forensic exam will be administered by a registered nurse who has received advanced training to provide care and treatment to sexual assault victims. Information on preparing for this exam and process is available at [https://www.michigan.gov/voices4/0,9249,7-378-87516_87597---,00.html](https://www.michigan.gov/voices4/0,9249,7-378-87516_87597---,00.html).

Even if you are not sure that you want to file a police report, it can be helpful to have any available evidence collected in case you decide to file a report with law enforcement at a later date. The nurse also can provide emergency contraception, treatment for sexually transmitted infections (STIs), and other needed medical care. *Sexual assault forensic exams will not be billed to medical insurance without your consent. You can obtain a free forensic exam and evidence kit at any of these facilities:

**SAFE Center of YWCA of Greater Flint**
810 S. Saginaw (Phoenix Building) (810) 238-7233

SAFE Center is available 24 hours a day, seven days a week to provide comprehensive medical forensic examinations to both male and female survivors of sexual assault. With patient consent, evidence is collected and documented by specially trained, forensic nurse examiners (SANE) in a safe, secure and supportive environment. Advocates are available to offer support, information and connection to additional resources.

<table>
<thead>
<tr>
<th>Hurley Medical Center</th>
<th>McLaren-Flint Health Services</th>
<th>Ascension Genesys Health System</th>
</tr>
</thead>
<tbody>
<tr>
<td>(810) 262-9000 / (800) 336-8999 *Must request a SANE nurse</td>
<td>(810) 342-2308 *Must request a SANE nurse</td>
<td>(810) 606-5710 *Must request a SANE nurse</td>
</tr>
</tbody>
</table>

If you seek evidence collection through any of these facilities, the police will be contacted; however, it is up to you whether to share any information or file a report with law enforcement. If you choose not to file a police report at the time the kit is completed, the medical facility where the evidence was collected will maintain the kit for at least one year. In accordance with MCL 752.931-935 when a kit is turned over to law enforcement, you will be provided with a serial number/sign in associated to your collection kit. You may easily and discreetly track the location and status of your individual kit: [https://mi.track-kit.us/login](https://mi.track-kit.us/login).

**Stalking**

If you have experienced stalking, it can be helpful to an investigation to retain any evidence of that behavior, including documentation of any unwanted communication (whether written, oral, electronic), postings (such as on social media), gifts, etc.

**Advocacy**

An advocate from the YWCA of Greater Flint can be available at the medical facility to provide information and support for University of Michigan-Flint students, staff, faculty or for anyone, whether or not a member of the UM-Flint community, who requests one. You do not have to speak with an advocate.

The Center for Gender and Sexuality (CGS) at the University of Michigan – Flint has a sexual assault advocate available to assist university affiliated individuals with a spectrum of advocacy services.
How and to Whom to Report: Dating Violence, Domestic Violence, Sexual Assault, Stalking

**Law Enforcement**
Recognizing that some forms of prohibited conduct may also constitute crimes, the University strongly encourages any individual who experiences, witnesses, or learns of possible criminal conduct to report to DPS or applicable local law enforcement. Prompt reporting to law enforcement allows for timely collection and preservation of evidence. An individual who experiences, witnesses, or learns of possible criminal conduct should contact law enforcement directly by calling:

*Dial *911 (for emergencies); or

<table>
<thead>
<tr>
<th>University of Michigan -Flint Department of Public Safety (DPS)</th>
<th>University of Michigan – Flint Department of Public Safety DPS</th>
<th>(810) 762-3333</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flint Local Law Enforcement</td>
<td>Flint Police Department Genesee County Sheriff Department</td>
<td>(810) 237-6800 (810) 257-3407</td>
</tr>
</tbody>
</table>

**Reporting to the University**
The University also strongly encourages any individual to make a report of suspected prohibited conduct directly to OIE through any of the reporting methods outlined below. Reports can also be made to the Individuals with Reporting Obligations listed in Section VII of this Policy, but the University strongly encourages reporting to OIE so that OIE may promptly discuss the availability of Supportive Measures and available processes with the Complainant, including by contacting the Complainant when another person makes the report.

**Contact the Office for Institutional Equity and Title IX Coordinator**
- How to Make Reports of Prohibited Conduct
  Reports of Prohibited Conduct, whether Sexual and Gender-Based Misconduct or Title IX Misconduct, should be made to OIE. Making a report means informing OIE about the suspected Prohibited Conduct. Individuals may also contact OIE to ask about this Policy and related procedures, or to otherwise inquire about the University’s responses to Prohibited Conduct in its Programs and Activities.

  OIE, including the Title IX Coordinator, can be contacted by telephone or in person by appointment during regular office ours (Monday – Friday: 8:00 a.m. – 5:00 p.m.), or by email 24 hours a day, 7 days a week. Online reporting is also available on a 24/7 basis. Contact information is as follows:

<table>
<thead>
<tr>
<th>UM-Flint Campus Contact</th>
<th>Contact Information</th>
<th>Online Reporting – UM-Flint Campus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kirstie Stroble</td>
<td>Office for Institutional Equity 234 University Pavilion 303 E. Kearsley Street Flint, MI 48502-1950 (810) 237-6517</td>
<td>Discrimination, Discriminatory Harassment and Sexual and Gender-Based Misconduct Reporting Form <a href="mailto:InstitutionalEquityFlint@umich.edu">InstitutionalEquityFlint@umich.edu</a></td>
</tr>
</tbody>
</table>

**Reports to Individuals with Reporting Obligations at the University**
Individuals who are designated by the University as Individuals with Reporting Obligations (see Section VII) are obligated to report to OIE any information they learn about Prohibited Conduct, as discussed in more detail below A list of Individuals with Reporting Obligations and a description of their obligations is set forth in Section VII of the University’s Interim Policy on Sexual and Gender-Based Misconduct: Some broad categories of individuals with reporting obligations include those positions identified in Administration, Student Life, Athletics, DPS, and other positions, as defined.

**Anonymous Reporting to the University**
Individuals who are not Individuals with Reporting Obligations may, if they prefer, make reports of Prohibited Conduct to OIE without disclosing their name, by using the online reporting form listed in the above chart for the relevant campus or, on a 24/7 basis, by the following method:

<table>
<thead>
<tr>
<th>All Campuses</th>
<th>Compliance Hotline</th>
<th>(866) 990-0111</th>
<th>Online Reporting Form</th>
</tr>
</thead>
</table>

Depending on the level of information available about the incident and the individuals involved, the University’s ability to respond to an anonymous report may be limited. The University will, however, take whatever steps it deems appropriate and in the best interests of the overall University Community, consistent with the information available.
Options: Dating Violence, Domestic Violence, Sexual Assault, Stalking

You may report to the University, to law enforcement, to both, or neither. Resources, advocacy and supportive measures are available to you even if you decide not to participate in university or law enforcement processes.

You have options about the involvement of law enforcement and campus authorities:

- This includes your option to
  - notify proper law enforcement authorities, including on-campus and local police;
  - be assisted by campus authorities in notifying law enforcement authorities if the victim chooses; and
  - decline to notify such authorities.

The University will comply with a student’s request for assistance in notifying authorities.

Court-Ordered Personal Protection Orders

The university has staff who can provide information about obtaining court-ordered personal protection orders and who may be able to assist individuals in obtaining such orders. Please contact either the CGS (810) 237-6648 or DPS (810) 762-3333 for assistance. CGS and DPS can also assist with safety planning. Additionally, YWCA of Greater Flint can assist with order processes and safety planning (810) 238-7621. If you obtain a court-ordered personal protection order, please let DPS know and provide them with a copy. The university will uphold lawfully issued orders and enforce them through DPS.

University-related Supportive Measures (in part):

Where applicable, the University has responsibilities for orders of protection, “no contact” orders, restraining orders, or similar orders issued by the University as, in part, Supportive Measures:

- Mutual restrictions on contact or communication between the parties, although one-way restrictions may be appropriate to help enforce a preliminary injunction, restraining order, or other order of protection issued by a court, or in other special circumstances;
- Temporarily limiting an individual’s access to certain University facilities or activities;
- Information about and/or assistance with obtaining personal protection orders;

Individuals’ rights, options, how to request more information, file a request, enforce an order are outlined in the University’s Interim Policy on Gender-Based Misconduct. More information may be obtained by contacting:

<table>
<thead>
<tr>
<th>UM-Flint Campus Contact</th>
<th>Contact Information</th>
<th>Online Reporting – UM-Flint Campus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kirstie Stroble</td>
<td>Office for Institutional Equity</td>
<td>Discrimination, Discriminatory Harassment and Sexual and Gender-Based Misconduct Reporting Form</td>
</tr>
<tr>
<td>Institutional Equity Specialist &amp; Deputy Title IX Coordinator</td>
<td>234 University Pavilion (UPAV) 303 E. Kearsley Street Flint, MI 48502-1950 (810) 237-6517</td>
<td><a href="mailto:InstitutionalEquityFlint@umich.edu">InstitutionalEquityFlint@umich.edu</a></td>
</tr>
</tbody>
</table>

The University of Michigan-Flint will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation and working situations or supportive (protective) measures. The institution must make such accommodations or provide such supportive (protective) measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. UM-Flint is obligated to comply with a student’s reasonable request for a living and/or academic situation change following an alleged sex offense.

To determine the appropriate Supportive Measure(s) to be implemented, the University conducts an individualized assessment based on the facts and circumstances of a situation. Supportive Measures will not be disciplinary or punitive in nature and will not unreasonably burden, or unreasonably interfere with the University Program or Activity pursuits of the other party. Whether a possible Supportive Measure would unreasonably burden the other party is a fact-specific determination that takes into account the nature of the programs, activities, opportunities, and benefits in which an individual is participating.

Detail on Supportive Measures is provided in Section IX of the University’s Interim Policy on Sexual and Gender-Based Misconduct.
## Resources: Dating Violence, Domestic Violence, Sexual Assault, Stalking

The University of Michigan – Flint and the Flint community have a variety of available services to assist students and employees. Individuals may choose to involve an advocate in searching out and/or contacting resources, as needed. The Sexual Assault Advocate at CGS is available at:

- (810) 237-6648 | 213 University Center | cgs.umflint@umich.edu | www.umflint.edu/cgs

### Mental Health & Counseling Services

UM-Flint has on-campus confidential resources free for students and employees seeking mental health or counseling services.

- **For Students: Counseling and Psychological Services (CAPS):**  
  (810) 762-3456 | 264 University Center | www.umflint.edu/caps
- **For Employees: Faculty and Staff Counseling and Consultation Office (FASCCO):**  
  (810) 936-8660 | https://hr.umich.edu/benefits-wellness/health-well-being/mental-health-counseling-consultation-services/faculty-staff-counseling-consultation-office-fascco

### Center for Gender and Sexuality (CGS)

The CGS offers all students and employees confidential support to those who have experienced violence. The CGS can discuss options for reporting and refer to other resources on campus in the community. The Sexual Assault Advocate is able to act as a support person in reporting to the university, police, and/or in the court system

- (810) 237-6648 | 213 University Center | cgs.umflint@umich.edu | www.umflint.edu/cgs

### Y.W.C.A of Greater Flint

YWCA of Greater Flint is an organization works to end dating and domestic violence, sexual assault, stalking, etc. in Genesee County. This program offers emergency shelter (open 24-hours), legal advocacy, crisis intervention, advocacy, residential and non-residential confidential counseling, drop-in support groups, and follow up services. Services are confidential and free of charge.

- (810) 238-7621 | Crisis Line: (810) 238-7322 | 801 S. Saginaw Street; Flint, MI 48501 | [http://www.ywcaflint.org](http://www.ywcaflint.org)

### Academic Support

The Office of the Dean of Students is available to assist students in connecting to resources within the division of Academic Affairs. Students who are concerned about their classes and academics as a result of violence can reach out to the Dean of Students for assistance.

- Office of the Dean of Students  
  (810) 762-5728 | 375 University Center | dept.avc-dos@umich.edu | www.umflint.edu/deanofstudents

### Student Financial Aid

Students may have concerns about financial aid matters, such as how their financial aid might be affected by a reduction in course load. Information about financial aid matters is available from the Office of Financial Aid, or from the individual university unit that administers the particular scholarship or other form of financial assistance.

- Office of Financial Aid  
  (810) 762-3444 | 277 University Pavilion | financialaid@umflint.edu | www.umflint.edu/finaid/office-financial-aid

### Faculty Ombuds

The Faculty Ombuds provides confidential and impartial assistance supporting faculty in the resolution of matters related to their employment. The ombuds shall respond to faculty concerns for assistance in a timely manner and provide options for addressing faculty concerns.

- (810)762-3424 | Thomas Wrobel, PhD | 530 French Hall | twrobel@umich.edu
Law Enforcement Services

The Department of Public Safety (DPS) provides law enforcement services to the campus community of students, employees and visitors. DPS will assist in connecting persons to area law enforcement agencies, as needed. DPS is available 24 hours a day, 7 days a week.

- Department of Public Safety
  (810)762-3333 | 102 Hubbard Building | www.umflint.edu/safety

Off-Campus Services: Flint Police Department – 210 E. 5th Street; Flint, MI | (810) 237-6800 (non-emergency)
For an emergency off-campus, dial 9-1-1. If you are using a non-University phone, the Genesee County Communications Center will dispatch the Flint Police Department. The Flint Police Department is available 24 hours a day, 7 days a week.

Legal Assistance

- YWCA of Greater Flint; 801 S. Saginaw Street; Flint, MI 48501; (810) 238-7621 (advocacy/assistance/referrals)
- Legal Services of Eastern Michigan (LSEM); 436 Saginaw Street, #101; Flint, MI 48502; (800) 322-4512
- Additionally, https://michiganlegalhelp.org/ provides on-line legal education and resources
- Beginning Fall 2020, UM-Flint is piloting a student legal service program with the Ann Arbor campus: please visit https://studentlegalservices.umich.edu/.

Health

Health services are not provided on-campus; rather area health services are available, as needed, for students and employees. Student-specific health resources may be viewed at: https://www.umflint.edu/reccenter/student-health. All persons are encouraged to seek services, as needed. Options available include:

- Genesee Health System (810) 257-3705,
- Genesee County Free Medical Clinic (810) 235-4211,
- Genesee County Health Department (810) 257-3612
- Hamilton Community Health Network (810) 406-4246

More information is available at https://www.umflint.edu/sites/default/files/groups/Recreation_Center/campushealthresources-trifold_2018-proofa18.pdf

Visa & Immigration Assistance

Students and employees sometimes have questions about how various actions (e.g., a reduction in course load, change in work circumstances) may impact their visa or immigration status. Additionally, people who have been victims of certain crimes may qualify for immigration relief such as a U-Visa or be eligible to file an immigration visa petition under the VAWA provisions of the Immigration and Nationality Act. Private and confidential information about visa and immigration status is available from the International Center (IC) for both the primary status holder as well as any individuals in a dependent immigration status, such as H-4, J-2, or F-2, who are sponsored by the University of Michigan-Flint.

- International Center (students)
  (810) 762-0867 | 219 University Center | mailto:ic@umich.edu | www.umflint.edu/international

- International Center (employees)
  (734) 764-9310 | 1500 Student Activities Building, Ann Arbor, MI 48109 | icfacultystaff@umich.edu | www.internationalcenter.umich.edu

The University provides written notification to students and employees about rights and options to include existing services for students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within the institution and in the community.

This information is provided in writing in the UM-Flint’s publication, Our Community Matters Resource Guide available at: https://www.umflint.edu/sites/default/files/groups/Sexual_Misconduct/0919-19.cgs_studentresource.web2_.pdf.
**Details (Student and Employee): Dating Violence, Domestic Violence, Sexual Assault, Stalking**

The University’s policy and applicable procedure for students or staff address the procedures for University disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking they describe:

- Each type of disciplinary proceeding used by the University;
- The steps, anticipated timelines, and decision making process;
- How to file a disciplinary complaint;
- How the University determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault or stalking.

- Student procedures for the UM-Flint Campus  

- Employee and third party procedures (for Ann Arbor, Dearborn and Flint campuses)  

The University proceeding for students, employees and third parties use a Preponderance of the Evidence Standard. The Respondent is presumed not to have violated the Policy unless it is determined through applicable procedures that a preponderance of the evidence supports a finding of a Policy violation.

All processes will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability.

All proceedings will include a prompt, fair, and impartial process from the initial investigation to the final result. Care is taken to ensure that the official conducting a disciplinary proceeding does not have a conflict of interest or bias either for or against the accuser or the accused.

The University provides the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.

The University does not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

**Records / Disclosure: Dating Violence, Domestic Violence, Sexual Assault, Stalking**

**Records:**
Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education, but does so in an anonymized manner that does not include the specifics of the crime or any identifying information about persons involved in an incident.

The University will complete publicly available recordkeeping, including Clery Act Reporting and disclosures, without inclusion of personally identifying information about the victim.

The University will maintain as confidential any accommodations or support (protective) measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or support (protective) measures.

**Disclosure:**
The University will, upon written request, disclose to the alleged victim of a crime of violence (as that term defined in section 15 of title 18, United States Code) the results of any disciplinary proceeding conducted by UM-Flint against a student who is the alleged perpetrator of such a crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as an alleged victim for purposes of notification and may be informed of the results of the disciplinary proceeding.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without making a written request.
University of Michigan: Interim Policy On Sexual and Gender-Based Misconduct (effective August 14, 2020)

Effective September 12, 2013 the University of Michigan – Flint implemented a policy to address response to student sexual misconduct and violence as well as rights, options, and resources for those individuals who wish to report incidents and those who are accused. Effective January 7, 2019 the University adopted the Interim Policy and Procedures on Student Sexual and Gender-Based Misconduct and Other Forms of Interpersonal Violence. On August 14, 2020 the University of Michigan effected its new umbrella policy, Interim Policy on Sexual and Gender Based Misconduct for addressing sexual and gender-based misconduct applicable to students, faculty, staff and third parties on the Ann Arbor, Dearborn and Flint campuses. Some highlights of the policy are below. Resource options can be found throughout this Report. The full tri-campus umbrella policy, SPG, procedures, education/training, and resources can be accessed at: https://sexualmisconduct.umich.edu/umbrella-policy.

- University of Michigan Interim Policy on Sexual and Gender-Based Misconduct


- Student procedures for the UM-Flint Campus

- Employee and third party procedures (for Ann Arbor, Dearborn and Flint campuses)

I. Policy Statement

The University of Michigan, comprised of the Ann Arbor campus, the University of Michigan-Dearborn, the University of Michigan-Flint, and Michigan Medicine (collectively the “University”), is committed to creating and maintaining a safe and non-discriminatory campus community that is free from Sexual and Gender-Based Misconduct and that enables individuals engaged in its Programs or Activities (as defined in Section II of the Policy) to participate fully in the scholarly, research, educational, patient care, and service missions of the University. The University does not discriminate on the basis of sex or gender in any of its Programs and Activities.

The University of Michigan Interim Policy on Sexual and Gender-Based Misconduct (“Policy”) prohibits the following types of conduct as defined in Section XI of the Policy (also referred to collectively as “Prohibited Conduct”):

- **Sexual and Gender-Based Misconduct** (i.e., Sexual Assault; Sexual Exploitation; Sexual Harassment; Gender-Based Harassment; Sex and/or Gender-Based Stalking; Intimate Partner Violence; Sex and Gender-Based Discrimination; Retaliation and Violation of Supportive Measures); and

- **Title IX Misconduct** (i.e., Quid Pro Quo Sexual Harassment; Severe, Pervasive and Objectively Offensive Sexual Harassment; Sexual Assault; and Sex-Based Intimate Partner Violence and Stalking; as defined by and within the scope of Title IX).

The University must define and respond to Title IX Misconduct as required by regulations issued in May 2020 by the U.S. Department of Education to implement Title IX of the Education Amendments of 1972, codified at 34 C.F.R. Part 106 (the “Title IX Regulations”). The Title IX Regulations allow the University to define and regulate Prohibited Conduct that falls outside the definition of Title IX Misconduct, but which the University is committed to addressing as a matter of University policy and/or as required by other applicable law. Accordingly, the University’s Policy prohibiting Sexual and Gender-Based Misconduct and Title IX Misconduct is consistent with the Title IX Regulations, as well as the University’s mission and commitment to ensuring a safe and non-discriminatory campus community.

Prohibited Conduct undermines the character and purpose of the University and the University will take appropriate prompt and effective action to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. Prohibited Conduct may also constitute crimes that violate federal and state law.

The University adopts this Policy with a commitment to: (1) eliminating, preventing, and addressing the effects of Prohibited Conduct; (2) fostering an environment where all individuals are well-informed and supported in reporting Prohibited Conduct; (3) providing a fair and impartial process for all parties; and (4) identifying the procedures by which violations of this Policy will be evaluated. Employees, Students, or Third Parties (as defined in Section II of the Policy) who violate this

1 Terms defined in Section II below are capitalized throughout the Policy.
Policy may face, as appropriate, disciplinary action up to and including termination, expulsion, or other actions.

It is the responsibility of every member of the University Community to foster an environment free of Prohibited Conduct. All members of the University Community are encouraged to take reasonable and prudent actions to prevent or stop such behavior.

This Policy sets forth how the University will proceed once it is made aware of possible Prohibited Conduct. The Policy is in keeping with our institutional values and is intended to meet our obligations under Title VII of the Civil Rights Act of 1964 (“Title VII”); Title IX of the Education Amendments of 1972 (“Title IX”) and regulations promulgated thereunder in 2020; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), as amended by the Violence Against Women Reauthorization Act of 2013 (“VAWA”), with respect to its application to Prohibited Conduct; and other applicable law and regulations.

III. Policy Definitions

For purposes of this Policy, some key terms are defined below. Additional terms are defined within the text of the Policy.

A. Complainant: “Complainant” is used to refer to a Student, Employee, or Third Party who is reported to have experienced Prohibited Conduct and who participates in a process undertaken by the University to address the report of Prohibited Conduct. In some instances, the person who is reported to have experienced Prohibited Conduct may not wish to participate in the process. In those cases, the University may pursue a resolution process under this Policy without a participating Complainant. For ease of reference, “Complainant” will also be used throughout this Policy and related procedures to refer generally to an individual who is reported to have experienced Prohibited Conduct, even if they do not participate in any related process.

B. Confidential and Non-Confidential Resources: “Confidential Resources” are available to provide individuals with assistance, support, and additional information and are prohibited from disclosing confidential information unless: (1) given permission by the person who disclosed the information; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order. Confidential Resources may be required to report non-identifying information to DPSS for crime reporting purposes.

“Non-Confidential Resources” are available to provide individuals with assistance, support, and additional information, but are not designated as confidential and may have broader obligations to report information that is shared with them. Non-Confidential Resources will make reasonable efforts to respect and safeguard the privacy of the individuals involved. Privacy means that concerns about Prohibited Conduct will only be shared with University representatives, such as OIE, responsible for assessment, investigation, or resolution of the report or otherwise properly responding to issues raised; to DPSS for crime statistics reporting; and to the extent required by law or court order. Confidential Resources may be required to report non-identifying information to DPSS for crime reporting purposes.

C. Division of Public Safety and Security or DPSS: “Division of Public Safety and Security” or “DPSS” refers collectively to the University of Michigan Police Department (“UMPD”), the University of Michigan-Dearborn Department of Police and Public Safety (“DPPS”), the University of Michigan-Flint Department of Public Safety (“DPS”), Michigan Medicine Security, Housing Security, and University Security Services.

D. Employee: “Employee” means all faculty (i.e., regular instructional, supplemental instructional, research track, and visiting faculty), librarians, archivists, curators, graduate student instructors, graduate student staff assistants, graduate student research assistants, postdoctoral research fellows, and all regular and temporary staff.

E. Formal Complaint: “Formal Complaint” means a document signed by a Complainant or by the Title IX Coordinator alleging that a Respondent engaged in Prohibited Conduct and requesting initiation of the University’s resolution processes.

F. Individuals with Reporting Obligations: “Individuals with Reporting Obligations” or “IROs” are individuals who are required to report to OIE information about alleged Prohibited Conduct. Individuals with Reporting Obligations are (1) University administrators and supervisors and (2) Employees in certain designated positions and units or departments. A list of Individuals with Reporting Obligations and more information about Individuals with Reporting Obligations can be found in Section VII. As set forth in Section VII, some Individuals with Reporting Obligations have the authority to institute corrective measures on behalf of the University and are required to report all information about Prohibited Conduct that they receive, regardless of how and when they learned of the information.

G. Office for Institutional Equity: “Office for Institutional Equity” or “OIE” at Ann Arbor, Dearborn, and Flint are collectively referred to as “OIE” in this Policy.
H. **Patient:** “Patient” means a Patient of the University of Michigan Academic Medical Center as defined in Regents Bylaw 11.36.

I. **Program or Activity:** A University “Program or Activity” includes: (1) any location, event, or circumstance where the University exercises substantial control over both the Respondent and the context in which the conduct occurs; (2) any building owned or controlled by a Student organization recognized by the University; and (3) a University campus. Conduct that occurs off campus in locations or at events with no connection to the University is unlikely to occur in a Program or Activity of the University.

J. **Prohibited Conduct:** “Prohibited Conduct” refers to Sexual and Gender-Based Misconduct (Sexual Assault; Sexual Exploitation; Sexual Harassment; Gender-Based Harassment; Sex and/or Gender-Based Stalking; Intimate Partner Violence; Sex and Gender-Based Discrimination; Retaliation and Violation of Supportive Measures) and Title IX Misconduct (i.e., Quid Pro Quo Sexual Harassment; Severe, Pervasive and Objectively Offensive Sexual Harassment; Sexual Assault, and Sex-Based Intimate Partner Violence and Stalking; as defined by and within the scope of Title IX).

For a definition of each type of Prohibited Conduct, please refer to Section XI below.

K. **Protected Activity:** “Protected Activity” includes most elements of participation in the University’s processes related to this Policy, including but not limited to reporting Prohibited Conduct; pursuing a resolution of Prohibited Conduct; providing evidence in any investigation or hearing; or intervening to protect others who may have experienced Prohibited Conduct. Retaliation against any person because of Protected Activity is prohibited under this Policy, as discussed in Section XI (B)(8).

L. **Reasonable Person:** “Reasonable Person” means a person using average care, intelligence, and judgment in the known circumstances.

M. **Respondent:** “Respondent” is an individual who is reported to have engaged in conduct that could constitute Prohibited Conduct.

N. **Student:** "Student" generally means an individual who was selected “for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education Program or Activity operated by the University.” An individual is a Student from the time they first register for classes or attend on-campus Student orientation until degree conferral, or they are otherwise ineligible to register for courses without seeking readmission. For purposes of Title IX Misconduct as defined in Section XI (C)(1) below, “Student” also means an individual who, for the purpose of obtaining education, is participating in a University Program or Activity.

O. **Supportive Measures:** “Supportive Measures” are individualized services, accommodations, and other assistance that the University offers and may put in place, without fee or charge. Supportive Measures are designed to restore or preserve equal access to the University’s Programs and Activities, protect the safety of all parties and the University’s educational environment, and/or deter Prohibited Conduct, without being punitive or disciplinary in nature or unreasonably burdening the other party.

P. **Third Party:** “Third Party” means all University contractors, guests, vendors, visitors, volunteers, and any individual who is participating in a University Program or Activity, but who, for purposes of alleged Prohibited Conduct, is neither enrolled in an academic program and/or course at the University nor acting as an Employee (e.g., an individual who is attending a Program or Activity by invitation or that is open to the public; or an individual who is not enrolled in an academic program and/or course at the University, but who is participating in a University study abroad program).

Q. **University Community:** “University Community” refers to University Students and Employees.

III. **Policy Scope and Applicability**

This Policy applies to Students, Employees, and to the extent noted below, Third Parties, including Patients. This Policy covers two general types of Prohibited Conduct: Sexual and Gender-Based Misconduct and Title IX Misconduct. This Policy covers acts of Sexual and Gender-Based Misconduct (as defined in Section XI (B) of the Policy) committed by or against Students, Employees, and Third Parties when the Prohibited Conduct occurs:

- On campus or other property owned or controlled by the University;
- In the context of a University Program or Activity including, but not limited to, University-sponsored study abroad, research, field work, practica, internship programs, online programs, employment, or patient care services rendered at the University of Michigan Academic Medical Center as defined in Regents' Bylaw 11.36; or
- Outside of a University Program or Activity, but potentially poses a serious threat of harm, has a continuing adverse
effect on, or creates a hostile environment for Students, Employees, or Third Parties while on campus or other property owned or controlled by the University or in any University Program or Activity. In determining whether the University has jurisdiction over off-campus or online conduct that did not occur in a University Program or Activity, the University will consider the severity of the alleged conduct, the risk of on-going harm, whether both parties are members of the University Community, impact on University Programs or Activities, and whether off-campus conduct is part of a series of actions that occurred both on and off campus.

This Policy also covers Title IX Misconduct (as defined in Section XI (C) of the Policy) committed by or against Students and/or Employees in a University Program or Activity, in the United States.

This Policy supersedes any conflicting information in any other University policies with respect to the definitions or procedures relating to Prohibited Conduct.

IV. Applicable Procedures Under This Policy

The specific procedures for assessing, reviewing and resolving Prohibited Conduct depend upon the nature of the Respondent’s relationship to the University, and when a Respondent is an Employee or a Third Party, on the type of Prohibited Conduct at issue.

- The Respondent is a Student:
  If the Respondent is a Student and the alleged conduct would constitute either Sexual and Gender-Based Misconduct or Title IX Misconduct, the University will use the Student Procedures.

- The Respondent is an Employee:
  If the Respondent is an Employee, the University will use the Employee Procedures. The specific process the University will use to respond to a complaint of Prohibited Conduct will depend on whether the alleged conduct Misconduct, as defined in this Policy. Please see Employee Procedures for details.

- The Respondent is both a Student and an Employee:
  OIE will determine whether Student or Employee Procedures apply based upon the facts and circumstances, and whether those circumstances relate more closely to the Respondent’s status as a Student or an Employee.

- The Respondent is a Third Party:
  The University’s ability to take appropriate corrective action against a Third Party will be determined by the nature of the Third Party’s relationship to the University. Complaints against Third Parties are addressed using the Employee Procedures.

When the University receives a report of behavior that could violate this Policy as well as other University policies, the University will determine which policy/ies and procedures apply and whether action will be taken under this Policy exclusively, or under multiple policies and/or procedures. A list of potentially related policies and procedures can be found in the Standard Practice Guide (SPG). In the event that at the time of a report or the conclusion of an investigation it becomes apparent that the alleged conduct, if true, would not constitute Prohibited Conduct, the matter may be adjudicated under another applicable policy or procedure.

V. Confidential and Non-Confidential Resources

Supportive resources are available at the University. Some of these resources are designated as confidential. Other resources provide support, but may need to involve OIE and/or DPSS. Regardless of whether the University determines that Prohibited Conduct occurred, the University will offer resources or assistance to Complainants, Respondents, witnesses, and other affected University Community members after receiving notice of alleged Prohibited Conduct. The University will also assist those individuals in identifying and contacting external law enforcement agencies and community resources.

A. Confidential Resources

Confidential Resources are available to provide individuals with assistance, support, and additional information and are prohibited from disclosing confidential information unless: (1) given permission by the person who disclosed the information; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order. Confidential Resources may be required to report non-identifying information to DPSS for crime reporting purposes.

2 Unless specifically prohibited by Title IX or other applicable law, neither this Policy nor the accompanying procedures alter Employees’ existing rights under other University policies and procedures that provide for pre-disciplinary meetings, reviews of, and/or challenges to, employment status-related decisions (e.g., Regents’ Bylaw 5.09, faculty grievance procedures, applicable collective bargaining agreements, SPG 201.08, and SPG 201.12).
• UM-Flint Campus:
  Complainant Support:
  • For Students: Center for Gender and Sexuality (“CGS”) (only the Sexual Assault Advocate is Confidential):
    Call CGS at (810) 237-6648 or visit: https://www.umflint.edu/cgs
  Counseling:
  • For Students: Counseling and Psychological Services (“CAPS”):
    Call CAPS at (810) 762-3456 or visit: https://www.umflint.edu/caps/counseling-and-psychological-services-caps
  • For Faculty and Staff: Faculty and Staff Counseling and Consultation Office:
    Call FASCCO at (734) 936-8660 or visit https://hr.umich.edu/benefits-wellness/health-well-being/mental-emotional-health/mental-health-counseling-consultation-services/faculty-staff-counseling-consultation-office-fascco
  Ombuds:
  • For Faculty: Faculty Ombuds or visit: https://www.umflint.edu/provost/Faculty_Resources

B. Non-Confidential Resources

Non-Confidential Resources are available to provide individuals with assistance, support, and additional information, but who are not designated as confidential and may have broader obligations to report information that is shared with them. Non-Confidential Resources will make reasonable efforts to respect and safeguard the privacy of the individuals involved. Privacy means that concerns about Prohibited Conduct will only be shared with University representatives, such as OIE, responsible for assessment, investigation, or resolution of the report or otherwise properly responding to issues raised; to DPSS for crime statistics reporting; and to the extent required by law or court order.

• UM-Flint Campus:
  For Students: Dean of Students Office: Call (810) 762-5728 or visit: https://www.umflint.edu/deanofstudents
  For Faculty and Staff: Human Resources: Call (810) 762-3150 or visit: https://www.umflint.edu/hr/hr-0

Additional information about these and other resources is contained in Our Community Matters Resource Guides:

VI. Reporting

The University strongly encourages any individual to make a report of suspected Prohibited Conduct directly to OIE through any of the reporting methods outlined below. Reports can also be made to the Individuals with Reporting Obligations listed in Section VII of this Policy, but the University strongly encourages reporting to OIE so that OIE may promptly discuss the availability of Supportive Measures and available processes with the Complainant, including by contacting the Complainant when another person makes the report.

Recognizing that some forms of Prohibited Conduct may also constitute crimes, the University also strongly encourages any individual who experiences, witnesses, or learns of possible criminal conduct to report to DPSS or local law enforcement. Prompt reporting allows law enforcement to collect and preserve evidence.

Set forth below is information regarding how to make a report of any form of Prohibited Conduct to the University, how to file a Formal Complaint, and how to report to law enforcement.

A. Reporting to the University

1. Contact the Office for Institutional Equity and Title IX Coordinator

   • How to Make Reports of Prohibited Conduct

     Reports of Prohibited Conduct, whether Sexual and Gender-Based Misconduct or Title IX Misconduct, should be made to OIE. Making a report means informing OIE about the suspected Prohibited Conduct. Individuals may also contact OIE to ask about this Policy and related procedures, or to otherwise inquire about the University’s responses to Prohibited Conduct in its Programs and Activities.

     OIE, including the Title IX Coordinator, can be contacted by telephone or in person by appointment during regular office ours (Monday – Friday: 8:00 a.m. – 5:00 p.m.), or by email 24 hours a day, 7 days a week. Online reporting is also available on a 24/7 basis. Contact information is as follows:
2. Reports to Individuals with Reporting Obligations

Individuals who are designated by the University as Individuals with Reporting Obligations (see Section VII) are obligated to report to OIE any information they learn about Prohibited Conduct, as discussed in more detail below. Individuals with Reporting Obligations should not attempt to determine whether the behavior at issue constitutes Prohibited Conduct; instead, they must report all information about potential Prohibited Conduct to OIE, and OIE will determine how to most appropriately handle the report. A list of Individuals with Reporting Obligations and a description of their obligations is set forth in Section VII.

3. Anonymous Reporting

Individuals who are not Individuals with Reporting Obligations may, if they prefer, make reports of Prohibited Conduct to OIE without disclosing their name, by using the online reporting form listed in the above chart for the relevant campus or, on a 24/7 basis, by the following method:

<table>
<thead>
<tr>
<th>All Campuses</th>
<th>Compliance Hotline</th>
<th>(866) 990-0111</th>
<th>Online Reporting Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of Michigan-Flint Campus</td>
<td>Department of Public Safety (DPS)</td>
<td>University of Michigan – Flint Department of Public Safety DPS</td>
<td>(810) 762-3333</td>
</tr>
<tr>
<td>Flint Local Law Enforcement</td>
<td>Flint Police Department</td>
<td>Genesee County Sheriff Department</td>
<td>(810) 237-6800 (810) 257-3407</td>
</tr>
</tbody>
</table>

Depending on the level of information available about the incident and the individuals involved, the University’s ability to respond to an anonymous report may be limited. The University will, however, take whatever steps it deems appropriate and in the best interests of the overall University Community, consistent with the information available.

B. Reporting to Law Enforcement

An individual who experiences, witnesses, or learns of possible criminal conduct should contact law enforcement directly by calling **911 (for emergencies); or

<table>
<thead>
<tr>
<th>University of Michigan-Flint Campus</th>
<th>Department of Public Safety (DPS)</th>
<th>(810) 237-6517</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flint Local Law Enforcement</td>
<td>Flint Police Department</td>
<td>Genesee County Sheriff Department</td>
</tr>
</tbody>
</table>

C. Receipt by the University of Reports of Prohibited Conduct

Any individual may report Prohibited Conduct. It is not necessary for a reporting party or Complainant to determine in advance whether the behavior at issue meets the definition of Prohibited Conduct. Upon receipt of a report, OIE will undertake a continuing assessment to determine the form of Prohibited Conduct at issue and, in cases involving Employees and/or Third Parties, which procedures are applicable.

When OIE or the Title IX Coordinator receives a report of Prohibited Conduct, OIE will in all cases where the Complainant is identified, contact the Complainant to: (1) discuss the availability of Supportive Measures; (2) ask about the Complainant’s wishes with respect to Supportive Measures; (3) inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and (4) explain how to file a Formal Complaint. The process for filing a Formal Complaint is described in greater detail in Section VIII, but a Formal Complaint may be filed by a Complainant when a report is made or at another time thereafter, and may be filed with respect to conduct that constitutes Sexual and Gender-Based Misconduct or Title IX Misconduct. In some cases, as explained in further detail in Section VIII, the Title IX Coordinator may file a Formal Complaint even where the Complainant has not decided to do so.

3 Consistent with Title IX and applicable law, the University uses the same procedures for all Prohibited Conduct allegations involving Student Respondents. In cases involving Employee Respondents, the University uses one of two procedures, both of which are designed to comply with applicable law while also promoting procedural efficiency and, to the extent practicable, consistency with other University policies, practices and procedures.
D. Additional Information about Reporting

1. Time Frame for Reporting an Incident to the University

The University strongly encourages individuals to report possible Prohibited Conduct promptly. To promote timely and effective review and appropriate corrective action (when applicable), the University encourages individuals to report possible Prohibited Conduct within 180 calendar days. Although the University does not limit the time for reporting Prohibited Conduct, it may be more difficult for the University to gather relevant and reliable evidence or to take corrective action regarding conduct that is reported to have occurred relatively long ago.

If the Respondent is no longer a Student, Employee, or a person who is participating or attempting to participate in any University Program or Activity at the time of the report, and/or if the reported conduct does not fall within the definition of Prohibited Conduct, the University’s ability to take action against the Respondent under the Policy may be limited. The University will, however, help a Complainant identify other options outside the University, such as local law enforcement, and provide support and resources.

2. Information on Amnesty to Students When Reporting Prohibited Conduct to the University

Sometimes Students are reluctant to seek help after experiencing Prohibited Conduct, or may be reluctant to help others who may have experienced Prohibited Conduct, because they fear of being held responsible by the University or law enforcement for illegal drug use or underage alcohol consumption.

To encourage individuals to report Prohibited Conduct and seek medical care, the University will not pursue University misconduct charges against any Student in an investigation under this Policy for potential violations of University policy for personal consumption of alcohol or other drugs identified during an investigation, as long as any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an assessment, educational discussion, or pursue other non-disciplinary options to address the alcohol or other drug use.

In addition, to better ensure that individuals who may be at medical risk as a result of alcohol intoxication or drug consumption will receive prompt and appropriate medical attention, the State of Michigan has adopted a Medical Amnesty Law to remove perceived barriers to seeking help. Michigan law includes exemption from prosecution any minor, defined as some under 21, who:

- Voluntarily accesses a health facility or agency for treatment or observation after consuming alcohol or other drugs;
- Accompanies an individual who voluntarily accesses a health facility or agency for treatment or observation after consuming alcohol or other drugs; or
- 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 other drugs; or consumption by others.

VII. Individuals with Reporting Obligations at UM-Flint

Individuals with Reporting Obligations (“IROs”) are required as set forth below to share with OIE details they receive about Prohibited Conduct within 48 hours of learning of those details. IROs must provide their name, title, and contact information when making their report and can do so by contacting OIE as set forth in Section VI (A)(1) above. Failure by an IRO to promptly share with OIE all details they receive about Prohibited Conduct may subject them to appropriate discipline, up to and including termination of employment, in accordance with an applicable process.

The positions identified in the list below are IROs. IROs denoted with an asterisk (*) are officials of the University who have the authority to institute corrective measures on behalf of the University. IROs who have the authority to institute corrective measures on behalf of the University, have broader reporting responsibilities and are required to report all information about Prohibited Conduct that they receive, regardless of how and when they learned of the information, e.g., whether the information was shared with them in the scope of their employment or in some other capacity, including if they learned during a classroom or research activity, awareness event, or other exempt disclosures as outlined below. Those serving in vice, associate, and assistant roles to Executive Officers, Deans, and Department Chairs are not covered by these broader reporting responsibilities. IROs that are not denoted with an asterisk (*) are not obligated to report matters that arise outside of the scope of their employment as outlined below.

The following IROs are required to report to OIE information about Prohibited Conduct:
Administrators
• Board of Regents members*;
• President*;
• Executive Officers/Chancellors*;
• Those serving in vice, associate, and assistant Executive Officer/Chancellor roles;
• Deans*;
• Those serving in vice, associate, and assistant Dean roles;
• Department Chairs*;
• Those serving in associate and assistant Department Chair roles; graduate chairs, and undergraduate chairs; and
• Academic and staff supervisors (i.e., employees who have authority to hire, transfer, suspend, layoff, recall, promote, discharge, reward, or discipline other employees).

Student Life
• All Student Life staff members responsible for imposing discipline/sanctions/remedies in response to non-academic student misconduct (excluding student staff), including Office of Student Conflict Resolution staff on the Ann Arbor campus; Dean of Students Office staff and Assistant Director, Community Standards and Ethical Development on the Flint campus; and the Dean of Students and Student Conduct Advisor on the Dearborn campus*;
• All staff members (including any individual, whether an Employee or not, who serves as a coach of a club sports team), excluding clerical, custodial, maintenance, and dining employees; and
• Resident-Advisors in Housing and Residential Education.

Athletics
• Athletic Director and Head Coaches for Varsity Athletics*; and
• All athletics staff members, excluding clerical, custodial, maintenance, and dining employees.

Office for Institutional Equity
• OIE Directors (including those serving in associate and assistant roles) and Title IX Coordinators*; and
• All other OIE staff, excluding clerical employees, interns, and student staff.

Division of Public Safety and Security – UM-Flint DPS
• All staff members, excluding clerical, custodial, and maintenance employees.

Other
• All human resource staff members (central, school, college, division, and/or unit) who are responsible for handling employment issues, excluding clerical and transactional employees;
• All faculty and staff members who provide direct oversight of University-related travel abroad experiences for students, including University-sponsored study abroad, research, fieldwork, or internship programs;
• All faculty and staff members who accompany students on University-related travel abroad; or
• Faculty and staff serving as identified advisers to student organizations required by their campus to have a named faculty or staff adviser. For Flint, this includes faculty and staff serving as identified advisors to Recognized Student Organizations. Unless designated as an IRO in another role at the University, staff and faculty members who serve as such advisors are only IROs with respect to concerns they become aware of connected to the student organization they advise.

Except for IROs in those positions delineated with an asterisk (*) above, IROs are not required to report to OIE when incidents of Prohibited Conduct are communicated/disclosed during a classroom discussion, in an assignment for a class and in discussions outside of class time (e.g., during office hours related to the assignment), or as part of a research project directly associated with the class, even when such disclosure would otherwise be considered within the scope of the IRO’s employment.

Except for IROs in those positions delineated with an asterisk (*) above, IROs also are not required to report information about Prohibited Conduct disclosed: (1) at sexual misconduct public awareness events (e.g., Take Back the Night, candlelight vigils, protests, or survivor speak-outs in which participants may disclose incidents of Prohibited Conduct); or (2) unless otherwise provided in the Institutional Review Board (“IRB”)-approved consent, during a non-minor participant’s involvement as a subject in an IRB-approved human subjects research protocol (“IRB Research”), even when such disclosure would otherwise be considered within the scope of the IRO’s employment.
Confidential Resources and licensed healthcare workers acting in that capacity at UHS and Michigan Medicine are not IROs.

In addition to being designated as an IRO, an individual may also have reporting obligations under the Clery Act as a Campus Security Authority (“CSA”). Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education, but does so in an anonymized manner that does not include the specifics of the crime or any identifying information about persons involved in an incident. For more information about who is a CSA, please refer to the U-M DPSS website and specifically for UM-Flint DPS visit https://www.umflint.edu/safety/csa-reporting-resources-training.

If you are unsure of whether you are an IRO, please contact OIE to help clarify your role and responsibilities.

When OIE or the Title IX Coordinator receives a report of Prohibited Conduct from an IRO, OIE will in all cases where the Complainant is identified, contact the Complainant to: (1) discuss the availability of Supportive Measures; (2) ask about the Complainant’s wishes with respect to Supportive Measures; (3) inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and (4) explain to the Complainant the process for filing a Formal Complaint.

VIII. Formal Complaints

When OIE or the Title IX Coordinator receives a report of Prohibited Conduct, OIE will in all cases contact the Complainant, if their identity is known, and explain the process for filing a Formal Complaint. A Formal Complaint is submitted by the Complainant to OIE in person, by mail, or by email. The Formal Complaint must contain the Complainant’s physical or digital signature, or otherwise indicate that the Complainant is the person filing the Formal Complaint. When a Formal Complaint is filed, OIE will evaluate it for a number of things, including whether the Complainant is participating in or attempting to participate in a Program or Activity (e.g., a job applicant, an applicant for admission to an academic program, a recent graduate who is applying to a different academic program at the University, etc.).

The Title IX Coordinator has discretion to file a Formal Complaint even if the Complainant chooses not to, and even if the Complainant chooses not to participate in a University resolution process. In general, the Title IX Coordinator will seek to respect the Complainant’s wishes not to file a Formal Complaint. However, when the Respondent is an Employee; when a significant safety concern is presented; or when OIE concludes that failure to pursue a Formal Complaint may fail to meet the University’s duties under the law; the Title IX Coordinator will usually sign a Formal Complaint. The factors the Title IX Coordinator will consider are described in greater detail in Section V (B)(2) of the UM-Flint Student Procedures and Section IV (B) of the Employee Procedures.

After a Formal Complaint has been filed by the Complainant or the Title IX Coordinator, the University will commence the appropriate resolution process.

Where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to a formal or informal resolution process.

IX. Supportive Measures

Supportive Measures are individualized services, accommodations, and other assistance that the University offers and may put in place, without fee or charge. Supportive Measures are designed to restore or preserve equal access to the University’s Programs and Activities, protect the safety of all parties and the University’s educational environment, and/or deter Prohibited Conduct, without being punitive or disciplinary in nature or unreasonably burdening the other party. Supportive Measures are available regardless of whether the matter is reported to the University for the purpose of initiating a proceeding under this Policy and before, after, and regardless of whether a Formal Complaint is filed. A Complainant who requests Supportive Measures has the right to file a Formal Complaint, either at the time the Supportive Measure is requested or at a later date. Any Complainant who requests Supportive Measures will be informed in writing of their right to simultaneously or subsequently file a Formal Complaint under this Policy.

When OIE receives a report of possible Prohibited Conduct, they will contact the Complainant to (1) discuss the availability of Supportive Measures; and (2) explain that Supportive Measures are available with or without filing a Formal Complaint. When the report involves a University Employee, the Title IX Coordinator will also explain the University’s obligation to investigate or otherwise respond to the report.
An individual may choose to request Supportive Measures from a Confidential Resource, listed below, regardless of whether any complaint is filed with OIE or law enforcement. If Supportive Measures are provided through a Confidential Resource, this action will not prompt any other institutional response. Supportive Measures may also be requested by and made available to Respondents, witnesses, and other affected members of the University Community.

- Confidential Resources: UM-Flint Campus
  - Students: Counseling and Psychological Services (CAPS) or the Sexual Assault Advocate in the Center for Gender and Sexuality (CGS) (for Complainants); and
  - Employees: Faculty and Staff Counseling and Consultation Office (FASCCO)

To determine the appropriate Supportive Measure(s) to be implemented, the University conducts an individualized assessment based on the facts and circumstances of a situation. Supportive Measures will not be disciplinary or punitive in nature and will not unreasonably burden, or unreasonably interfere with the University Program or Activity pursuits of the other party. Whether a possible Supportive Measure would unreasonably burden the other party is a fact-specific determination that takes into account the nature of the programs, activities, opportunities, and benefits in which an individual is participating.

**Examples of Supportive Measures include:**

- Academic support services and accommodations, including the ability to reschedule classes, exams and assignments; transfer course sections; modify an academic schedule (typically to separate the Complainant and the Respondent) or withdraw from courses;
- Work schedule or job assignment modifications (for University employment);
- Changes in work or housing location;
- An escort to ensure safe movement on campus;
- On-campus counseling services and/or assistance in connecting to community-based counseling services;
- Assistance in connecting to community-based medical services;
- Mutual restrictions on contact or communication between the parties, although one-way restrictions may be appropriate to help enforce a preliminary injunction, restraining order, or other order of protection issued by a court, or in other special circumstances;
- Temporarily limiting an individual's access to certain University facilities or activities;
- Information about and/or assistance with obtaining personal protection orders;
- Leaves of absence;
- Increased monitoring and security of certain areas of the campus;
- Reassignment of Patient to another physician; or
- Any combination of these measures.

The University will maintain Supportive Measures provided to the Complainant or Respondent as confidential to the extent that maintaining such confidentiality would not impair the University’s ability to provide the Supportive Measures.

**X. Emergency Removal and Administrative Leave**

The University has procedures that provide for emergency removal of Students and Third Parties and administrative leave or suspension for Employees. These processes are described in greater detail in Section VI of the Student Procedures and Section V of the Employee Procedures.

**XI. Prohibited Conduct**

Prohibited Conduct under this Policy includes Sexual and Gender-Based Misconduct (i.e., Sexual Assault; Sexual Exploitation; Sexual Harassment; Gender-Based Harassment; Sex and/or Gender-Based Stalking; Intimate Partner Violence; Sex and Gender-Based Discrimination; Retaliation and Violation of Supportive Measures) and Title IX Misconduct (i.e., Quid Pro Quo Sexual Harassment; Severe, Pervasive and Objectively Offensive Sexual Harassment; Sexual Assault; and Sex-Based Intimate Partner Violence and Stalking, as defined by and within the scope of Title IX)

For Employees, in those instances in which reported behavior could constitute both Sexual and Gender-Based Misconduct and Title IX Misconduct, the procedures applicable to Title IX Misconduct generally will be used as long as Title IX Misconduct is under investigation. Please see Section VIII in the Employee Procedures for additional information. Title IX Misconduct procedures will not be used if, for whatever reason, the Title IX Misconduct is no longer under investigation, and the procedures applicable to Sexual and Gender-Based Misconduct will be used. As set forth in Section III above,
there is only one set of applicable procedures for Students, irrespective of whether the alleged Prohibited Conduct is Sexual and Gender-Based Misconduct or Title IX Misconduct.

Whether someone has engaged in Prohibited Conduct under this Policy will be assessed under a Reasonable Person standard, as defined in Section II.

A. Consent

Some forms of Prohibited Conduct involve the issue of Consent. For purposes of this Policy, Consent is a clear and unambiguous agreement, expressed outwardly through mutually understandable words or actions, to engage in Sexual Activity.

For purposes of this section, Sexual Activity refers to any conduct of a sexual nature for which Consent is required under this Policy (i.e., Sexual Contact, as defined below and behaviors identified in the definition of Sexual Exploitation, below, that require consent). A person who initiates Sexual Activity is responsible for obtaining Consent for that conduct. Consent cannot be obtained by Force or in circumstances involving Incapacitation, as defined below.

In evaluating whether Consent was given under this Policy, the issue is:

- Did the person initiating Sexual Activity know that the conduct in question was not consensual?
- If not, would a Reasonable Person who is unimpaired by alcohol or drugs have known that the conduct in question was not consensual?

If the answer to either of these questions is “Yes,” Consent was absent and the conduct is likely a violation of this Policy.

Consent is not to be inferred from silence, passivity, or a lack of resistance, and relying on non-verbal communication alone may not be sufficient to determine Consent.

Consent is not to be inferred from an existing or previous dating or sexual relationship. Even in the context of a relationship, there must be mutual Consent to engage in any Sexual Activity each time it occurs. In cases involving prior or current relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on the presence of Consent.

Consent to engage in a particular Sexual Activity at one time is not Consent to engage in a different Sexual Activity or to engage in the same Sexual Activity on a later occasion.

Consent can be withdrawn by any party at any point. An individual who seeks to withdraw Consent must communicate, through clear words or actions, a decision to cease the Sexual Activity. Once Consent is withdrawn, the Sexual Activity must cease immediately.

Given the inherent power differential in the context of a professional faculty- student, staff-student or supervisor-supervisee interactions, when the Respondent is the faculty member, staff member, or supervisor, the University will generally apply heightened scrutiny to an assertion of Consent.\(^4\)

1. Force

Force includes the use of physical violence, threats, and/or coercion.

Physical violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, strangling, and brandishing or using any weapon.

Threats are words or actions that would compel a Reasonable Person to engage in unwanted Sexual Activity. Threats may be implicit or explicit, but must be of such a nature that they would reasonably cause fear. Examples include threats to harm a person physically or to cause a person academic, employment, reputational, or economic harm.

Coercion is the use of an unreasonable amount of pressure that would overcome the will of a Reasonable Person. Coercion is more than an effort to persuade, entice, or attract another person to engage in Sexual Activity. When a person makes clear a decision not to participate in a particular Sexual Activity, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can become coercive. In evaluating whether Coercion was used, the University will consider:

\(^4\) Separate and apart from the issue of Consent under the Policy, the University has prohibited many faculty-student relationships and staff-student relations under the Prohibitions Regarding Sexual, Romantic, Amorous, and/or Dating Relationships Between Teachers and Learners SPG 601.22 and Employee-Student Relationships SPG 601.22-1, respectively.
(1) the frequency, intensity, and duration of the pressure; (2) the degree of isolation of the person being pressured; and (3) any actual or perceived power differential between the parties in the context of their respective roles within the University.

2. Incapacitation
Incapacitation or Incapacitated means that a person lacks the ability to make informed, deliberate choices about whether or not to engage in Sexual Activity.
Consent cannot be gained by taking advantage of the Incapacitation of another, where the person initiating Sexual Activity knows or reasonably should know that the other is Incapacitated.
A person who is Incapacitated is unable to give Consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that Sexual Activity was requested, suggested, initiated, and/or is taking place. A person may be Incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.
When alcohol or other drugs are involved, Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily Incapacitated solely as a result of drinking or using drugs; the level of impairment must be significant enough to render the person unable to give Consent.
In evaluating Consent in cases of alleged Incapacitation, the University considers:
- Did the person initiating Sexual Activity know that the other party was Incapacitated?
- If not, would a Reasonable Person who is unimpaired by alcohol or drugs have known that the other party was Incapacitated?
If the answer to either of these questions is “Yes,” Consent was absent and the conduct is likely a violation of this Policy.
One is not expected to be a medical expert in assessing Incapacitation by drugs or alcohol. One must look for the common and obvious signs that show that a person may be Incapacitated, regardless of the amount of alcohol or drugs consumed. Although every individual may manifest signs of Incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady manner of walking, combativeness, emotional volatility, vomiting, or incontinence. A person who is Incapacitated may not be able to understand some or all of the following questions: Do you know where you are? Do you know how you got here? Do you know what is happening? Do you know whom you are with?
It is important to be cautious before engaging in Sexual Activity when any person involved has been drinking alcohol or using drugs. The use of alcohol or other drugs may impair an individual’s ability to determine whether Consent has been sought or given. If there is doubt about an individual’s level of intoxication, the safe thing to do is to refrain from engaging in Sexual Activity. Being impaired by alcohol or other drugs is not a defense to a failure to obtain Consent.

B. Sexual and Gender-Based Misconduct
1. Sexual Assault
Sexual Assault is Sexual Contact that occurs without Consent. Sexual Contact includes:
- Intentional sexual touching of another person’s breasts, buttocks, or genitals, whether clothed or unclothed (including intentional touching with ejaculate);
- Intentional sexual touching with one’s breast, buttocks, or genitals (including touching with ejaculate);
- Making a person touch another person or themselves with or on any of these body parts; and/or
- Vaginal, oral, or anal penetration or contact by a penis, tongue, finger, or other object.

2. Sexual Exploitation
Sexual Exploitation is intentional conduct by which an individual takes or attempts to take non-consensual sexual advantage of another for one’s own benefit, or to benefit anyone other than the one being exploited. Examples of Sexual Exploitation include doing any of the following:
Intentionally or knowingly causing the Incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give Consent to Sexual Activity;
• Intentionally or knowingly engaging in voyeurism, including observing or allowing another(s) to observe private sexual or intimate activity (e.g., disrobing, bathing, toileting) without the Consent of the individual(s) being observed, whether from a hidden location or through electronic means (e.g., Skype or live-streaming of images);
• Intentionally or knowingly recording or photographing, or disseminating or posting images of private sexual or intimate activity and/or a person’s intimate parts (including genitalia, groin, breasts and/or buttocks) without Consent;
• Intentionally or knowingly, without Consent, engaging in the recruitment, transportation, harboring, or receipt of a person(s) for the purposes of a commercial sex act(s)
• Intentionally or knowingly demanding financial compensation, Sexual Contact, or some other benefit under threat of disseminating or posting an image, video or other recording, of private sexual or intimate activity and/or a person’s genitalia, groin, breasts, and/or buttocks;
• Intentionally or knowingly exposing another person to a sexually transmitted infection without the other’s knowledge; and/or
• Intentionally or knowingly, through one’s actions, aiding or assisting another person in committing an act of Prohibited Conduct.

3. Sexual Harassment
Sexual Harassment is any unwelcome conduct of a sexual nature, whether verbal, graphic (e.g., pictures and videos), physical, or otherwise, when:
• Submission to such conduct is made, either explicitly or implicitly, a term or condition of a person’s employment, education, living environment, or participation in any University Program or Activity;
• 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 employment, education, living environment, or participation in a University Program or Activity; and/or
• Such conduct creates a hostile environment. A hostile environment exists when the unwelcome conduct of a sexual nature is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual’s participation in a University Program or Activity or creates an intimidating, hostile, offensive, or abusive environment for that individual’s participation in a University Program or Activity. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including the nature, frequency, intensity, location, context, and duration of the behavior. Although a hostile environment is generally created through a series of incidents, for purposes of this Policy, a severe incident, even if isolated, can be sufficient.
This definition of Sexual Harassment addresses intentional conduct. It may also include conduct that results in negative effects even though such negative effects were unintended. Unwelcome conduct of a sexual nature constitutes Sexual Harassment if a Reasonable Person would consider it sufficiently severe, persistent, or pervasive as to interfere unreasonably with academic, other educational, or employment performance or participation in a University activity or living environment.
Examples of conduct that may constitute Sexual Harassment include but are not limited to:
• Unwanted intentional touching such as kissing, hugging, or sexual touching that otherwise does not typically constitute Sexual Assault, defined above;
• Unwanted sexual advances, including repeated unwanted requests for dates, or repeated unwanted requests for sexual contact;
• Unwanted written, verbal, or electronic statements of a sexual nature, including sexually suggestive comments, jokes, or innuendos;
• Exposing one’s genitalia, breasts, or buttocks, to another; and/or
• Touching oneself sexually for others to view.

4. Gender-Based Harassment
Gender-Based Harassment includes harassment based on actual or perceived sex, sexual orientation, gender
identity, gender expression, or pregnancy. Such harassment may include acts of aggression, intimidation, or hostility, whether verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the behavior:

- Adversely affects a term or condition of an individual’s employment, education, living environment, or participation in a University Program or Activity;
- Is used as the basis for or a factor in decisions affecting that individual’s employment, education, living environment, or participation in a University Program or Activity; and/or
- Creates a hostile environment for that individual’s participation in a University Program or Activity. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual’s participation in a University Program or Activity, or creates an intimidating, hostile, offensive, or abusive environment for that individual’s employment, education, living, or participation in a University Program or Activity. Conduct must be deemed severe, persistent, or pervasive from both a subjective and objective standard. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including the nature, frequency, intensity, location, context, and duration of the behavior. Although a harassing hostile environment is generally created through a series of incidents, for purposes of this Policy, a severe incident, even if isolated, can be sufficient to constitute a hostile environment.

Examples of conduct that may constitute Gender-Based Harassment include but are not limited to:

- A series of written, verbal, or electronic statements that disparage a person based on their actual or perceived sex, gender identity, gender expression, sexual orientation, or pregnancy;
- Threats of violence toward an individual based on their actual or perceived identity; within a protected class, or toward an entire sex, gender identity, gender expression, sexual orientation, or pregnancy status as a group; and/or
- Defacing University property, or another individual’s property, with symbols or language intended or understood by a Reasonable Person to disparage or threaten a person or group based on sex, gender identity, gender expression, sexual orientation, or pregnancy.

This definition of Gender-Based Harassment addresses intentional conduct. It also may include conduct, which results in negative effects even though such negative effects were unintended. Unwelcome behavior constitutes Gender-Based Harassment if a Reasonable Person would consider it sufficiently severe, persistent, or pervasive as to interfere unreasonably with academic, other educational, or employment performance or participation in a University activity or living environment.

In some cases, harassment may be based on multiple protected class bases included in the University’s Nondiscrimination Policy Notice. In general, harassment involving protected class bases other than actual or perceived gender, sexual orientation, gender identity, or gender expression might fall under other University policies. For matters involving Student Respondents, this would include the Student Code of Conduct in effect at the specific campus. For matters involving Employee or Third Party Respondents, this could include, but is not limited to the Discrimination and Harassment Policy, SPG 201.89-1. Where reported harassment may be based on both sex or gender (including actual or perceived sex, sexual orientation, gender identity, gender expression or pregnancy) and another protected class basis (e.g., race, color, national origin, age, marital status, disability, religion, height, weight, or veteran status), OIE will consult with other University officials, as needed, determine whether the matter is most appropriately addressed under this Policy or another University Policy, or whether different aspects of the matter should be addressed separately under each.

5. Sex and/or Gender-Based Stalking

This Policy addresses stalking on the basis of sex or gender. Stalking occurs when an individual engages in a course of conduct directed at a specific person under circumstances that would cause a Reasonable Person to:

- Fear for their own safety or the safety of others; or
- Suffer substantial emotional distress

Course of conduct means two or more acts, including but not limited to, acts in which a person directly, indirectly

Footnote: For purposes of this definition of Sex and/or Gender-Based Stalking only, the definition of “Reasonable Person” is a Reasonable Person under similar circumstances and with similar identities to the Complainant.
or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property.

Where a report of Stalking involves the alleged behavior of a Student, the Title IX Coordinator will determine if the reported conduct meets these criteria. Alleged stalking behavior by a Student that does not fall under this Policy may be addressed under the relevant Student Code of Conduct on the Ann Arbor, Dearborn, or Flint campus, as applicable.

Where a report of Stalking involves the alleged behavior of a faculty or staff member, or Third Party, OIE, in consultation with the applicable Human Resources unit, will determine if the reported conduct meets the above criteria. Alleged Stalking behavior by a faculty or staff member, or a Third Party may be addressed under the Violence in the University Community Policy, SPG 601.18

6. Intimate Partner Violence
Intimate Partner Violence collectively "IPV", includes Dating Violence and Domestic Violence.
The term "Dating Violence" means violence committed by a person:
• Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
• Where the existence of such a relationship shall be determined based on the reporting party’s statement and with a consideration of the following factors:
  o The length of the relationship;
  o The type of relationship; and
  o The frequency of interaction between the persons involved in the relationship.

Dating Violence includes, but it is not limited to, sexual or physical abuse or the threat of such abuse.
The term “Domestic Violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Michigan, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Michigan.

7. Sex and Gender-Based Discrimination
Sex and Gender-Based Discrimination is conduct that is based upon an individual’s sex, sexual orientation, gender identity, gender expression, or pregnancy that:
• Adversely affects a term or condition of an individual’s employment, education, living environment, or participation in a University Program or Activity; and/or
• Is used as the basis for or a factor in decisions affecting that individual’s employment, education, living environment, or participation in a University Program or Activity.

Some examples of conduct that may constitute prohibited Sex or Gender Based Discrimination may include, but are not limited to:
• Denying a person access to an educational or employment program based on that person’s sex, sexual orientation, gender identity, gender expression, or pregnancy;
• Denying raises, benefits, promotions, and/or other conditions of employment on the basis of a person’s sex, sexual orientation, gender identity, gender expression, or pregnancy; and/or
• Preventing any person from using University facilities or services because of that person’s sex, sexual orientation, gender identity, gender expression, or pregnancy.

8. Retaliation
Retaliation means an adverse action taken against a person for making a report or Formal Complaint of Prohibited Conduct; being alleged to have committed Prohibited Conduct; assisting or participating, or refusing to participate, in any proceeding under this Policy. Retaliation may include intimidation, threats, coercion, or discrimination including adverse employment or educational actions that would discourage a Reasonable Person from engaging in activity protected under this Policy.
The exercise of rights protected under the First Amendment does not constitute Retaliation. Pursuit of civil, criminal, or other legal action, internal or external to the University does not constitute Retaliation.
Initiating disciplinary proceedings against an individual for making a materially false statement in bad faith in the course of a proceeding under the Policy does not constitute Retaliation under this Policy; however, a determination regarding responsibility, alone, is insufficient to conclude that any party made a materially false statement in bad faith.

9. Violation of Supportive Measures

Supportive Measures are discussed in more detail in Section IX. Failure to comply with Supportive Measures as required is a separate and independent violation of this Policy.

C. Title IX Misconduct

When reported behavior meets the following definition, it may constitute Title IX Misconduct and will be addressed under the procedures applicable to Title IX Misconduct, even if the behavior also may constitute Sexual and Gender-Based Misconduct. If at any point the University determines that the matter does not meet the definition of Title IX Misconduct, the matter will continue to be addressed under the Student Procedures or Employee Procedures, as applicable to Sexual and Gender-Based Misconduct. Conversely, if the University is investigating reported Sexual and Gender-Based Misconduct and receives information that indicates the behavior at issue meets the definition of Title IX Misconduct, the matter will continue under the procedures applicable to Title IX Misconduct.

Title IX Misconduct:
- Occurs in the United States;
- Occurs in a University Program or Activity; and
- A Formal Complaint must also be filed.
- Is conduct on the basis of sex in which
  - An Employee conditions the provision of a University aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;
  - A Student, Employee, or Third Party engages in unwelcome conduct determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies another person equal access to a University Program or Activity; or
  - A Student, Employee, or Third Party engages in: Sex or Gender-Based Stalking (defined above); Dating Violence (defined above); Domestic Violence (defined above); or Sexual Assault as defined for purposes of the FBI’s Uniform Crime Reporting (NIBRS) program, as below:
    - **Rape:**
      - The carnal knowledge of a person (i.e., penile-vaginal penetration), without the Consent of that person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity (it should be noted that either females or males could be Complainants under this definition);
      - Oral or anal sexual intercourse (i.e., penile penetration) with another person, without the consent of that person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity;
      - To use an object or instrument (e.g., an inanimate object or body part other than a penis) to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the Consent of that person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity;
    - **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (for purposes of this definition, “private body parts” includes breasts, buttocks, or genitals, whether clothed or unclothed);
    - **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
    - **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of Consent.

6 Consistent with Title IX and applicable law, the University uses the same procedures for all Prohibited Conduct allegations involving Student Respondents. In cases involving Employee Respondents, the University uses one of two procedures, both of which are designed to comply with Title IX and other applicable law while also promoting procedural efficiency and, to the extent practicable, consistency with other University policies, practices and procedures.
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Student procedures for the UM-Flint Campus:

- This Appendix describes the procedures the University of Michigan-Flint uses when it receives a report of possible Prohibited Conduct by a Student (referred to as “Student Procedures” or “Procedures”). The Student Procedures are part of the Policy on Sexual and Gender-Based Misconduct (“Policy”). The University uses these Procedures to address allegations of Prohibited Conduct and to impose sanctions, as appropriate.

Investigations & Resolutions:
The University will strive to complete the investigative resolution process within 180 days, which includes an investigation, hearing, finding, sanctions as applicable, and appeals, if any.

The University student process requires simultaneous notification, in writing, to both the accuser and the accused of – the result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault or stalking; – the institution’s procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available; – any change to the result; and – when such results become final.

A flowchart depicting the investigative resolution process can be found [here](https://sexualmisconduct.umich.edu/wp-content/uploads/2020/08/student-procedures-flint-08-11-20.pdf).

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1 The University of Michigan Interim Policy on Sexual and Gender-Based Misconduct (“Policy”) prohibits the following types of conduct as defined in Section XI (also referred to collectively as “Prohibited Conduct”): Sexual and Gender-Based Misconduct (i.e., Sexual Assault; Sexual Exploitation; Sexual Harassment; Gender-Based Harassment; Sex and/or Gender-Based Stalking; Intimate Partner Violence; Sex and Gender-Based Discrimination; Retaliation and Violation of Supportive Measures); and Title IX Misconduct (i.e., Quid Pro Quo Sexual Harassment; Severe, Pervasive and Objectively Offensive Sexual Harassment; Sexual Assault; and Sex-Based Intimate Partner Violence and Stalking; as defined by and within the scope of Title IX).
OVERVIEW
This Appendix describes the procedures the University of Michigan-Flint uses when it receives a report of possible Prohibited Conduct by a Student (referred to as “Student Procedures” or “Procedures”). The Student Procedures are part of the Policy on Sexual and Gender-Based Misconduct (“Policy”). The University uses these Procedures to address allegations of Prohibited Conduct and to impose sanctions, as appropriate.
The Policy and the Student Procedures may address the same topic, with the Policy providing more general guidance and the Procedures more specificity. These Procedures therefore must be read in conjunction with the Policy.
For information regarding available resources or how to make a report, please refer to Section VI and Section V, respectively, of the Policy.
Capitalized terms used and not otherwise defined in these Procedures are defined in the Policy.
I. OTHER POTENTIALLY RELEVANT POLICIES AND PROCEDURES
At all times, it is within the University’s discretion to determine which policies and procedures apply and under which action may be taken. Some Prohibited Conduct may result in separate and additional proceedings under multiple University policies. A list of the potential policies and procedures that may apply can be found in the Standard Practice Guide (“SPG”).
II. (There is no II on this TOC or document)
III. INITIAL ASSESSMENT AND INTAKE
A. Initial Assessment
When alleged Prohibited Conduct is first reported to the Office for Institutional Equity (“OIE”), OIE will assess the nature and circumstances of the report, including whether the names and/or any other personally identifiable information for the Complainant, the Respondent, any witness, and/or any other individual with knowledge of the reported incident is provided, to facilitate the appropriate follow up:
• Assess the nature of the allegations to identify possible resolution options that may be available;
• Ascertain the ages of the Complainant and the Respondent, if known, and, if either party is a minor (under 18 years old), take all necessary actions based upon the facts and circumstances of the case, including contacting the appropriate child protective service agency, if required by law; and
• Notify the Department of Public Safety (“DPS”) of the report if the conduct, as alleged, would constitute a violation of law.
B. Intake with the Parties
1. Complainant
After receiving a report of possible Prohibited Conduct committed by a Student, OIE will promptly contact the Complainant, if one is identified or identifiable, to (1) discuss the availability of Supportive Measures; (2) ask about the Complainant’s wishes with respect to Supportive Measures; (3) explain that Supportive Measures are available with or without the filing of a Formal Complaint; and (4) explain how to file a Formal Complaint.
OIE will also provide the Complainant with a written explanation of available resources, options, and other important Policy information, including the following:
• Support and assistance available through University resources, including the Complainant’s option to seek Supportive Measures regardless of whether they choose to participate in a University or law enforcement investigation;
• The Complainant’s option to seek medical treatment and information on preserving potentially key forensic evidence and/or other potential evidence;
• The process for filing a Formal Complaint, if appropriate;
• The University’s procedural options, including investigative and adaptable resolution;
• The Complainant’s right to an advisor of the Complainant’s choosing who may be, but is not required to be, an attorney (see Section VII (A)(8) below);
• The University’s prohibition against Retaliation against the Complainant, the Respondent, the witnesses, and the reporting parties, how to report acts of Retaliation, and that the University will take prompt action when Retaliation is reported;
## Procedures: Student Prohibited Conduct Investigative Resolution

- The opportunity to discuss with the Title IX Coordinator or designee the Complainant’s resources, rights, and options; and
- A copy of or link to the University’s [Policy on Sexual and Gender-Based Misconduct](#) and these Procedures.

### 2. Respondent

When OIE receives a Formal Complaint, OIE will ensure that a Respondent is informed of the following in writing:

- Notice of the allegations potentially constituting Prohibited Conduct, including the identities of the parties (if known), the date and location of the alleged incident (if known), potential Policy violations; that a determination regarding responsibility is made at the conclusion of the hearing (if a hearing is applicable); and that the Respondent is presumed not responsible for the alleged Prohibited Conduct prior to the determination;
- Support and assistance available through University resources;
- The Respondent’s right to an advisor of the Respondent’s choosing who may be, but is not required to be, an attorney (see Section VII (A)(8) below);
- The University’s prohibition against Retaliation against the Complainant, the Respondent, the witnesses, and the reporting parties, how to report acts of Retaliation, and that the University will take prompt action when Retaliation is reported;
- The opportunity to discuss with the Title IX Coordinator or designee the Respondent’s resources, rights, and options; and
- A copy of or link to the University’s [Policy on Sexual and Gender-Based Misconduct](#) and these Procedures.

## IV. SUPPORTIVE MEASURES

A definition, explanation, and examples of Supportive Measures are described in to Section VIII of the [Policy](#).

### A. Confidential Resources for Supportive Measures

Individuals who wish to request Supportive Measures confidentially without making a report to OIE may do so through the Sexual Assault Advocate in the [Center for Gender and Sexuality (CGS)](# or [Counseling and Psychological Services (CAPS)](#). These Confidential Resources can often arrange Supportive Measures directly; however, they may need to interact with other University offices in order to implement the Supportive Measures. The Confidential Resource will not communicate with other University offices about arranging a Supportive Measure unless the individual requesting the Supportive Measure waives confidentiality for that purpose, with the understanding that the University office contacted may report the matter to OIE.

### B. Non-Confidential Resources for Supportive Measures

Respondents who wish to request Supportive Measures may also do so through the [Dean of Students Office](#), a non-confidential resource as identified in to Section V of the [Policy](#). Individuals may also request Supportive Measures through OIE. During the initial intake meetings with the Complainant, the Respondent, and witnesses, OIE will discuss Supportive Measures. There may be some Supportive Measures, such as mutual restrictions on contact or communication between the parties, that the Title IX Coordinator approves and implements directly without involvement from other offices. In such instances, the Title IX Coordinator or their designee will notify the parties and, as appropriate, the Dean of Students or designee of such restrictions.

The Title IX Coordinator may also coordinate with the Dean of Students office (“DOS”), CGS, or another appropriate office. The designee within that office determines options to accommodate the Supportive Measures request and brings the recommendation to the Title IX Coordinator for approval. Once the Supportive Measures are approved, the designee coordinates and notifies the parties or affected individuals in writing of the Supportive Measures. Implementation of Supportive Measures does not suggest that the University has made any decision about the merits of the report or Formal Complaint.

The University will keep confidential any Supportive Measures provided under this Policy to the extent possible, and will promptly address any reported Violation of Supportive Measures. An individual who believes a party has
Procedures: Student Prohibited Conduct Investigative Resolution

V. RESOLUTION OPTIONS FOLLOWING AN INITIAL ASSESSMENT

Upon completion of an initial assessment and intake, OIE will undertake one of these actions with the understanding that as a case progresses, the action warranted can change, as described in these Procedures.

- **Investigative resolution**: Investigative resolution includes, in the following order (1) an investigation by OIE resulting in a written report containing a summary of the evidence; (2) a hearing, to determine by a preponderance of the evidence if there has been a Policy violation; (3) the imposition of sanctions and/or other appropriate remedies if there has been a finding that the Respondent is responsible for a violation of the Policy; and (4) the opportunity to challenge the outcome of the hearing or the sanction through an appeal. The University will strive to complete an investigative resolution, which begins with the determination that an investigation will be opened and continues through the completion of the investigation, hearing, and outcome within 135 calendar days, or within 180 days if any appeals are filed;

- **Adaptable resolution**: Adaptable resolution, coordinated through Ann Arbor’s Office of Student Conflict Resolution ("OSCR"), which usually occurs on the Flint campus or virtually, includes a spectrum of facilitated, structured, and adaptable processes that seek to identify and meet the needs of the Complainant while providing an opportunity for the Respondent to acknowledge harm and seek to repair the harm (to the extent possible) experienced by the Complainant and/or the University Community. This resolution pathway offers multiple modes of potential voluntary participation described in further detail in Section VIII. Adaptable resolution does not include an investigation, hearing, or formal disciplinary action against a Respondent. However, remedies may include any appropriate and reasonable educational, restorative, and accountability-focused measures as agreed to by the parties and approved by the Title IX Coordinator. The University will strive to complete the adaptable resolution process within 90 calendar days; or

- **Other remedies**: May include training and other educational measures for members of the University Community. Detailed information regarding investigative resolution, adaptable resolution, and other remedies is set forth below in Sections VII, VIII, and IX respectively.

OIE’s course of action will be guided by: (1) whether the Complainant wishes to pursue investigative or adaptable resolution; (2) where the Complainant wishes to pursue adaptable resolution, whether the Respondent also wishes to pursue adaptable resolution, and, if both parties wish to pursue adaptable resolution, whether the Title IX Coordinator approves adaptable resolution; (3) whether the Complainant requests anonymity, that an investigative resolution not be pursued, and/or that no disciplinary action be taken; (4) the availability of information or evidence suggesting that a Policy violation may have occurred and the University’s ability to proceed to completion of a process; and (5) the University’s Title IX obligation to investigate or otherwise determine what happened and take corrective action as appropriate to eliminate, prevent, and address the effects of the alleged Prohibited Conduct.

In all cases, the final decision on whether, how, and to what extent the University will proceed and whether other measures will be taken in connection with any report or Formal Complaint of possible Prohibited Conduct rests solely with OIE.

In addition, the time frames set forth in these Procedures may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation; comply with a request by law enforcement for temporary delay to gather evidence; accommodate the availability of parties or witnesses; the need for language assistance or accommodation of disabilities; account for University breaks or vacations; account for case complexities (including the number of witnesses and volume of information provided by the parties), or for other legitimate reasons. The parties will be notified in writing to the extent the University exceed any of the time frames set forth above, and the reason for such extension.

A. Where the Complainant Wishes to Pursue Investigative Resolution or Adaptable Resolution

In every case in which the Complainant files a Formal Complaint with the Title IX Coordinator and requests an investigative resolution, OIE will determine whether investigative resolution is appropriate under the Policy. Specifically, an investigative resolution is appropriate if the alleged conduct at issue would constitute Prohibited Conduct, the University has disciplinary authority over the Respondent, and the University has, or has means to obtain, sufficient
Procedures: Student Prohibited Conduct Investigative Resolution

Information about the alleged conduct to carry out the investigative resolution process (including consideration of the Complainant’s willingness to participate in the process). If investigative resolution is deemed appropriate, the University will initiate an investigative resolution.

Alternatively, a Complainant may file a Formal Complaint and request that the reported matter be resolved through an adaptable resolution process. In these instances, both parties must voluntarily consent in writing to pursue an adaptable resolution process and the Title IX Coordinator must determine it is appropriate for adaptable resolution.

In determining whether a matter is appropriate for adaptable resolution, the Title IX Coordinator will consider the Complainant’s request in light of: (1) the safety of the parties and the campus community; (2) the Respondent’s interest in participating in adaptable resolution; (3) the parties’ opportunities to freely choose among resolution options; (4) whether the University has Title IX obligations to investigate the matter, and if so, whether the University has, or has means to obtain, sufficient information about the alleged conduct to carry out an investigative resolution process (including consideration of the Complainant’s willingness to participate in that process). If the matter is approved to be resolved through an adaptable resolution process, the Title IX Coordinator will refer the matter to OSCR as described further in Section VIII of these Procedures.

B. Where the Complainant Requests Anonymity, That a Resolution Process Not be Pursued, and/or That No Disciplinary Action be Taken

In some instances, the Complainant may not wish to file a Formal Complaint or participate in any process (the Complainant is encouraged, but not required, to participate). The University’s ability to investigate and respond to a report may be limited if the Complainant requests anonymity or declines to participate. However, in instances where a Complainant chooses not to participate in a resolution process, the Title IX Coordinator will consider the Complainant’s request in light of: (1) the availability of information or evidence suggesting that a Policy violation may have occurred and the University’s ability to proceed effectively to completion of a process; and (2) whether the University has a Title IX obligation to investigate or otherwise determine what happened and take corrective action as appropriate to eliminate, prevent, and address the effects of the Prohibited Conduct.

1. Determination That a Complainant’s Request(s) Can be Honored

Where the Title IX Coordinator determines that a Complainant’s request(s) can be honored, the University may nevertheless take other appropriate steps to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the Complainant and the University Community. Those steps may include offering appropriate Supportive Measures to the Complainant, providing additional training and prevention programs, and/or providing other remedies. The Complainant may later choose to pursue adaptable resolution (if available) or investigative resolution under this Policy. The Title IX Coordinator also may later determine that a report be re-opened and pursued under the Policy and Procedures if any new or additional information becomes available.

2. Determination That a Complainant’s Request(s) Cannot be Honored

In those instances when the Title IX Coordinator determines that the University must proceed with an investigative resolution when a Complainant chooses not to sign a Formal Complaint, the Title IX Coordinator will file a Formal Complaint and initiate an investigative resolution. In such instances, OIE will notify the Complainant in writing that the University intends to initiate an investigative resolution, but that the Complainant is not required to participate in the investigative resolution or in any of the actions taken by the University.

VI. EMERGENCY REMOVAL

If, after an individualized safety and risk analysis, the University determines that the Respondent’s presence on campus or in the University’s Program or Activity poses an immediate threat to the physical health or safety of any Student or another individual arising from the allegations of Prohibited Conduct, the Dean of Students or designee, may immediately suspend the Student pending a post-removal opportunity for a meeting. Except in extraordinary circumstances, that meeting will be scheduled as soon as possible, typically within two (2) calendar days. At this meeting, the Respondent will be informed of the nature of the alleged violation, presented with available evidence, and given the opportunity to make a statement and present evidence. If the emergency suspension remains in place following the meeting, the Respondent may submit an appeal to the Vice Chancellor for Student Affairs (VCSA) within five (5) calendar days from notification. The VCSA or designee, will make a final decision within five (5) calendar days from receipt of the appeal.
VII. INVESTIGATIVE RESOLUTION

A. Core Principles

1. Impartiality. The Title IX Coordinator, investigator, case manager, hearing officer, those who determine sanctions, and the external reviewer each must be impartial and free of any actual conflict of interest or bias. A Complainant or a Respondent who has concerns that the Title IX Coordinator or assigned investigator cannot conduct a fair and unbiased review (e.g., has a personal connection with one of the parties or witnesses, etc.) may report those concerns to:

Information about how a Complainant or a Respondent who has concerns that the assigned case manager, hearing officer, individual determining sanctions, or external reviewer cannot conduct a fair and unbiased review (e.g., has a personal connection with one of the parties or witnesses, etc.) may report those concerns, is contained within the appropriate respective sections of these procedures.

A Complainant or a Respondent who has concerns that the Title IX Coordinator or assigned investigator cannot conduct a fair and unbiased review (e.g., has a personal connection with one of the parties or witnesses, etc.) may report those concerns to:

For concerns about the assigned investigator: Kirstie Stroble
I/Director, Office for Institutional Equity / Title IX Coordinator
234 University Pavilion; 303 E. Kearsley Street
Flint, MI 48502-1950; (810) 762-3324
InstitutionalEquityFlint@umich.edu

For concerns about the Title IX Coordinator: Mike Hague
Vice Chancellor of Business and Finance
303 E. Kearsley Street; Flint, MI 48502-1950
(810)762-3324 ; mjhague@umflint.edu

The individual identified above will assess the circumstances and determine whether a different investigator should be assigned to the matter.

Information about how a Complainant or a Respondent who has concerns that the assigned case manager, hearing officer, individual determining sanctions, or external reviewer cannot conduct a fair and unbiased review (e.g., has a personal connection with one of the parties or witnesses, etc.) may report those concerns, is contained within the appropriate respective sections of these procedures.

2. Presumption of Good Faith Reporting. The University presumes that reports of Prohibited Conduct are made in good faith.

3. Presumption of Non-Violation and Standard of Proof – Preponderance of the Evidence. The Respondent is presumed not to have violated the Policy unless it is determined through applicable procedures that a preponderance of the evidence supports a finding of a Policy violation.

4. False Statements. A person who makes a materially false statement in bad faith in the course of a proceeding may be subject to disciplinary action. A determination regarding responsibility, standing on its own, is insufficient to conclude that any party made a materially false statement in bad faith.

5. “Statement” Means Factual Assertions Made by a Party or Witness. A Statement might include a factual assertion made during an interview or conversation, written by the individual making the assertion (including those found in a Formal Complaint), and memorialized in the writing of another (e.g., in an investigative report, police report, or medical record).

6. Participation by the Parties and Witnesses Is Voluntary. The Complainant, the Respondent, or witnesses may choose to participate or decline to participate in the investigative resolution. However, even if a Complainant or a Respondent declines to participate, the University may deem it necessary to continue to investigate the report. Non-participation by a party or witness may impact the outcome of the investigative resolution. Coercing any party or witness not to participate in the investigative resolution constitutes retaliation and violates University policy.

7. Expectations of Complainant, Respondent, and Witnesses. The Complainant, the Respondent, the witnesses and others sharing information in the process are expected to provide all relevant information at the time of their interview, or as soon as otherwise possible, and to be truthful and complete in their statements throughout the process.

A party or witness who elects to participate in the process is expected, although not compelled, to participate in
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all aspects of the process (e.g., a witness who chooses to participate is expected to make themselves available for an interview and hearing if requested to do so).
If a party or witness elects to not participate in the live hearing, or participates in the hearing but refuses to answer questions posed by the other party through their advisor, the hearing officer will not rely on any statement of the non-participating party or witness in reaching a determination regarding responsibility. This limitation does not apply to a party or witness’s refusal to answer questions posed by the hearing officer. In other words, if a party or witness refuses to answer the hearing officer’s questions, the hearing officer can still rely on that party or witness’s statements when making their determination, so long as that party or witness has submitted to cross-examination by the other party or both parties, in the case of a witness. Regardless of whether the unanswered questions are posed by a party, their advisor, or the hearing officer, the hearing officer will never draw any inferences based solely on a party or witness’s absence or refusal to answer questions.
If a party does not appear for the hearing, their advisor may still appear for the purpose of asking questions of the other party and witnesses.

8. Advisors. Throughout the investigative resolution process, the Complainant and the Respondent may have an advisor of their choice. An advisor is an individual chosen by a party to provide support and guidance during the resolution process. An advisor may be, but is not required to be, an attorney. A party may request to consult with their advisor at any point. However, the advisor may not represent or otherwise speak for the party they are supporting except during the cross-examination portion of hearing. Specifically, during a hearing, the advisor may ask the other party and witnesses relevant questions. If a party does not have an advisor available at the hearing, the University will select an advisor to ask questions on behalf of that party, as described in Section VII (A)(8), below, of these procedures. The University (including any official acting on behalf of the University such as the hearing officer or external reviewer) has the right at all times to determine what constitutes appropriate behavior on the part of an advisor and to take appropriate steps to ensure compliance with the Policy and these Procedures.

9. Prior Sexual Conduct of the Complainant. Prior sexual contact between a Complainant and a Respondent is not relevant to prove character or reputation and will never be used for those purposes. Questions and evidence about the Complainant’s prior sexual behavior are not relevant unless: they are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; they concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent; or if due process under the applicable law otherwise requires it. For example, if the question being determined is whether consent was given through mutually understandable words or actions, information about the manner in which consent has previously been communicated between the parties may be relevant in determining whether consent was sought and given during the incident in question. The hearing officer will determine the relevance of this information.

10. Prior or Subsequent Conduct of the Respondent. Prior or subsequent conduct of the Respondent will never be used to prove character, but may be considered for other purposes, such as determining pattern, knowledge, intent, or the Respondent’s reasons for taking the action. For example, evidence of a pattern of Prohibited Conduct by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a Policy violation, may be deemed relevant to the determination of whether the Respondent violated the Policy. The relevance of pattern evidence will be determined based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar Prohibited Conduct. The hearing officer will determine the relevance of this information.

11. Witnesses. Witnesses must have observed the acts in question or have information relevant to the Formal Complaint and will not be permitted to participate in the investigation or hearing solely to speak about an individual’s character.
Witnesses will have the opportunity to discuss the investigation process and participate in an interview. Following
the witness’ feedback may be attached or otherwise incorporated into the final investigation report as deemed relevant by the OIE investigator.
Where witnesses are interviewed as part of the investigation, the investigator will produce a written summary of each witness’ interview or the key relevant information from the interview, which will identify the witness by name and relationship to each person and the University; this summary will then be shared with the Complainant and the Respondent for their review and comment. This information will be included in the investigation report.

B. Ongoing Assessment

1. Consolidation of Investigation. OIE has the discretion to consolidate multiple reports into a single investigation if evidence relevant to one incident might be relevant to the others. Consolidation might involve a single or multiple Complainants, a single or multiple Respondents, and conduct that is temporally or logically connected. If investigations involving multiple Complainants and/or multiple Respondents are consolidated, each party will have access to all of the information being considered; including information as provided by all involved Complainants, all involved Respondents, and all involved witnesses.

2. Concurrent Legal Proceedings. At the request of law enforcement, and subject to the provisions in these Procedures pertaining to notifying the Respondent of the Formal Complaint, the University may agree to temporarily defer proceeding with part or all of the investigative resolution process until after some or all of the law enforcement investigation is complete (e.g., deferring until the initial law enforcement evidence gathering phase is complete).

3. Required Dismissal of Title IX Misconduct. If at any time during the handling of a Formal Complaint of Title IX Misconduct, the Title IX Coordinator determines that:
   • The conduct alleged in the Formal Complaint would not constitute Title IX Misconduct if proved;
   • The conduct alleged in the Formal Complaint did not occur in a University Program or Activity; or
   • The conduct alleged in the Formal Complaint did not occur against a person in the United States.
   The parties will be notified in writing that the allegations of Title IX Misconduct must be dismissed and the reason for dismissal. If the behavior at issue would still, as alleged, constitute Sexual or Gender-Based Misconduct, this dismissal for Title IX purposes may have no practical effect on the University’s investigation and the allegations of Sexual and Gender-Based Misconduct may continue to be addressed under these Procedures.
   If a Formal Complaint of Title IX Misconduct is dismissed for one of the above reasons, the parties may appeal that dismissal using the process described in paragraph 5 below.

4. Other Dismissal and Closure. In addition to the dismissal of a Formal Complaint for Title IX purposes, the Title IX Coordinator may, in their discretion, dismiss a Formal Complaint and/or otherwise close an investigative resolution if at any time:
   • The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw their Formal Complaint of Title IX Misconduct or allegations of Sexual Misconduct;
   • The Respondent is no longer a Student of or employed by the University, as applicable; or
   • Specific circumstances prevent the University from gathering evidence sufficient to reach a determination on the underlying allegations of the Formal Complaint.
   If Title IX Misconduct is dismissed pursuant to this section, the parties may appeal that dismissal using the process described in paragraph 5, below

5. Appeal of Dismissal of Title IX Misconduct. If allegations of Title IX Misconduct are dismissed for a reason set forth in paragraph 3 or 4, above, either party may appeal that dismissal on the following bases only:
   • Procedural irregularity that materially affected the dismissal determination;
   • New evidence that was not reasonably available at the time the determination regarding dismissal was made, that could materially affect the determination; and/or
   • The Title IX Coordinator or designee making the dismissal decision had a conflict of interest or bias for or against the Complainants or Respondents generally or the individual Complainants or Respondents that materially affected the dismissal decision.
   An appeal of the dismissal of a Formal Complaint must be filed no later than five (5) calendar days after the date
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on which the University transmitted the written determination to the parties. The appeal shall consist of a plan, on which the University transmitted the written determination to the parties. The appeal shall consist of a plan, concise, and complete written statement of no more than five (5) pages, outlining the basis for appeal and all relevant information to substantiate the appeal.

The University will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The other party may then have a period of five (5) calendar days from the date of notice to submit a statement in support of the written determination and/or in opposition to the appeal. This statement will be limited to five (5) pages. Any such statement will be shared with the party who filed the appeal and their advisor.

The appeal review will be conducted by the Associate Vice President for Institutional Equity (“AVPIE”) on the Ann Arbor campus. The AVPIE will review the matter based on the issues identified in the appeal(s) materials. The AVPIE may, at any time, freely consult with or request additional information from the Title IX Coordinator, OGC, and other University administrators as necessary. The parties may object to the service of the AVPIE by providing a written statement as to why the party believes that the AVPIE has a conflict of interest or bias. The Vice Chancellor for Business and Finance or designee will make decisions regarding such objections and the appointment of an alternative decision-maker as necessary.

The AVPIE or alternate decision-maker will strive to complete the appeal review within five (5) calendar days of receipt of all documents. The AVPIE will issue a written decision describing the result of the appeal and the rationale for the result; and OIE will provide the written decision simultaneously to both parties.

6. Acceptance of Responsibility. The Respondent may, at any time in the investigation or hearing process, elect to resolve the investigative resolution process by accepting responsibility for the Prohibited Conduct, in which case the OIE investigator will issue a brief investigation report or the hearing officer will issue a brief outcome determination summarizing the allegations and stating that the Respondent has accepted responsibility, and refer the matter to the Assistant Director, Community Standards and Ethical Development (Assistant Director) or designee to determine sanctions. In such a case, the Complainant and Respondent may each offer a brief written input statement as described below in Section VII. E. 2.

C. Investigation Process

An investigation will afford both the Complainant and the Respondent an opportunity to submit information and other evidence and to identify witnesses. Although the obligation to gather information as part of the investigation is on the University, the parties are expected to provide any relevant information within their knowledge or possession to the investigator, and to do so as early in the process as possible. During an investigation, the investigator will meet separately with the Complainant, the Respondent, and the relevant witnesses; and offer the parties an equal opportunity to submit and/or identify related and relevant information or evidence; and gather other relevant information or evidence reasonably available to the investigator. Following the interview(s) with each party and witness, the parties and witnesses will each be provided with a draft summary of their own statement or key relevant information or evidence; and gather other relevant information or evidence reasonably available to the investigator. Following the interview(s) with each party and witness, the parties and witnesses will each be provided with a draft summary of their own statement or key relevant information therefrom so that they have the opportunity, within three (3) calendar days, to comment on the summary and ensure its accuracy and completeness. Any resulting feedback may be attached or otherwise incorporated into the final investigation report to the extent deemed relevant by the OIE investigator. As described below, after the investigator has conducted interviews and gathered other available evidence and before any determination is reached, the parties receive a preliminary written report and evidence for their review and comment. The parties’ feedback may be attached or otherwise incorporated into the final investigation report to the extent deemed relevant by the OIE investigator.

1. Role of Investigator and Case Manager. When an investigative resolution is initiated, an investigator will be designated who will be responsible for gathering evidence directly related to the allegations at issue in the investigative resolution. The investigator must be impartial, free of any actual conflict of interest, and have
specific and relevant training and experience. A case manager will also be designated. The investigator and case manager have distinct, complementary roles. Neither the investigator nor the case manager has a decision-making role in the process, and neither is an advocate for either the Complainant or the Respondent at any point in the process. The investigator is responsible for conducting an investigation as described in these Procedures. When an investigative resolution is initiated, an investigator will be designated who will be responsible for gathering evidence directly related to the allegations at issue in the investigative resolution. The investigator must be impartial, free of any actual conflict of interest, and have specific and relevant training and experience. A case manager will also be designated. The investigator and case manager have distinct, complementary roles. Neither the investigator nor the case manager has a decision-making role in the process, and neither is an advocate for either the Complainant or the Respondent at any point in the process. The investigator is responsible for conducting an investigation as described in these Procedures. Following the investigation, the case manager provides administrative support as a consistent point of contact for both parties throughout, facilitating the hearing and, as applicable, sanctioning and appeals processes. Both the investigator and the case manager can serve as resources to provide parties with information. The case manager provides information on scheduling and logistics. The investigator provides information about the resolution processes, and can assist in identifying and connecting the parties with other resources.

2. Notice of the Investigation and Notice of Interviews. The Respondent will be informed in writing of the initiation of the investigation prior to their interview. The written notice will include, among other information: the identities of the parties (if known); the date and location of the alleged incident (if known); potential Policy violations; information that the Respondent is presumed not to have violated the Policy; and the other information set forth in Section III (B)(2) above. Such notice will be provided with sufficient time for the Respondent to prepare for the interview. The Complainant and Respondent will also receive written notice of the date, time, location, and purpose of any follow-up or additional interviews with sufficient time for the Complainant/Respondent to prepare for the interview.

If, during the investigation, additional information is disclosed that may constitute additional Prohibited Conduct under the Policy, the Respondent will be accordingly informed in writing and will have an opportunity to respond to those allegations consistent with these Procedures.

3. Evidence. The investigator, not the Complainant or the Respondent, is responsible for gathering relevant evidence to the extent reasonably possible. However, each party will be given the opportunity, and is encouraged, to identify witnesses, provide other relevant information, such as documents, communications, photographs, and other evidence, and suggest questions to be posed to the other party or witness. Although the University is responsible for gathering evidence sufficient to reach a determination regarding responsibility, all parties are expected to share any relevant information and/or any information that is requested by the hearing officer to draw a negative inference from a refusal to provide information that the hearing officer knows or investigator, and to do so as early in the process as possible or upon request. Failure to do so may lead the hearing officer to draw a negative inference from a refusal to provide information that the hearing officer knows or reasonably believes exists.

The investigator will review all information identified or provided by the parties as well as any other evidence they obtain. The investigator has the discretion not to interview a witness if they do not possess relevant evidence, or if the evidence provided would be cumulative. Evidence directly related to the allegations in the Formal Complaint obtained as part of the investigation will be shared with the parties for their review and comment, as described below.

The investigator may consult experts who have no connection to the reported incident when expertise on a specific topic or submitted evidence is needed to gain a fuller understanding of the relevance or value of the evidence or the issue at hand. In instances where an expert is consulted, OIE will determine whether the expert has any conflicts of interest or bias. The expert’s identity will be shared with both parties so that they may also have the opportunity to identify any risk of such conflicts or bias for assessment by OIE.
4. **Use of Law Enforcement Evidence.** Where OIE is made aware that there is a concurrent criminal investigation, the investigator will make reasonable efforts to contact DPS or other applicable law enforcement agency to ascertain the status of the criminal investigation and determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation. In some instances, aspects of a criminal investigation may be available and relevant to the University’s process; however, standards for criminal investigations are often different from the preponderance of the evidence standard used to determine violations of this Policy. Therefore, the University will not base its decisions under this Policy solely on law enforcement determinations and/or the outcomes of any criminal proceedings.

5. **Time Frame for Completion of Investigation.** The University will strive to complete the investigation phase of the process, meaning the period from commencement of an investigation through to completion of a final investigation report, within 90 calendar days. An investigation commences with the determination that an investigation will be opened, typically either the date of the Complainant’s interview, receipt of a Formal Complaint, or such time as the Title IX Coordinator determines that an investigative resolution will be opened. Additional time beyond 90 calendar days may be necessary to; ensure the integrity and completeness of the investigation; comply with a request by law enforcement for temporary delay to gather evidence; accommodate the availability of parties and/or witnesses, the need for language assistance or accommodation of disabilities; account for University breaks or vacations; account for case complexities including the number of witnesses and volume of information provided by the parties; or for other legitimate reasons.

6. **Preliminary Investigation Report.** After the Complainant and the Respondent have had the opportunity to comment on their own statement and to identify witnesses and other potential information, and the investigator has completed interviews and the gathering of evidence, the investigator will prepare a preliminary report. The investigator will provide the parties and their advisors, if any, with the preliminary report, which will include, as applicable, the Complainant’s statement, the Respondent’s statement, each witness’ statement and a summary of any other information the investigator in their discretion deems relevant. At the same time, the investigator will also provide each party and their advisors, if any, all evidence directly related to the allegations in the Formal Complaint that was obtained as part of the investigation. The evidence will be provided in an electronic format. The Complainant and the Respondent will generally have one opportunity to concurrently review the preliminary report and evidence and provide feedback in response. The Complainant and the Respondent must submit any comments, feedback, additional documents, evidence, requests for additional investigation, names of additional witnesses, or any other information they deem relevant to the investigator (up to ten (10) pages of comments, additional documents or other evidence) within ten (10) calendar days after it is sent to them for review. As parties are encouraged to provide all relevant evidence as early as possible in the process, any party providing new evidence in their response to the preliminary report should identify whether that evidence was previously available to them, and if so, why it was not previously provided. The parties’ feedback will be attached to the final investigation report.

Generally, only information that is provided to, or otherwise obtained by, the OIE investigator during the course of the investigation may be considered in the determination of whether a Policy violation occurred. Any and all information for consideration by the hearing officer must be provided to the investigator during the investigation phase of the process and otherwise will not be allowed during the hearing, unless the party asking that additional information be considered has clearly demonstrated that such information was not reasonably available to the parties at the time of the investigation or that the evidence has significant relevance to a material fact at issue in the investigation. If, after the final investigation report is issued, a party provides or identifies evidence that they did not previously provide or identify despite that evidence being reasonably available to them during the investigation process, the hearing officer may, at their discretion, draw a negative inference from the party’s delay in providing or identifying the evidence.
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7. **Final Investigation Report.** After receiving any comments submitted by either party, or after the ten (10) calendar day comment period has lapsed without comment, the investigator will, as appropriate, pursue any additional investigative steps as needed (as determined by the investigator) and issue a final investigation report. The investigator’s final investigation report will contain all information from the preliminary report, as supplemented by the relevant feedback submitted, and any additional information gathered.

8. **Referral to Hearing.** The case manager will provide the final investigation report and evidence file to the parties and the hearing officer simultaneously, along with information regarding the hearing process, as described below. The parties will have ten (10) calendar days to review the final investigation report and provide a written response to the hearing officer.

   If the University learns that the Complainant, the Respondent, or a material witness will not attend the hearing, the Title IX Coordinator will determine whether the University will proceed with the hearing.

**D. Hearings**

Following the investigation, the parties will be afforded a live hearing as described below.

1. **Hearing officer.** Hearings will be facilitated by a hearing officer, who will make the decision as to whether or not the Respondent(s) violated the Policy provisions at issue using a preponderance of the evidence standard. The hearing officer has broad authority to determine the order of presentation, timing, overall duration of the hearing, what information and evidence will be heard, what information and questions are relevant to the determination of the matter, and, with rationale, what cross-examination questions will or will not be permitted. The hearing officer also is responsible for maintaining an orderly, fair, and respectful hearing and has broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending person(s).

   Hearing officers will be informed of the identities of the parties so that they can identify any conflict of interest to the Title IX Coordinator or designee. At the discretion of the Title IX Coordinator, an alternate hearing officer will be assigned. The parties will be notified by the case manager of the identity of the selected hearing officer in advance of the hearing, and parties may, within three (3) calendar days of such notice, object to the hearing officer by providing to the Title IX Coordinator a written statement as to why the party believes that the hearing officer has a conflict of interest or bias. The Title IX Coordinator will make decisions regarding such objections and the appointment of alternate hearing officers, as necessary. If a potential conflict of interest is discovered outside of the three (3) days, it is within the discretion of the Title IX Coordinator to appoint an alternate hearing officer.

2. **Scheduling.** When OIE issues the final investigation report, the case manager will concurrently forward a copy of the investigation report and evidence file to the hearing officer, the Complainant, and the Respondent. The case manager will coordinate the scheduling of the parties’ pre-hearing meetings as discussed below in Section VI (D)(4) and a hearing date, time, and location, and notify the parties of the same. The hearing officer will strive to complete a hearing within 15 calendar days from the issuance of the investigation report.

3. **Technology Used at the Pre-Hearing Meetings and Hearing.** As a default, the live hearing will be conducted virtually, with technology enabling all participants (hearing officer, parties, advisors, and witnesses) to see and hear one another in real time. Alternatively, the University in its discretion may decide for the hearing to occur with the parties located in separate rooms of the same location with technology enabling the hearing officer and the parties to simultaneously see and hear the party or the witness answering questions.

4. **Pre-hearing Meeting.** Coordinated through the case manager, each party will meet separately with the hearing officer to plan for the hearing and to identify their advisor (who may also attend the pre-hearing meeting); to review the Formal Complaint and issues of interest to the hearing officer and the party; to describe the procedures to be followed at the hearing; to discuss as set forth in Section VII (D)(5), below, the process of raising a concern that the Assistant Director cannot conduct a fair and unbiased review; to identify the names of the witnesses
that will be asked to appear; to discuss any technology that will be used at the hearing and how to operate such
technology; and to answer any other questions or share information prior to the hearing. The hearing officer also
will discuss the time allotted for the hearing and any time limitations. The hearing officer will provide all relevant
and significant information to the parties at the pre-hearing meeting. If either party does not attend the pre-
hearing meeting, the hearing officer will determine whether and how that absence affects the ability of the
University to move forward with the hearing, as well as the hearing schedule.

The parties and the hearing officer are expected to identify witnesses for the hearing by the pre-hearing meeting.

5. Advisors. Each party may have an advisor of their choice present at the hearing. The advisor does not
participate in the hearing except for the limited purpose of conducting cross-examination on behalf of that party.
Advisors may be, but are not required to be, attorneys. If a party does not have an advisor of their choice present
at a hearing, the University will, without fee or charge to the party, provide an advisor of the University’s choice,
for the sole and limited purpose of conducting cross-examination on behalf of that party. No later than ten (10)
calendar days before the hearing, parties must inform the Student Conduct Advisor of any advisor of choice who
will accompany them to the hearing, so that it is known whether or not there is a need to arrange for the presence
of a University-provided advisor.

At a time and in a manner deemed appropriate by the hearing officer, the advisor for each party will be permitted
to ask the other party and any witnesses all relevant cross-examination questions and follow-up questions,
including those challenging credibility. Except for that limited role, advisors may not participate actively in the
hearing and may not speak or otherwise communicate on the part of their advisee. However, the advisor may
request to consult privately in a non-disruptive manner with their advisee during the hearing and/or at a recess
in the hearing. Scheduling accommodations generally will not be made for advisors if they unduly delay the
process. The University reserves the right to take appropriate action regarding any advisor who disrupts the
process, or who does not abide by the restrictions on their participation as determined in the sole discretion of
the hearing officer, which may include exclusion of the advisor from the hearing and the appointment of an
alternate University-provided advisor.

6. Conduct of the Hearing and Relevance. The hearing is not intended to be a repeat of the investigation. Before
the hearing, the hearing officer will receive a copy of the evidence gathered during the investigation, the final
investigation report, any attachments thereto, and copies of the parties’ written responses to the investigation
report, if any, which will be part of the information of record to be considered by the hearing officer. The hearing
officer will review the final investigation report and related materials and will be well versed in the facts of the
case. Attendance at the hearing is limited to the parties, advisors, witnesses, hearing officer, case manager,
and Assistant Director. If a party chooses to avail themselves of a University-provided advisor to conduct cross-
examination at the hearing, but the party has been working with a different advisor prior to the hearing, both
advisors may also attend; however, only the University-provided advisor for the purposes of cross-examination
may participate directly in the hearing. Other University administrators may attend at the request of or with the
prior approval of the hearing officer, but the parties will be notified in advance of anyone who will be in attendance.

Subject to the discretion of the hearing officer, hearings will ordinarily begin with introductory remarks by the
hearing officer, followed by the hearing officer asking relevant initial questions of the parties. During this portion
of the hearing, advisors may confer privately and in a non-disruptive manner with their advisee, but they are not
allowed to make opening statements or otherwise address the hearing officer or anyone else present at the
hearing.

After the hearing officer has asked their initial questions of the parties, the hearing officer will permit each party’s
advisor to ask the other party all relevant questions and follow-up questions, including those challenging
credibility. The hearing officer may ask follow-up questions as necessary. Subject to the discretion of the hearing
officer, the questioning of witnesses will generally follow a similar process, whereby the hearing officer will pose
relevant questions to witnesses, and then the parties’ advisors will be permitted to ask relevant questions of
witnesses. Such cross-examination of the parties and witnesses by advisors will be conducted directly, orally,
and in real time by the party’s advisor of choice and never by the party personally.
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Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, a Respondent, or a witness answers a cross-examination or other question, the hearing officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Advisors may raise concerns to the hearing officer about any decision regarding relevance at the time the decision is made. Questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent or due process would otherwise require such questions and evidence under applicable laws.

Information protected under a legally recognized privilege (e.g., privileged communications between a party and their physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a treatment capacity, or privileged communications between a party and their attorney), are not considered unless the information is relevant and the person holding the privilege has waived the privilege.

If a party or witness elects to not participate in the live hearing, or participates in the hearing but refused to answer questions posed by the other party through their advisor, the hearing officer will not rely on any statement of the non-participating party or witness in reaching a determination regarding responsibility. This limitation does not apply to a party or witness’s refusal to answer questions posed by the hearing officer. In other words, if a party or witness refuses to answer the hearing officer’s questions, the hearing officer can still rely on that party or witness’s statements when making their determination, so long as that party or witness has submitted to cross-examination by the other party or both parties, in the case of a witness. Regardless of whether the unanswered questions are posed by a party, their advisor, or the hearing officer, the hearing officer will never draw any inferences about the determination regarding responsibility based solely on a party or witness’s absence or refusal to answer questions.

Generally, the hearing officer will exclude from the hearing any witness who was not previously identified to the other party. If the party wishing to present a witness has clearly demonstrated that a witness not interviewed during the investigation was not reasonably available (or not reasonably known to the parties) at the time of the investigation or that the witness is likely to have information that has significant relevance to a material fact at issue in the investigation, the hearing officer has the discretion to allow that witness to be interviewed. The interview will generally be conducted by the investigator and a summary of information provided by the witness will be made available to both parties for their review and comment prior to the hearing.

At the discretion of the hearing officer, parties (but not their advisors) will be given an opportunity to make a closing statement at the conclusion of the hearing.

**7. Record of Hearing.** The University will create a transcript of the hearing and make it available to the parties for inspection and review. Any other recording is prohibited. No camera, TV, or other equipment, including any cellphones, will be permitted in the hearing room except as arranged by the University.

**8. Determination Regarding Responsibility.** The hearing officer will strive to complete the written determination regarding responsibility (the “Hearing Outcome”) within 30 calendar days of the hearing. The hearing officer will apply the preponderance of the evidence standard when making such determinations. The Hearing Outcome will include:

- Identification of the section(s) of the Policy alleged to have been violated;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including but not limited to, as applicable, the notification to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of definitions of Prohibited Conduct in the Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility; and
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- Identification of the University’s procedures and permissible bases for the Complainant and Respondent to appeal (as outlined below in Section VII (F)).

The hearing officer will provide the case manager with the Hearing Outcome. If there is a finding that the Respondent is not responsible for a violation of the Policy, the case manager will share the Hearing Outcome with the parties. If there is a finding that the Respondent is responsible for a violation of the Policy, the case manager will share the determination regarding responsibility with the Assistant Director who will undertake a sanctioning determination. If sanctions are appropriate, they will be assigned in accordance with Section (VII)(E) below and the hearing officer will update the Hearing Outcome to include the sanctioning determination.

E. Sanctions and Remedies

If the Respondent is found to have violated the Policy, the Respondent will be sanctioned and appropriate remedies will be provided to the Complainant. In keeping with the University’s commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, the University has wide latitude in the imposition of sanctions and remedies tailored to the facts and circumstances of the Prohibited Conduct, the impact of the conduct on the Complainant and University Community, and accountability for the Respondent. Sanctions or interventions may also serve to remedy the discriminatory effects of the Prohibited Conduct on the Complainant and others, including any systemic actions found to be appropriate for the broader University Community. Remedies will be designed to restore or preserve equal access to the University’s Program or Activity. Other interventions may include targeted or broad-based educational programming or training.

1. Sanctioning Determination

The Assistant Director, Community Standards and Ethical Development (Assistant Director), or designee, is responsible for making the sanctioning determination. The Assistant Director or designee must be impartial and free of any actual conflict of interest. If the Assistant Director has concerns that they cannot make a fair and unbiased sanctioning determination, the Assistant Director may report those concerns to the Title IX Coordinator as early as possible but no later than three (3) calendar days after the conclusion of the hearing and at their discretion a different staff member will be assigned to determine the sanctions. Similarly, a Complainant, a Respondent, or any other participant who has concerns that the Assistant Director may report those concerns to the Title IX Coordinator as early as possible but no later than three (3) calendar days after the conclusion of the hearing. The Title IX Coordinator will assess the circumstances and determine whether a different staff member should be assigned to make the sanctioning determination. The Assistant Director or designee will attend the hearing and review the final investigation report, additional information from student conduct regarding the Respondent’s disciplinary record, if any, and any sanctioning input statement provided by the parties as set forth below. The Assistant Director may consult with the Title IX Coordinator or the hearing officer as necessary. The Assistant Director will strive to complete the sanctioning determination within 30 days of the hearing.

2. Party Input Regarding Desired Remedies

Within seven (7) calendar days following the hearing, but prior to the date on which the hearing officer issues their determination, the Complainant and Respondent may each offer a brief written input statement to the case manager, who will forward them to the Assistant Director regarding desired remedies should the hearing officer determine that the Respondent violated the Policy. The written input statements may not exceed five (5) pages, including attachments. The Assistant Director will share the input statement(s) with the other party, but not with the hearing officer. An input statement from the Complainant is a written statement describing the impact of the Prohibited Conduct on the Complainant and expressing the Complainant’s preferences regarding appropriate remedies and sanctions if the hearing officer determines the Respondent violated the Policy. An input statement from the Respondent is a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the remedies and sanctions if the hearing officer determine the Respondent violated the Policy. Each party’s decision whether to provide a sanctioning input statement is voluntary. The Assistant Director may use information from these statements to help determine the Respondent’s sanction.
3. Factors Considered in Sanctioning

In determining the appropriate sanctions, the Assistant Director, or designee, will be guided by a number of considerations, including:

- The nature of the conduct at issue;
- The impact of the conduct on the Complainant;
- The impact of the conduct on the community or the University, including protection of the University Community;
- Prior misconduct by the Respondent, including the Respondent’s relevant prior disciplinary history, both at the University or elsewhere, and any criminal convictions, if such information is available, known and reliable;
- Whether the Respondent has accepted responsibility for the conduct, which may be considered as a factor that may lessen, not increase, the severity of the sanctions;
- Maintenance of a safe and respectful environment conducive to learning;
- The necessity of any specific action in order to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects on the Complainant or other University Community members; and
- Any other mitigating, aggravating, or compelling circumstances, including those set forth in the sanctioning input statements, to reach a just and appropriate resolution in each case.

4. Possible Sanctions or Interventions Directly Impacting Respondent

The list of potential sanctions or interventions includes one or more of the following:

- Disciplinary Probation: A designated period of time during which the Student is not in good standing with the University. The terms of disciplinary probation may involve restrictions of Student privileges and/or set specific behavioral expectations;
- Restitution: Reasonable compensation limited to the actual and verifiable replacement or repair value of property lost or damaged;
- Restriction from Employment at the University: Termination of or prohibition on University employment;
- Class/Workshop/Training/Program Attendance: Enrollment in and verified completion of a class, workshop, training, online learning, program, and/or follow up meetings with staff members any of which could help the Student and/or the University community. Examples include, but are not limited to, the following: STARRSA Educational Intervention for Sexual Misconduct, Alcohol Education, Alcohol Assessment, Conflict Coaching, Wellness Coaching, Anger Management, Counseling, scheduled Check In Meetings with staff member, and Healthy Relationship/Consent/Wellness Education coaching;
- 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 Removal: Removal from University housing. Removals may be temporary or permanent depending on the circumstances;
- Permanent or Fixed-Duration Removal from Specific Courses or Activities: Suspension or transfer from courses or activities at the University for a specified period of time;
- Permanent No Contact: Permanent 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: Termination of Student status for an indefinite period;
- Transcript Notation, Hold, and/or Notification to Other Institutions: A notation of non-academic disciplinary action may be made on a transcript and/or the University may notify other institutions of non-academic disciplinary action. In addition, the University may place a hold on transcripts, meaning that the University may prevent a Student from registering for classes, receiving a copy of their transcript/diploma, or both; or
- Withholding, Delaying, or Revoking the Conferral of the Degree: The University may delay the conferral of the degree pending the outcome of an investigation or withhold the conferral of the degree due to a finding of Prohibited Conduct. In extraordinary circumstances, the University may revoke the conferral of the degree.
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If a Student-Employee is found to have engaged in Prohibited Conduct, the Student-Employee may be subject to sanctions both in connection with their employment and in connection with their Student status, as appropriate under this and other applicable processes.

5. Possible Interventions to Remedy Discriminatory Effects on the Complainant and Others
   The Assistant Director will also be responsible for identifying and implementing any non-disciplinary actions necessary to prevent recurrence of the conduct and to remedy its discriminatory effects on the Complainant and others as appropriate, including any systemic actions found to be appropriate for the broader University Community. Such interventions may include academic accommodations, counseling, reimbursement, community-focused restorative processes, education or training, monitoring or other individual support needed to remedy the harm. The Assistant Director will identify what actions the University will take, who will be responsible for implementing such actions, and by when. To the extent, the Assistant Director determines that non-disciplinary interventions for the Complainant or others are not necessary, the Assistant Director will identify why such remedies are not needed.

6. Written Notice of Sanction(s) and Interventions
   The case manager will provide to the Complainant and the Respondent simultaneously a Hearing Outcome that includes both the determination regarding responsibility and the sanctioning determination and intervention(s). The sanctioning determination portion of the Hearing Outcome will include the sanction(s) and intervention(s), a summary of the Assistant Director’s rationale in support of the sanction(s) and intervention(s), and the appeal process, including permissible grounds for appeal.

F. Appeals of Hearing Outcome
   Either party may file a written appeal from a Hearing Outcome. Either party may appeal the determination regarding responsibility on the following bases only:
   • Procedural irregularity that materially affected the outcome of the matter;
   • New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could materially affect the outcome of the matter; and/or
   • The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that materially affected the outcome of the matter.

   Either party may appeal the sanction on the following ground:
   • The sanction was clearly inappropriate and/or disproportionate to the conduct for which the person was found responsible.

   Appeals must be filed with the Dean of Students (DOS) or designee within 14 calendar days of the date of the issuance of the Hearing Outcome. The DOS or designee may deem a late submission reasonable only under extraordinary or extenuating circumstances. The appeal shall consist of a plain, concise written statement of no more than ten (10) pages, outlining the basis for appeal and all relevant information to substantiate the appeal. If a party’s appeal includes an assertion that new relevant evidence unavailable earlier in the proceedings exists and that includes written or other documentary evidence, such evidence will not be subject to this page limit.

   Each party will be given the opportunity to review and respond in writing, up to ten (10) pages, to an appeal submitted by the other party. Any response by the opposing party must be submitted to DOS or designee within 14 calendar days of DOS or designee providing notice of the other party’s appeal. All appeal documents from each party will be considered together in one submitted appeal.

1. External Reviewer
   An external reviewer will conduct the appeal review. The external reviewer will be a neutral party outside of the University.

   The external reviewer must be impartial and free from bias or conflict of interest. If the external reviewer has concerns that they cannot conduct a fair or unbiased review, the external reviewer must report those concerns to the Associate Vice President for Institutional Equity (“AVPIE”) on the Ann Arbor campus and a different
## Procedures: Student Prohibited Conduct Investigative Resolution

An external reviewer will be assigned to the appeal. Similarly, a Complainant or a Respondent who has concerns that the assigned external reviewer cannot conduct a fair and unbiased review, may report those concerns to the AVPIE who will assess the circumstances and determine whether a different external reviewer should be assigned to the appeal.

The external reviewer will review the matter based on the issues identified in the appeal(s) materials. The external reviewer may, at any time, freely consult with or request additional information from the Title IX Coordinator, the Office of General Counsel, and other University administrators as necessary. The external reviewer has the authority to determine the appropriateness of evidence, including whether certain evidence should be considered, and the strength and value that evidence will be given. In deciding an appeal of the finding or the sanction, the external reviewer may consider the investigation report; the hearing transcript; the Hearing Outcome, including the sanctioning determination; any written appeal by the parties outlining any basis for altering the finding of responsibility and/or sanctions; and any sanctioning input statements. The external reviewer also may consider any other materials the University (or the external reviewer) deems relevant and that have been shared with the parties.

### 2. Decision of External Reviewer

The external reviewer may conclude that there are no relevant issues of concern, and therefore, recommend that the hearing outcome and/or the sanctioning determination be affirmed. In the alternative, the external reviewer may identify issues of concern. If so, the external reviewer will provide, in writing, to the Title IX Coordinator, copying the case manager, one of the following recommended actions and any additional instructions or recommendations they deem appropriate under the circumstances:

- If there was a significant deviation from procedure that impacted the outcome of the case in a way that is fundamentally unfair, remand the matter to the Title IX Coordinator or the hearing officer, as appropriate, with corrective instructions from the external reviewer;
- If new information that was unavailable with reasonable diligence and effort earlier in the proceedings would alter the hearing outcome, remand the matter to the hearing officer to determine whether a new hearing is necessary and/or whether any modifications may need to be made to the hearing outcome;
- If the Title IX Coordinator, investigator, or hearing officer had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent that affected the outcome of the matter, remand the matter to the AVPIE to find a replacement for whomever was biased; or
- If the external reviewer determines the sanctions to be clearly inappropriate or disproportionate, they will alter the sanctions or interventions accordingly. The external reviewer’s decision regarding sanctions is final. There will be no further opportunity for the parties to appeal the sanctions, except as set forth in the following paragraph of these Procedures.

If a new hearing is deemed necessary following an appeal and results in a different determination, either party can appeal the new hearing outcome subject to the following grounds:

- A significant deviation from the procedures during the remanded hearing that impacted the outcome of the hearing in a way that is fundamentally unfair;
- The Title IX Coordinator, investigator, or hearing officer in the remanded investigation and/or hearing had a conflict of interest or bias for or against the Complainants or Respondents generally, or the individual Complainant or Respondent that affected the outcome of the matter;
- There is new and relevant information that was unavailable, with reasonable diligence and effort, at any prior time during the process that would alter the remanded hearing outcome; and/or
- If the new and different outcome determination is a finding of responsibility following the sanctioning process, the parties may appeal the sanction as clearly inappropriate and/or disproportionate to the conduct for which the person was found responsible.

The external reviewer will strive to complete the appeal review within 14 calendar days of receipt of all documents. The external reviewer will provide the determinations to the VCSA or their designee who may accept or modify.
### VIII. ADAPTABLE RESOLUTION

The University recognizes that it is important to take into account the needs of Students, some of whom may prefer not to utilize an investigative resolution process. Adaptable resolution is a voluntary, remedies-based, structured process between or among affected parties that balances support and accountability without formal disciplinary action against a Respondent, while focusing on the expressed needs of the harmed party(ies). Adaptable resolution is generally designed to allow a Respondent to acknowledge harm and take responsibility for repairing harm (to the extent possible) experienced by the Complainant and/or the University Community. Adaptable resolution is designed to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the Complainant while maintaining the safety of the University Community. The University will strive to complete adaptable resolution within 90 days from the date that the Title IX Coordinator approves the Formal Complaint for adaptable resolution.

#### A. Circumstances in Which Adaptable Resolution May be Used

The Title IX Coordinator reviews the matter to the extent necessary to confirm that it is of the type that would be appropriate for an adaptable resolution process and that use of an adaptable resolution process is without pressure or compulsion from others. The adaptable resolution process may be pursued following the filing of a Formal Complaint.

The University will provide the parties a written notice disclosing the allegations, the requirements of the adaptable resolution process, and any consequences resulting from participating in the process, including the records that will be maintained or could be shared. The written notice will inform the parties that either can request to end adaptable resolution at any time before an agreement is reached and pursue an investigative resolution. The written notice will also inform the parties that information gathered and utilized in adaptable resolution by and between the parties cannot be used in any other University process, including investigative resolution, if adaptable resolution ends and investigative resolution begins or resumes.

The adaptable resolution options available under this Policy recognize:

- The goal of adaptable resolution is to address the Prohibited Conduct, identify ways that individuals and/or the community have been harmed, identify unique expressed needs and interests, and develop a written resolution agreement to address the harm and prevent future Prohibited Conduct;
- Participation is voluntary and both a Complainant and a Respondent, as well as any other participating individuals, must consent in writing to participation in adaptable resolution;
- Adaptable resolution procedures do not include in-person mediation and are distinct from mediation;
- The University will not pressure or compel any party to participate in any particular form of adaptable resolution; and
- Adaptable resolution processes are designed to address harm and prevent additional potential harm. The adaptable resolution facilitator may, in their judgement, discontinue an adaptable resolution process when they determine that one or more of the parties have been coerced or where the adaptable resolution process may not have the intended effect.

#### B. Adaptable Resolution Options

The adaptable resolution options will be facilitated by a trained coordinator within OSCR (the adaptable resolution coordinator). The adaptable resolution coordinator typically will be someone other than the assigned case manager, the Associate Director, or the Director. The adaptable resolution coordinator must be impartial and free from bias or...
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conflict of interest. If the adaptable resolution coordinator has concerns that they cannot facilitate a fair process, the adaptable resolution coordinator may report those concerns to the OSCR Director and, at their discretion; a different adaptable resolution coordinator will be assigned. Similarly, a Complainant, a Respondent, or any other participant who has concerns that the assigned adaptable resolution coordinator cannot enable a fair process, may report those concerns to the OSCR Director who will assess the circumstances and determine whether a different adaptable resolution coordinator should be assigned to the adaptable resolution process.

With approval from the Title IX Coordinator, after consultation and intake with the adaptable resolution coordinator, the Complainant and the Respondent must voluntarily agree on the process that best meets the interests and needs of the parties. Adaptable resolution may include one or more of the following restorative approaches:

- **Facilitated Dialogue:** A structured and facilitated conversation between two or more individuals, most often the Complainant, the Respondent, and/or other community members. The focus is often on providing a space for voices to be heard and perspectives to be shared. Depending on stated interests, the participants may sometimes work towards the development of a shared agreement, although working towards an agreement is not always the intended outcome;

- **Restorative Circle or Conference Process:** A facilitated interaction where individuals who have experienced harm can come together with an individual(s) who assumes responsibility for repairing harm, with the goal of creating a plan or agreement to repair the harm (to the extent possible). A circle or conference may include multiple members of the community to explore individual and community impact, harm, obligations, and opportunity for repairing them. The parties must agree on all those who will be present;

- **Restorative Shuttle Agreement:** An indirect, facilitated conversation individually with the Complainant, the Respondent, and/or other participants to discuss experience and perspective and explore interests while working towards meeting expressed needs. This negotiated process does not require direct interaction between the parties or the parties and other participants, but rather, independently, with a coordinator to create an agreement to repair harm; and/or

- **Community Supported Accountability Circle (“CSA”):** A facilitated interaction between the Respondent and University faculty and/or staff designed to provide accountability, structured support, and the development of a learning plan. The focus of a CSA is to balance support and accountability for an individual who has acknowledged their obligation to repair harm, prevent future harm, and willingness to engage in an individual educational process. The CSA model does not require participation from the Complainant.

A mutual voluntary resolution agreement may include, for example:

- Agreement for the Respondent to participate in STARRSA, an educational program designed to prevent additional harm;

- Agreement for the Respondent to complete an educational plan with regular meetings with the adaptable resolution coordinator or other appropriate University staff or faculty member;

- Agreement for the Respondent to participate in alcohol education classes;

- Agreement for the Respondent to participate in regular meetings with an appropriate University individual, unit, or resource;

- Agreement to extension of a no contact directive on the part of the Respondent;

- Agreement, by the Respondent, to not participate in specific University Program(s) or Activity(ies);

- Agreement by the Respondent to refrain from attending specific events;

- Agreement by the Respondent to participate in counseling sessions; and/or

- Agreement by the Respondent to voluntary, temporary or permanent separation from the University.

Individuals who wish to participate in an adaptable resolution process must have successfully completed preparatory meetings with an appropriate staff member(s) within OSCR. An OSCR staff member will assist Students with coordination of adaptable resolution. Adaptable resolution will occur on the Flint campus or virtually, at the discretion of the adaptable resolution coordinator.

Individuals may be accompanied by an advisor at any meetings related to the adaptable resolution process.
Information shared or obtained during adaptable resolution will be treated as private to the extent permitted by law and will not result in subsequent disciplinary actions by the University.

C. Adaptable Resolution Agreements

Any agreement reached in adaptable resolution must be documented by the adaptable resolution coordinator and approved by the Title IX Coordinator or designee to ensure consistency with the University's Title IX obligations. An agreement will not be considered valid if the Title IX Coordinator or designee does not approve it. If the Title IX Coordinator or designee approves an agreement after the parties have voluntarily reached consensus as to its terms, the Respondent will be required to comply with the agreement. Typically, an agreement also includes agreed upon consequences when obligations under the agreement are not fulfilled. Should the process revert to investigative resolution, information obtained through the adaptable resolution process may not be utilized in the investigative resolution. Once the Title IX Coordinator approves an agreement, the parties are bound by its terms and cannot return to investigative resolution.

To fairly assess pattern or systemic behavior, the Title IX Coordinator will maintain records of all reports and conduct referred for adaptable resolution. While considering the voluntary and participant-driven nature of adaptable resolution, the University will strive to complete adaptable resolution within 90 calendar days of the initial assessment.

IX. ADAPTABLE INTERVENTIONS OR REMEDIES FOR THE UNIVERSITY COMMUNITY

In addition to the sanctions and/or interventions applied to the Respondent, and regardless of whether the University pursues an investigative resolution or takes other formal disciplinary action, the Title IX Coordinator may find it helpful or necessary to request or require a Respondent or others to undertake specific steps designed to eliminate the misconduct, prevent its recurrence, and/or remedy its effects. Examples include, but are not limited to, the following:

- Requesting or requiring a University entity to provide training for its staff or members;
- Requesting or requiring a Respondent to receive training;
- Continuing any Supportive Measures previously established;
- Identifying the need for any additional or ongoing measures, supports and remedies; or
- Revising University policies, practices, or services.

X. RECORDS RETENTION

The University shall retain for a period of seven (7) years after the date of case closure: the official file relating to an adaptable resolution, including any result of the adaptable resolution process and/or the official file relating to an investigative resolution, including any investigation hearing, sanctioning, and/or appeals processes involving allegations of Prohibited Conduct. In cases in which a Respondent was found to have violated the Policy and was expelled, the University may retain such official case files indefinitely. For each report of conduct within the scope of the Policy, the University will also retain for seven (7) years records of any actions, including any Supportive Measures, taken in response to a report to OIE or Formal Complaint. If the University does not provide a Complainant with Supportive Measures, the University will document why such a response was not clearly unreasonable in light of the known circumstances.

XI. ANNUAL REPORT

The Title IX Coordinator will issue an Annual Report to the University Community providing an overview of the number and nature of reports of Prohibited Conduct received during the preceding fiscal year. The report will provide the community with an overview of response efforts.

A full version of the Student Procedures for the UM-Flint Campus is available at:

- This Appendix describes the procedures the University of Michigan-Flint uses when it receives a report of possible Prohibited Conduct by a Student (referred to as “Student Procedures” or “Procedures”). The Student Procedures are part of the Policy on Sexual and Gender-Based Misconduct (“Policy”). The University uses these Procedures to address allegations of Prohibited Conduct and to impose sanctions, as appropriate.
Procedures: Employee & Third Party Prohibited Conduct Investigation

Employee and third party procedures (for Ann Arbor, Dearborn and Flint campuses):


This Appendix describes the procedures the University uses when it receives a report of possible Prohibited Conduct by an Employee (referred to as “Employee Procedures” or “Procedures”). They are part of the Policy on Sexual and Gender-Based Misconduct (“Policy”). The University uses these Procedures to address allegations of Prohibited Conduct as defined in the Policy and to impose corrective action, as appropriate, for violation of the Policy.

### Investigations & Resolutions:
The University will strive to complete the Sexual and Gender-Based Misconduct Process, described below, within 150 days, which includes an investigation, finding, and sanctions, as applicable. The University will strive to complete the Title IX Misconduct process, described below, within 180 days, which includes an investigation, hearing, finding, sanctions as applicable, and appeals, if any.

The University employee/third party process requires simultaneous notification, in writing, to both the accuser and the accused of – the result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault or stalking; – the institution’s procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available; – any change to the result; and – when such results become final.

1 The University of Michigan Interim Policy on Sexual and Gender-Based Misconduct (“Policy”) prohibits the following types of conduct as defined in Section XI (also referred to collectively as “Prohibited Conduct”): Sexual and Gender-Based Misconduct (i.e., Sexual Assault, Sexual Exploitation, Sexual Harassment, Gender-Based Harassment, Sex and/or Gender-Based Stalking, Intimate Partner Violence, Sex and Gender-Based Discrimination, Retaliation and Violation of Supportive Measures); and Title IX Misconduct (i.e., Quid Pro Quo, Sexual Harassment, Severe, Pervasive and Objectively Offensive Sexual Harassment, Sexual Assault, and Sex-Based Intimate Partner Violence and Stalking, as defined by and within the scope of Title IX).

2 The Employee Procedures may be used to resolve reports of Prohibited Conduct against a Third Party. As set forth in the Policy, OIE will determine the appropriate manner of resolution, if any, by the nature of the relationship of the Third Party to the University.
Procedures: Employee & Third Party Prohibited Conduct Investigation

OVERVIEW
This Appendix describes the procedures the University uses when it receives a report of possible Prohibited Conduct by an Employee (referred to as “Employee Procedures” or “Procedures”). They are part of the Policy on Sexual and Gender-Based Misconduct (“Policy”). The University uses these Procedures to address allegations of Prohibited Conduct as defined in the Policy and to impose corrective action, as appropriate, for violation of the Policy. The Policy and the Employee Procedures may address the same topic, with the Policy providing more general guidance and with the Procedures providing more specific rules. These Procedures therefore must be read in conjunction with the Policy.

For information regarding available resources or how to make a report, please refer to Section VI and Section VII, respectively, of the Policy. These Procedures apply to the Ann Arbor campus, the University of Michigan-Dearborn, the University of Michigan-Flint, and Michigan Medicine (collectively the “University”).

Capitalize terms used and not otherwise defined in these Procedures are defined in the Policy to the Table of Contents of the Policy.

I. OTHER POTENTIALLY RELEVANT POLICIES AND PROCEDURES
At all times, it is within the University’s discretion to determine which policies and procedures apply and under which policy or policies action may be taken. Some Prohibited Conduct may result in separate and additional proceedings under multiple University policies. A list of the potential policies and procedures that may apply can be found in Standard Practice Guides (“SPG”).

II. INITIAL ASSESSMENT AND INTAKE
A. Initial Assessment
When alleged Prohibited Conduct is first reported to the Office for Institutional Equity (“OIE”), OIE will:
• Assess the nature and circumstances of the report, including whether the names and/or any other personally identifiable information for the Complainant, the Respondent, any witnesses, and/or any other individual with knowledge of the reported incident is provided, to facilitate appropriate follow up;
• Assess the nature of the allegations to identify possible resolution options that may be available;
• Ascertain the ages of the Complainant and the Respondent, if known, and, if either party is a minor (under 18 years old), take all necessary actions based upon the facts and circumstances of the case, including contacting the appropriate child protective service agency, if required by law; and
• Notify the Division of Public Safety and Security (“DPSS”) of the report if the conduct, as alleged, would constitute a violation of law.

B. Intake with the Parties
1. Complainant
After receiving a report of possible Prohibited Conduct committed by an Employee or Third Party, OIE will promptly contact the Complainant, if one is identified or identifiable, to (1) discuss the availability of Supportive Measures; (2) ask about the Complainant’s wishes with respect to Supportive Measures; (3) explain that Supportive Measures are available with or without the filing of a Formal Complaint; and (4) explain how to file a Formal Complaint.
OIE will also provide the Complainant with a written explanation of available resources, options, and other important Policy information, including the following:
• Support and assistance available through University resources, including the Complainant’s option to seek

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2 The Employee Procedures may be used to resolve reports of Prohibited Conduct against a Third Party. As set forth in the Policy, OIE will determine the appropriate manner of resolution, if any, by the nature of the relationship of the Third Party to the University.
Procedures: Employee & Third Party Prohibited Conduct Investigation

Supportive Measures regardless of whether they choose to participate in a University or law enforcement investigation;
• The Complainant’s option to seek medical treatment and information on preserving potentially key forensic evidence and/or other potential evidence;
• The process for filing a Formal Complaint;
• The University’s procedural options, investigations and formal resolutions and mediation, if available (see, e.g., Section VI and Section XI below);
• The Complainant’s right to an advisor of the Complainant’s choosing who may be, but is not required to be, an attorney (see, e.g., Section VI (A)(7) below);
• The University’s prohibition of Retaliation against the Complainant, the Respondent, the witnesses, and the reporting parties; how to report acts of Retaliation; and that the University will take prompt action when Retaliation is reported;
• The opportunity to discuss with the Title IX Coordinator or designee the Complainant’s resources, rights, and options;
• A copy of or a link to the University’s Policy on Sexual and Gender-Based Misconduct and these Procedures; and
• That parties and witnesses are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process.

2. Respondent
When a Formal Complaint is made, OIE will provide the Respondent a written explanation of available resources, options, and other Policy information, including the following:
• Notice of the allegations potentially constituting Prohibited Conduct, including the identities of the parties (if known), the date and location of the alleged incident (if known), and potential Policy violations.
• Confirmation that a determination regarding responsibility is made at the conclusion of the proceeding and the Respondent is presumed not responsible for the alleged Prohibited Conduct prior to the determination;
• Support and assistance available through University resources;
• The Respondent’s right to an advisor of the Respondent’s choosing who may be, but is not required to be, an attorney (see, e.g., Section VI (A)(7) below);
• The University’s prohibition of Retaliation against the Complainant, the Respondent, the witnesses, and the reporting parties; how to report acts of Retaliation; and that the University will take prompt action when Retaliation is reported;
• The opportunity to discuss with the Title IX Coordinator or designee the Respondent’s resources, rights, and options.
• A copy of or link to the University’s Policy on Sexual and Gender-Based Misconduct and these Procedures; and
• That parties and witnesses are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process.

III. SUPPORTIVE MEASURES
A definition, explanation, and examples of Supportive Measures are described in Section VIII of the Policy. Individuals who wish to request Supportive Measures confidentially, without making a report to OIE, may do so through the Faculty and Staff Counseling Consultation Office, Michigan Medicine Office of Counseling and Workplace Resilience, and other Confidential Resources offering Supportive Measures, as identified in Section IX of the Policy. These Confidential Resources can often arrange Supportive Measures directly; however, they may need to interact with other University offices to implement the Supportive Measures. The Confidential Resource will not communicate with other University offices about arranging a Supportive Measure unless the individual requesting the Supportive Measure waives confidentiality for that purpose, with the understanding that the University office contacted may report the matter to OIE. Individuals may also request Supportive Measures through OIE. During the initial intake meetings with the Complainant, the Respondent, and witnesses, OIE will discuss Supportive Measures. The Title IX Coordinator, in consultation with
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and for coordinating the effective implementation of the Supportive Measure. 
Implementation of Supportive Measures does not suggest that the University has made any decision about the merits of
the report or Formal Complaint.
The University will keep confidential any Supportive Measure provided under this Policy to the best extent possible, and
will promptly address any reported Violation of Supportive Measures under the Sexual and Gender-Based Misconduct
Process below.

IV. PROCEDURAL OPTIONS FOLLOWING AN INITIAL ASSESSMENT
Upon completion of an initial assessment, OIE will undertake one of these actions, with the understanding that as
a case progresses, the action warranted can change, as described in these Procedures:

A. Matters Involving a Formal Complaint
When Prohibited Conduct is alleged, OIE will initiate one of the following processes:

• **Sexual and Gender-Based Misconduct Process:** This process is used when a Formal Complaint is filed that
  alleges Sexual or Gender-Based Misconduct. The Sexual and Gender-Based Misconduct Process generally
  concludes with a written document containing a summary of the relevant evidence gathered during the
  investigation and a finding as to whether the Policy was violated. The investigation report is provided to the
  appropriate University official(s) for response, including corrective action if appropriate. The University will strive
to complete such matters within 150 days of the date it is determined that an investigation will be opened.

• **Title IX Misconduct Process:** This process is used when a Formal Complaint is filed that alleges Title IX
  Misconduct, or both Title IX Misconduct and Sexual or Gender-Based Misconduct. The Title IX Misconduct
  process generally results in a written document containing a summary of the relevant evidence, a hearing that
  results in a finding and, if appropriate, corrective action as determined by the appropriate University official, and
  an appeal. The University will strive to complete such matters within 180 days of the date it is determined that
  an investigation will be opened.

• **Mediation:** Mediation is used when both parties voluntarily agree to mediate the concerns and the allegations
do not involve behavior that, if it were found to have occurred, would result in significant employment discipline.
Mediation is usually not used when the concerns involve recurring behavior or Sexual Assault and will not be
used where the Complainant is a Student and the Respondent is an Employee. Mediation is an informal,
structured interaction between the Complainant and the Respondent with the help of a neutral mediator to
achieve a resolution satisfactory to both parties. If mediation is unsuccessful, the matter may proceed to
another appropriate response as outlined in this Section. Statements made by parties during the mediation
process may not be used in any other University process, including the Sexual or Gender-Based Misconduct or
Title IX Misconduct process. In general, the mediator will strive to complete mediation within 90 calendar days
from the date the matter is referred to the mediator.

• **Other measures:** Other measures are generally used when a report or Formal Complaint of possible Prohibited
  Conduct is received, but the identity of the Respondent is unknown or the report or Formal Complaint does not
  allege Prohibited Conduct that would constitute a possible Policy violation, yet the behavior, if it occurred as
  alleged, is an inappropriate employment-related behavior. Other measures may include training or education
  for specific groups or members of the University Community.

• **Referral:** Referral means that the report or Formal Complaint of possible Prohibited Conduct is directed to
  another appropriate University office or process. Generally, a referral is used when the Policy or Procedures do
  not apply, such as when the report does not describe possible Prohibited Conduct but raises concerns of
  inappropriate behavior falling outside of the Policy or where the matter is addressed under the processes outlined
  in a collective bargaining agreement. A referral may also occur when the report raises issues addressed by
  multiple University policies or offices. In some cases, OIE will work jointly with another office(s) to address the
  possible Prohibited Conduct.

• **Pre-Investigation Review:** In some cases, OIE may conduct a pre-investigation review intended to develop
  more information as to which of the above actions, or other reasonable responses, may be appropriate.
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A pre-investigation review is used in a variety of instances, such as when a report of possible Prohibited Conduct is received, but it is unclear who the affected party and/or Respondent is, or whether relevant evidence is available to the investigator. If the review identifies the Respondent and indicates that relevant evidence of possible Prohibited Conduct is likely available, a Formal Complaint is generally filed and the matter proceeds through one of the processes outlined above. If that does not occur, a different action may be taken or the matter may be closed pending receipt of additional information. The duration of a pre-investigation review may vary significantly, but OIE will strive to complete a pre-investigation review within 90 calendar days.

In all cases, the final decision on whether, how, and to what extent the University will proceed and whether other measures will be taken in connection with any report of possible Prohibited Conduct rests with OIE. In addition, the parties will be notified in writing of any extension of the time frames set forth above and the reason for such extension.

Reasonable accommodations are available to individuals with disabilities upon request and as needed during any process outlined in these Procedures.

### B. Matters Involving Third Parties or Non-Participating Complainants

There are some matters in which a report or Formal Complaint involves an unaffiliated Respondent or the Complainant does not wish to file a Formal Complaint after a report is made. These matters will be addressed as outlined below.

- **Reports or Formal Complaints Against Unaffiliated Third Parties:** Generally, if a report of Prohibited Conduct is made against someone who has no affiliation with the University, the University’s ability to take direct action against such a person may be limited. The University will still take steps to inform the Complainant of support and assistance available through University resources, and resources available from entities outside the University (including law enforcement).

- **Complainant Request for No Investigation or to Not Participate in an Investigation:** In some instances, the Complainant may not wish to file a Formal Complaint or participate in any process (the Complainant is encouraged, but not required, to participate). The University will consider the Complainant’s wishes, but generally will proceed when the Respondent is an Employee. The University retains the discretion to determine whether sufficient evidence exists, without the Complainant’s participation, to proceed. In those instances where they are appropriate, non-investigative options, such as mediation, may be considered.

The University may pursue a report of possible Prohibited Conduct without a participating Complainant if the University has sufficient information, or the means of obtaining such information, to proceed, and doing so provides the Respondent a fair opportunity to respond. In these cases, the Title IX Coordinator files the Formal Complaint to initiate either the Sexual or Gender-Based Misconduct process or the Title IX Misconduct process. The Title IX Coordinator considers the following factors when evaluating whether to sign a Formal Complaint to initiate the Title IX Misconduct process: (1) the availability of information or evidence suggesting that a Policy violation may have occurred and the University’s ability to proceed effectively to completion of a process; and (2) whether the University has a Title IX obligation to investigate or otherwise determine what happened and take corrective action as appropriate to eliminate, prevent, and address the effects of the Prohibited Conduct. In all cases, including those in which the Title IX Coordinator decides to file a Formal Complaint to initiate the Title IX Misconduct process, the Title IX Coordinator remains impartial and is not a Complainant or otherwise a party to the matter.

In cases where the University investigates without a participating Complainant, OIE will notify the Complainant that the University intends to initiate a process, and that the Complainant is encouraged, but not required, to participate. Generally, a decision not to participate as a Complainant means that the Complainant waives the rights generally afforded to a participating Complainant. However, under limited circumstances, the University may provide some or all of the rights of a Complainant as defined in the Policy and these Procedures, as deemed appropriate by OIE, or as otherwise required by law.

If a Complainant declines to participate in an investigation, the University’s ability to fully investigate and respond to a report of Prohibited Conduct is limited. The University may, however, pursue other steps to limit the effects of the Prohibited Conduct and prevent its recurrence.
## V. ADMINISTRATIVE LEAVE AND EMERGENCY REMOVAL

### A. Administrative Leaves or Suspensions

The University may place non-Student Employee1 Respondents on paid administrative leave or suspension during the pendency of an investigation and resolution process as outlined below.

The University may also place a non-Student Employee Respondent on unpaid administrative leave or suspension during the pendency of an investigation and resolution process, subject to any collective bargaining agreement, Regents’ Bylaws, or SPGs applicable to the Respondent. In those instances in which the University determines that an administrative leave or suspension directly related to allegations of Title IX Misconduct will be unpaid and the Respondent did not have available to them a means to challenge the administrative leave or suspension without pay before it was imposed through a process defined in a collective bargaining agreement, Regents’ Bylaw, or SPG, the Respondent may present a written challenge regarding the need for or the adequacy of the unpaid administrative leave or suspension to OIE. Once a written challenge of unpaid administrative leave or suspension is received, OIE will involve the relevant University office(s), such as Human Resources and department leadership, and schedule a meeting with the Respondent. The relevant University office(s) and OIE will hear the Respondent's concerns, conduct any necessary follow-up, and render a determination, usually within 72 hours of the meeting. The unpaid administrative leave or suspension will remain in effect pending the determination. If the determination is that the Respondent should not be on unpaid administrative leave or suspension, the Respondent will be returned to paid status and receive any back pay owed for the period of time during which they were on unpaid status. Whether the Respondent will thereafter be placed on paid administrative leave or suspension during the pendency of the investigation and resolution process, or will be returned to regular or modified work status, will be determined by the University, subject to any applicable collective bargaining agreement, Regents’ Bylaws, or SPGs.

### B. Emergency Removals

Where there is an immediate threat to the physical health or safety of any member of the University Community or other individual arising from the alleged Prohibited Conduct, the University can remove a Third Party Respondent from the University’s Program or Activity and issue any necessary related no-trespass and no-contact orders. The University will make the decision to remove a Third Party Respondent from the University’s Program or Activity based on an individualized assessment and risk analysis.

If the University makes such a decision in response to a Formal Complainant of Title IX Misconduct, the Respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal.

## VI. INVESTIGATIONS AND FORMAL RESOLUTIONS

A flowchart depicting the investigation processes can be found here. The University will strive to complete the Sexual and Gender-Based Misconduct Process, described below, within 150 days, which includes an investigation, finding, and sanctions, as applicable. The University will strive to complete the Title IX Misconduct process, described below, within 180 days, which includes an investigation, hearing, finding, sanctions as applicable, and appeals, if any.

### A. Core Principles

1. **Impartiality.** As applicable, the Title IX Coordinator, investigator, hearing officer, mediator, any entity/individual determining sanctions, and the external reviewer each must be impartial and free of any actual conflict of interest or bias.

   A Complainant or a Respondent who has concerns that the Title IX Coordinator or assigned investigator cannot conduct a fair and unbiased review (e.g., has a personal connection with one of the parties or witnesses, etc.) may report those concerns to:

   **Flint Campus:***
   - Kirstie Stroble /Director, Office for Institutional Equity / Title IX Coordinator
   - 234 University Pavilion; 303 E. Kearsley Street
   - Flint, MI 48502-1950; (810) 762-3324
   - InstitutionalEquityFlint@umich.edu

   For concerns about the assigned investigator: Kirstie Stroble

   For concerns about the Title IX Coordinator: Mike Hague

   **Vice Chancellor of Business and Finance**
   - 303 E. Kearsley Street; Flint, MI 48502-1950
   - (810)762-3324 ; mjhague@umflint.edu
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The applicable individual identified above will assess the circumstances and determine whether a different investigator should be assigned to the matter or an alternate for the Title IX Coordinator. The Complainants and the Respondents with concerns about possible bias or conflict of interest by other University officials listed above may address their concerns using the mechanisms outlined in these procedures, below.

2. **Presumption of Good Faith Reporting.** The University presumes that reports of Prohibited Conduct are made in good faith.

3. **Presumption of Non-Violation and Standard of Proof – Preponderance of the Evidence.** The Respondent is presumed not to have violated the Policy unless it is determined through applicable procedures that a preponderance of the evidence supports a finding of a Policy violation.

4. **False Statements.** A person who makes a materially false statement in bad faith in the course of a proceeding may be subject to disciplinary action. A determination regarding responsibility, standing on its own, is insufficient to conclude that any party made a materially false statement in bad faith.

5. **“Statement” Means Factual Assertions Made by a Party or Witness.** Statements might include factual assertions made during an interview or conversation, written by the individual making the assertions (including those found in a Formal Complaint), and memorialized in the writing of another (e.g., in an investigative report, police report, or medical record).

6. **Expectations of Complainant, Respondent, and Witnesses.** The Complainant, the Respondent, the witnesses, and others sharing information with the investigator are expected to provide all relevant information at the time of their interview, or as soon as otherwise possible, and to be truthful and complete in their responses throughout the process. A party or witness who participates in the process is expected to participate in a live interview if requested. Similarly, a person who elects to participate is expected to participate in all aspects of the process (e.g., a witness who participates in an interview is expected to make themselves available for a hearing if requested to do so).

7. **Advisors.** Throughout the process, a Complainant or a Respondent may have an advisor of their choice. An advisor is an individual chosen by a party to provide support and guidance to them during the process. An advisor may, but is not required to be, be an attorney. A party may request to consult with their advisor at any point. However, the advisor may not represent or otherwise speak for the party they are supporting, except when a hearing occurs as part of the Title IX Misconduct process, when the advisor may ask the other party and witnesses relevant questions. If a party does not have an advisor available at the hearing, the University will provide an advisor to ask questions on behalf of that party, as described in the Title IX Misconduct process in Section VIII (A)(6) of these Procedures. Investigators, decision-makers, and the Title IX Coordinator have the right at all times to determine what constitutes acceptable behavior on the part of an advisor and to take appropriate steps to ensure compliance with the Policy and these procedures.

8. **Prior Sexual Conduct of the Complainant.** Questions and evidence about the Complainant’s prior sexual behavior are not relevant, unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent, and are offered to prove consent. For example, if the question being determined is whether consent was given through mutually understandable words or actions, information about the manner in which consent has previously been communicated between the parties may be relevant in determining whether consent was sought and given during the incident in question. The decision-maker (e.g., the hearing officer or the investigator, as applicable) will determine the relevance of such information. Prior sexual contact between a Complainant and a Respondent is not relevant to prove character or reputation and will never be used for those purposes.

9. **Prior or Subsequent Conduct of the Respondent.** Prior or subsequent conduct of the Respondent will never be used to prove character or reputation, but may be considered for other purposes, such as determining pattern,
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knowledge, or intent. For example, evidence of a pattern of Prohibited Conduct by the Respondent, either before or after the incident in question, may be deemed relevant to the determination of whether the Respondent violated the Policy or engaged in inappropriate behavior. A finding in a previous investigation that the Respondent violated the Policy by engaging in similar conduct may be relevant evidence of a pattern of behavior. Likewise, evidence in a previous investigation that the Respondent engaged in similar behavior, but the behavior was not at that time determined to be at a sufficient level to constitute a Policy violation, may be relevant to assessing severity, persistence and/or pervasiveness, as applicable, or relevant evidence of a pattern, in a subsequent investigation.

The relevance of pattern evidence will generally be determined based on an assessment of whether the previous or subsequent conduct was similar to the conduct under investigation or indicates a pattern of Prohibited Conduct. The decision-maker (e.g., the hearing officer or the investigator, as applicable) will determine the relevance of such information.

10. Witnesses. Witnesses must have observed the acts in question or have information relevant to the Formal Complaint. Witnesses will not be permitted to participate in the investigation or hearing solely to speak about an individual’s character, because character evidence is generally not relevant. Witnesses will have the opportunity to discuss the investigation process and participate in an interview. Where a witness has provided relevant information, the investigator will produce to the Complainant and the Respondent for their review and comment, a written summary of the witness’s interview, which will identify the witness by name and their relationship to the parties and the University.

B. Ongoing Assessment

Throughout its handling of a report of Prohibited Conduct, OIE will continue to assess the most appropriate procedures for addressing the allegations.

1. Consolidation or Severance of Proceedings. The Title IX Coordinator has the discretion to consolidate or sever claims of Title IX Misconduct and Sexual and Gender-Based Misconduct. Specifically, the Title IX Coordinator may consolidate multiple Formal Complaints of Title IX Misconduct and Sexual and Gender-Based Misconduct into a single investigation if evidence relevant to one incident might be relevant to the others. Consolidation might involve a single or multiple Complainants, a single or multiple Respondents, and conduct that is temporally or logically connected. If investigations involving multiple Complainants and/or multiple Respondents are consolidated, each party will have access to all of the information being considered; including information as provided by all involved Complainants, all involved Respondents, and all involved witnesses. The Title IX Coordinator also has the discretion to sever multiple Formal Complaints of Title IX Misconduct and Sexual and Gender-Based Misconduct into separate investigations, hearings, or appeals.

2. Concurrent Legal Proceedings. At the request of law enforcement, and subject to the provisions in these Procedures pertaining to notifying the Respondent of a Formal Complaint, the University may agree to temporarily defer proceeding with part or all of its processes until after some or all of the law enforcement investigation is complete (e.g., deferring until the initial law enforcement evidence gathering phase is complete).

3. Required Dismissal of Title IX Misconduct. If at any time before or during the resolution process the Title IX Coordinator determines that:
   - The conduct alleged in the Formal Complaint would not constitute Title IX Misconduct if proved;
   - The conduct alleged in the Formal Complaint did not occur in a University Program or Activity; or
   - The conduct alleged in the Formal Complaint did not occur against a person in the United States.

The parties will be notified in writing that the allegations of Title IX Misconduct must be dismissed and the reason for dismissal.
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OIE will determine whether the alleged conduct would still, as alleged, constitute Sexual or Gender-Based Misconduct and/or should be addressed under another University policy and, if so, the University will proceed to address the Formal Complaint under the Sexual and Gender-Based Misconduct process and/or refer the matter to the appropriate University office as outlined in Section IV, above.

If allegations of Title IX Misconduct are dismissed for one of the above reasons, the parties may appeal that dismissal using the process described in paragraph 5, below.

4. Other Dismissal and Closure. In addition to the dismissal of allegations of Title IX Misconduct, the Title IX Coordinator may dismiss a Formal Complaint of Sexual or Gender-Based Misconduct and/or Title IX Misconduct, if at any time during the investigation or hearing:
   • The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw their Formal Complaint, or any allegations therein;
   • The Respondent is no longer employed by the University; or
   • Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If Title IX Misconduct is dismissed pursuant to this section, the parties may appeal that dismissal using the process described in paragraph 5, below. Dismissal of Sexual or Gender-Based Misconduct pursuant to this section is not subject to appeal.

5. Appeal of Dismissal of Title IX Misconduct. If allegations of Title IX Misconduct are dismissed for a reason set forth in paragraph 3 or 4, above, either party may appeal that dismissal on the following bases only:
   • Procedural irregularity that materially affected the dismissal determination;
   • New evidence that was not reasonably available at the time the determination regarding dismissal was made, that could materially affect the determination; and/or
   • The Title IX Coordinator or designee making the dismissal decision had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that materially affected the dismissal decision.

The appeal of the dismissal must be filed no later than five (5) calendar days after the date on which the University transmitted the written determination to the parties. The appeal shall consist of a plain, concise, and complete written statement of no more than five (5) pages, outlining the basis for appeal and all relevant information to substantiate the appeal.

The University will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The other party may then have a period of five (5) calendar days from the date of notice to submit a statement in support of the written determination and/or in opposition to the appeal. This statement will be limited to five (5) pages. Any such statement will be shared with the party who filed the appeal and their advisor.

The appeal review will be conducted by the Associate Vice President for Institutional Equity (“AVPIE”) or designee. The AVPIE will review the matter based on the issues identified in the appeal(s) materials. The AVPIE may consult with or request additional information from the Title IX Coordinator, Office of General Counsel, and other University administrators as necessary. The parties may object to the service of the AVPIE by providing a written statement within their appeal or response to the appeal as to why the party believes that the AVPIE has a conflict of interest or bias. The Associate Vice President for Human Resources or designee will make decisions regarding such objections and the appointment of an alternate decision-maker, as necessary.

The AVPIE or alternate decision-maker will strive to complete the appeal review within five (5) calendar days of receipt of all documents. The AVPIE will issue a written decision describing the result of the appeal and the rationale for the result, and OIE will provide the written decision simultaneously to both parties.

6. Acceptance of Responsibility. The Respondent may, at any time in the process, elect to resolve the matter by accepting responsibility for the Prohibited Conduct, in which case the process will be advanced to the final steps. Specifically, the investigator will issue a brief investigation report and/or the hearing officer (as applicable) will issue a brief outcome notice summarizing the allegations and stating that the Respondent has...
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accepted responsibility, and refer the matter to the appropriate University official to determine corrective action.

VII. SEXUAL AND GENDER-BASED MISCONDUCT PROCESS

The Sexual and Gender-Based Misconduct process is used when the Respondent is alleged to have engaged in Prohibited Conduct that meets the definition of Sexual or Gender-Based Misconduct. If the alleged behavior could also constitute Title IX Misconduct, the Sexual or Gender-Based Misconduct allegations will be addressed along with the Title IX Misconduct allegations, using the Title IX Misconduct Procedures unless the allegations of Title IX Misconduct are otherwise dismissed.

The Sexual and Gender-Based Misconduct process is not used to address complaints made by patients. The Title IX Misconduct process outlined in Section VIII is the only process available under the Policy for patient complainants.

The Sexual and Gender-Based Misconduct process affords both the Complainant and the Respondent an opportunity to submit information and other evidence and to identify witnesses. During the process, the investigator typically will: (1) meet separately with the Complainant, the Respondent, and the relevant witnesses; (2) offer the parties an equal opportunity to submit and/or identify related and relevant information or evidence; (3) and gather other relevant information or evidence reasonably available to the investigator. Following the interview, the parties and witnesses will each be provided with a draft summary of their own statement or key relevant information therefrom so that they have the opportunity to comment within three (3) calendar days to ensure its accuracy and completeness. After the investigator has conducted interviews and gathered other available evidence and before any determination is reached, the parties will receive a preliminary investigation report with that evidence for their review and comment.

During the process, the Complainant and the Respondent have the opportunity to provide or identify other supporting materials relevant to the matter.

A. **Role of Investigator.** When an investigation is initiated, OIE will designate an investigator, who will be responsible for gathering evidence directly related to the allegations at issue in the investigation.

B. **Notice of the Investigation.** The Respondent will be informed in writing of the initiation of the investigation prior to their interview. The written notice will include, among other things, the identities of the parties (if known), the date and location of the alleged incident (if known), potential Policy violations, that the parties are presumed not to have violated the Policy and other such information set forth in Section II (B)(2) above. Such notice will be provided with sufficient time for the Respondent to prepare for the interview.

If, during the investigation, additional information is disclosed that may constitute further allegations of Prohibited Conduct under the Policy, the Respondent will be accordingly informed in writing and will have an opportunity to respond to those allegations consistent with these Procedures.

C. **Evidence.** The investigator, not the Complainant or the Respondent, is responsible for gathering relevant evidence to the extent reasonably possible. However, each party will be given the opportunity, and is encouraged, to identify witnesses; provide other relevant information, such as documents, communications, photographs, and other evidence; and suggest questions to be posed to the other party or a witness(es). Although the University is responsible for gathering evidence sufficient to reach a determination regarding responsibility, all parties/witnesses are expected to share any relevant information and/or any information that is requested by the investigator, and to do so as early in the process as possible or upon request. Failure to do so may lead the decision-maker (e.g., the investigator or, where the investigation report is used in a Title IX Misconduct process, the hearing officer) to draw a negative inference from a refusal to provide information that the decision-maker knows or reasonably believes exists.

The investigator will review all information identified or provided by the parties as well as any other evidence they obtain. The investigator has the discretion not to interview a witness if they do not possess relevant evidence or if the evidence provided would be cumulative. Evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint will be shared with the parties for their review and comment, as described below.
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The investigator may consult with experts who have no connection to the reported incident when expertise on a specific topic or submitted evidence is needed to gain a fuller understanding of the relevance or value of the evidence or the issue at hand. In instances where an expert is consulted, OIE will determine whether the expert has any conflicts of interest or bias. The expert's identity will be shared with the Complainant and the Respondent so that they may also have the opportunity to identify any risk of such connection, conflicts of interest or bias for assessment by OIE.

D. Use of Law Enforcement Evidence. Where OIE is made aware that there is a concurrent criminal investigation, the investigator will make reasonable efforts to contact the DPSS or other applicable law enforcement agency to ascertain the status of the criminal investigation and determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation.

In some instances, aspects of a criminal investigation may be available and relevant to the University's processes; however, standards for criminal investigation/prosecution are often different from the preponderance of the evidence standard used to determine violations of this Policy. Therefore, the University will not base its decisions under this Policy solely on law enforcement determinations and/or the outcomes of any criminal proceedings.

E. Time Frame for Completion of Investigation. The University will strive to complete the investigation phase of the process, meaning the period from commencement of an investigation through to completion of an investigation report, within 120 calendar days. An investigation commences with the determination that an investigation will be opened, typically either the date of the Complainant's interview, receipt of a Formal Complaint and request that an investigation be opened, or such time as OIE determines that an investigation will be opened.

Additional time beyond 120 calendar days may be necessary to ensure the integrity and completeness of the investigation to: (1) comply with a request by law enforcement for a temporary delay to gather evidence; (2) accommodate the availability of parties and/or witnesses; (3) address the need for language assistance or accommodation of disabilities; (4) account for University breaks or vacations; (5) account for case complexities including the number of witnesses and volume of information provided by the parties; or (6) for other legitimate reasons.

F. Preliminary Investigation Report. After the Complainant and the Respondent have had the opportunity to comment on their own statement (three (3) calendar days) and to identify witnesses and other potential information, and the investigator has completed interviews and the gathering of evidence, the investigator will prepare a preliminary report.

The investigator will provide the parties, and their advisors (if any), with the preliminary report, which will include, as applicable, the Complainant's statement, the Respondent's statement, each witness's statement and a summary of any other information the investigator in their discretion deems relevant. At the same time, the investigator will also provide each party, and their advisors if any, all evidence directly related to the allegations at issue that was obtained as part of the investigation. The evidence will be provided in an electronic format.

The Complainant and the Respondent will generally have one opportunity to concurrently review the preliminary report and evidence and provide feedback. The Complainant and the Respondent must submit any comments, feedback, additional documents, evidence, suggested questions for individuals interviewed, requests for additional investigation, names of additional witnesses, or any other information they deem relevant to the investigator, up to ten (10) pages of comments, additional documents or other evidence, within ten (10) calendar days after it is sent to them for review. As parties are encouraged to provide all relevant evidence as early as possible in the process, any party providing new evidence in their response to the preliminary report should identify whether that evidence was previously available to them, and if so, why it was not previously provided. The parties' feedback will be attached to the final investigation report.

After receiving any comments submitted by either party, or after the ten (10) calendar day comment period has lapsed without comment, the investigator will make a finding as to whether the Policy has been violated. In those instances in which a party identifies additional relevant evidence after reviewing the preliminary investi-
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In the investigator report, the investigator will pursue any additional appropriate investigative steps. If new relevant evidence is received, that evidence will be shared with the parties for their review and comment, after which the investigator will make a finding as to whether the Policy has been violated.

G. Findings After the Parties Have Reviewed and Commented on the Preliminary Investigation Report. The investigator will perform an objective evaluation of all relevant evidence – including both incriminating and exculpatory evidence – and will issue a final investigation report that includes a finding as to whether the Policy has been violated. The investigator's final investigation report will consist of the preliminary report, as supplemented by any relevant feedback submitted; any subsequent relevant information gathered; the investigator's findings; and a summary of the investigator's rationale in support of the findings.

The investigator may reach any of the following findings:

• Finding of No Policy Violation(s) or Inappropriate Behavior: When the investigator finds there is insufficient evidence, by a preponderance of the evidence, to support a finding of a Policy violation, and there is no finding that other inappropriate behavior occurred, the matter is concluded.

• Finding of Inappropriate Behavior, but No Policy Violation(s): The investigator may determine that the evidence does not, by a preponderance of the evidence, support a finding of a Policy violation, but does support the conclusion that behavior occurred that is inappropriate employment-related, or Program or Activity-related, behavior. In these cases, the University may take corrective action or another appropriate response to address the inappropriate behavior and seek to prevent further inappropriate behavior.

• Finding of Policy Violation(s): When the investigator determines that there is sufficient evidence, by a preponderance of the evidence, to support a finding of a Policy violation, corrective action will be taken, as set forth below. OIE will provide identical copies of the final investigation report to relevant University officials, the Complainant, and the Respondent. OIE will provide the report to the Complainant and the Respondent simultaneously.

VIII. TITLE IX MISCONDUCT PROCESS

The Title IX Misconduct process is used when a Formal Complaint alleges that the Respondent engaged in Title IX Misconduct. If the Formal Complaint also alleges that the Respondent engaged in Sexual or Gender-Based Misconduct, the Title IX Misconduct process will be used, unless the allegations of Title IX Misconduct are dismissed, in which case, the matter may continue to be addressed under the Sexual and Gender-Based Misconduct process, as determined by OIE in its discretion.

The Title IX Misconduct process affords the same procedural opportunities at the investigation stage as the Sexual and Gender-Based Misconduct process; however, the investigator does not make a finding and the investigation report is not sent to relevant University officials. Rather, (1) the final investigation report will consist of the preliminary investigation report, as supplemented by any relevant feedback submitted and any subsequent information gathered and (2) OIE will provide the final investigation report to the parties, their advisors, and the hearing officer simultaneously, along with information regarding the hearing process as described below. The University will strive to complete the investigation phase in a Title IX Misconduct Process, meaning the period from commencement of an investigation through to completion of an investigation report and referral to a hearing, within 120 calendar days.

The parties will have ten (10) calendar days to submit to the hearing officer, via OIE, any additional comments or other response to the final investigation report.
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B. Hearing and Resolution Provisions Applicable to Title IX Misconduct for Non-Patient Complainants

1. Hearing. Following issuance of the final investigation report, a live hearing will be provided in all matters in which Title IX Misconduct is at issue, as required by the 2020 Title IX regulations, and while those regulations remain in effect. If at any point the Title IX Misconduct allegations are dismissed, the matter will continue to be addressed as appropriate under the Sexual and Gender-Based Misconduct process outlined above in this document.

2. Hearing Officer. Hearings will be facilitated by a hearing officer, who will make the decision as to whether or not the Respondent violated the Policy using a preponderance of the evidence standard. The hearing officer has broad authority to determine the process, timing, and conduct of a hearing. This includes the order of presentation, timing, and overall duration of the hearing, what information and questions are relevant to the determination of the matter, and what cross-examination questions will or will not be permitted. The hearing officer is responsible for maintaining an orderly, fair, and respectful hearing and has broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending person(s). Hearing officers will be informed of the identities of the parties so they can identify any conflict of interest or bias. The parties will be notified of the identity of the selected hearing officer in advance of the hearing; and parties may, within three (3) calendar days of such notice, object to the hearing officer by providing a written statement to the AVPIE (which may be transmitted electronically) as to why the party believes that the hearing officer has a conflict of interest or bias. The AVPIE will make decisions regarding such objections and the appointment of an alternate hearing officer, as appropriate. If a potential conflict of interest is discovered outside of the three days, the AVPIE has discretion to appoint an alternate hearing officer.

3. Scheduling. When OIE issues the final investigation report, OIE will concurrently forward a copy of the investigation report and evidence to the hearing officer, the Complainant, the Respondent, and their advisors. OIE will coordinate the scheduling of the parties’ pre-hearing meetings as discussed below in Section VIII (B)(5) and a hearing date, time, and location, and notify the parties of the same. The hearing officer will strive to complete a hearing within 15 calendar days from the issuance of the investigation report.

4. Technology Used at the Pre-Hearing Meetings and Hearing. The live hearing may be conducted virtually, with technology enabling all participants (hearing officer, parties, advisors, and witnesses) to see and hear one another in real time. Alternatively, the Title IX Coordinator in their discretion may decide for the hearing to occur with the parties located in separate rooms of the same location with technology enabling the hearing officer and the parties to simultaneously see and hear the party or the witness answering questions.

5. Pre-hearing Meeting. Each party will meet separately with the hearing officer to: (1) plan for the hearing and to identify their advisor (who may also attend the pre-hearing meeting); (2) review the Formal Complaint and issues of interest to the hearing officer and the party; (3) describe the procedures to be followed at the hearing; (4) identify the names of the witnesses who will be asked to appear; (5) discuss any technology that will be used at the hearing and how to operate such technology; and (6) answer any other questions or share information prior to the hearing. The hearing officer also will discuss the time allotted for the hearing and any time limitations. If either party does not attend the pre-hearing meeting, the hearing officer will determine whether and how that absence affects the ability of the University to move forward with the hearing, as well as the hearing schedule. The parties and the hearing officer are expected to identify witnesses for the hearing by the pre-hearing meeting.

6. Advisors. Each party may have an advisor of their choice present at a hearing. The advisor may not participate in the hearing except for the limited purpose of conducting cross-examination on behalf of that party. Advisors may be, but are not required to be, attorneys. If a party does not have an advisor of their choice present at a hearing, the University will without fee or charge to the party provide an advisor of the University’s choice, for the limited purpose of conducting cross-examination on behalf of that party. No later than ten (10) calendar days before the hearing, parties must inform OIE of the identity of any advisor of choice who will accompany them to the hearing, so that OIE will know whether or not it needs to arrange for the presence of a University-provided advisor.
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At a time and manner deemed appropriate by the hearing officer, the advisor for each party will be permitted to ask the other party and any witnesses all relevant cross-examination questions and follow-up questions, including those challenging credibility. Except for that limited role, advisors may not participate actively in the hearing and may not speak or otherwise communicate on the part of the advisee. However, the advisor may consult privately in a non-disruptive manner with their advisee during and/or at a recess in the hearing. Scheduling accommodations generally will not be made for advisors if they unduly delay the process. The University reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the hearing officer, which may include exclusion of the advisor from the hearing and the alternate appointment of a University-provided advisor.

7. Requests for Appearance of Witnesses. If a party wishes to have an individual appear at the hearing as a witness, they must provide notice of the identity of the proposed witness and a brief description of the subject matter of the witnesses' testimony to the hearing officer at the prehearing meeting. The hearing officer will determine whether the witness is likely to have information that is relevant to the hearing; and if it is determined that the witness is likely to have relevant information, the witness will be notified that they are requested to attend the hearing. The hearing officer will provide this information to both parties in advance of the hearing.

8. Conduct of Hearings and Relevance. The hearing is an internal employment proceeding and attendance is limited to the parties, advisors, witnesses, and University representatives. The hearing officer will have discretion on whether to sequester witnesses. Subject to the discretion of the hearing officer, hearings will ordinarily begin with introductory remarks by the hearing officer, followed by opening statements from any party who wishes to provide one, followed by the hearing officer's asking relevant initial questions of the parties as deemed appropriate by the hearing officer. During this portion of the hearing, advisors may confer privately and in a non-disruptive manner with their advisee, but they are not allowed to make opening statements or otherwise address the hearing officer or anyone else present at the hearing.

Generally, only information that is provided to, or otherwise obtained by, the OIE investigator during the course of the investigation may be considered in the determination of whether a Policy violation occurred. Any and all information for consideration by the hearing officer must be provided to the investigator during the investigation phase of the process and otherwise will not be allowed during the hearing, unless the party asking that additional information be considered has clearly demonstrated that such information was not reasonably available to the parties at the time of the investigation or that the evidence has significant relevance to a material fact at issue in the investigation. If, after the final investigation report is issued, a party provides or identifies evidence that they did not previously provide or identify despite that evidence being reasonably available to them during the investigation process, the hearing officer may, at their discretion, draw a negative inference from the party's delay in providing or identifying the evidence.

After the hearing officer has asked their initial questions of the parties, the hearing officer will permit each party's advisor to ask the other party all relevant questions and follow-up questions, including those challenging credibility. The hearing officer may ask follow-up questions as necessary. Subject to the discretion of the hearing officer, questioning of witnesses will generally follow a similar process, whereby the hearing officer will pose relevant questions to witnesses, then the parties’ advisors will be permitted to ask relevant questions of witnesses. Such cross-examination of the parties and witnesses by advisors will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, a Respondent, or a witness answers a cross-examination or other question, the hearing officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Advisors may raise concerns to the hearing officer about any decision regarding relevance at the time that decision is made. Questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about these areas are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern
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specific incidents of the Complainant’s sexual predisposition or prior sexual behavior with respect to the Respondent and are offered to prove Consent.

Information protected under a legally recognized privilege (e.g., privileged communications between a party and their physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a treatment capacity, or privileged communications between a party and their attorney), is not relevant unless the person holding the privilege has waived the privilege.

If a party or witness does not submit to cross-examination at the live hearing, the hearing officer will not rely on any Statement of that party or witness in reaching a determination regarding responsibility. In addition, the hearing officer will not draw an inference about the determination regarding responsibility based solely on a party’s or witness’ absence from the live hearing or refusal to answer cross-examination or other questions.

At the discretion of the hearing officer, parties (but not their advisors) may be given an opportunity to make a closing statement at the conclusion of the hearing.

9. Record of Hearings. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to parties for inspection and review. The parties may not independently record the proceedings, including proceedings that happen virtually. No camera, TV, or other equipment that has a recording function, including any cell phones, will be permitted in the hearing, except as arranged by the University.

10. Determinations Regarding Responsibility. Within 30 days after the hearing, the hearing officer will prepare and issue a written determination as to whether the Policy was violated. The hearing officer will apply the preponderance of the evidence standard when making such determinations. The written determination will include:

- Identification of the section(s) of the Policy alleged to have been violated;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, which may include, but are not limited to notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of definitions of Prohibited Conduct to the facts of the case;
- A statement of, and rationale for, the finding as to each allegation, including a determination as to whether the Policy was violated; and
- Identification of the University’s procedures and permissible bases for the Complainant and Respondent to appeal (as outlined in Section IX below).

The determination as to whether the Policy was violated becomes final either on the date the University provides the parties with the written determination of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely in the matter.

If corrective action is appropriate, corrective action will be assigned in accordance with Corrective Action described in Section X below. The parties will receive notice simultaneously of the written determination, which will include any corrective action assigned, as appropriate and determined through the procedures outlined below.

C. Hearing and Resolution Provisions Applicable to Title IX Misconduct for Academic Medical Center Patient Complainants

See full Procedures for this sub-section. UM-Flint does not have an academic medical center.

IX. APPEALS

Either party to a Title IX Misconduct matter may file a written appeal of the finding as to whether Title IX Misconduct occurred on the following bases only:

- Procedural irregularity that materially affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility was made, that could materially affect the outcome of the matter; and/or
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- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the Complainants or the Respondents generally or the individual Complainant or Respondent that materially affected the outcome of the matter.

Appeals must be filed no later than 14 calendar days after the date on which the University transmitted the written determination to the parties. The appeal shall consist of a plain, concise, and complete written statement of no more than ten (10) pages, outlining the basis for appeal and all relevant information to substantiate the appeal. If a party's appeal includes an assertion that new relevant evidence unavailable earlier in the proceedings exists and that includes written or other documentary evidence, such evidence will not be subject to this page limit.

An external reviewer will conduct the appeal review. The external reviewer will be a neutral party outside of the University. The external reviewer must be impartial and free from bias or conflict of interest.

The University will notify the parties of the identity of the external reviewer and the parties may, within three (3) calendar days of such notice, object to the service of the external reviewer by providing a written statement (which may be transmitted electronically) as to why the party believes that the external reviewer has a conflict of interest or bias. The Associate Vice President for Human Resources or designee will make decisions regarding such objections and the appointment of an alternate external reviewer, as appropriate. The external reviewer will not be the same person as the hearing officer, the investigator, the Title IX Coordinator, or a person who made a decision to dismiss a Formal Complaint.

The University will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The other party will then have a period of 14 calendar days from receipt of the notice of appeal to submit a statement in support of the written determination and/or in opposition to the appeal. This statement will be limited to ten (10) pages. Any such statement will be shared with the party who filed the appeal.

The external reviewer will review the matter based on the issues identified in the appeal(s) materials. The external reviewer may, at any time, freely consult with or request additional information from the Title IX Coordinator, OGC, and other University administrators as necessary.

The external reviewer will strive to complete the appeal review within 14 calendar days of receipt of all documents and requested information.

The external reviewer will issue a written decision describing the result of the appeal and the rationale for the result and OIE will provide the written decision simultaneously to both parties. The external reviewer’s decision on any appeal is the final step in the University’s Title IX Misconduct process.

X. CORRECTIVE ACTION AND REMEDIES

If a Respondent is found to have violated the Policy, the University will implement corrective action. In keeping with the University’s commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, the University has wide latitude in the imposition of corrective action and remedies tailored to the facts and circumstances of the Prohibited Conduct, the impact of the conduct on the Complainant and University Community, and accountability for the Respondent. Corrective action or other interventions may also serve to remedy the discriminatory effects of the Prohibited Conduct on the Complainant and others, including any systematic actions the University determines to be appropriate for the broader University Community. Remedies will be designed to restore or preserve equal access to the University’s Program or Activity. Other interventions may include, for example, targeted or broad-based educational programming or training.

The scope of possible corrective actions will be dependent upon employee disciplinary procedures applicable to the Respondent, but may include one or more of the following:

- Required education and/or training;
- Informal and/or formal counseling;
- Progressive disciplinary action;
- Permanent one-sided no-contact directive;
- Transfer of position;
- Ineligibility for merit increase, sabbatical leave, and/or other discretionary benefits;
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- Removal of administrative appointment;
- Restriction on access to students, support services, and/or facilities;
- Demotion;
- Suspension;
- Termination of employment;
- Referral of matters in which faculty members were found responsible for a Policy violation or violations through these procedures for separate consideration for sanctioning purposes under Regents’ Bylaw 5.09; and/or
- Restriction from future employment at the University.

Corrective action will be determined by the Respondent’s supervisor or other appropriate University administrator(s). Corrective action generally will be issued within 30 calendar days of the issuance of the final investigation report, except for matters involving Title IX Misconduct, in which case the corrective action will be made and shared with the hearing officer, who will include them in the written determination, as discussed in Section VIII (B)(10), above.

The University will provide simultaneous notice in writing to the Complainant and the Respondent regarding the corrective action(s), the rationale therefor, and whether remedies designed to restore or preserve equal access to the University’s Program or Activity will be provided by the University to the Complainant.

Any corrective action or combination of corrective actions will be documented in the Respondent’s personnel file. Nothing in these Procedures prevents the supervisor or other appropriate University administrator from imposing disciplinary action against a Respondent where the final investigative report demonstrates that the Respondent engaged in inappropriate conduct, regardless of whether the Respondent has been found to have engaged in Prohibited Conduct under the Policy.

XI. MEDIATION OF TITLE IX MISCONDUCT AND SEXUAL AND GENDER-BASED MISCONDUCT

Mediation may be used under conditions described below, when deemed appropriate by OIE. In general, the mediator will strive to complete mediation within 90 calendar days from the (statement ends).

Mediation is not available when a Student reports possible Prohibited Conduct by an Employee. At any time prior to reaching a determination as to whether the Policy was violated, the University may facilitate mediation where requested by a party and agreed to by both parties in writing. In offering mediation, the Title IX Coordinator will provide to each party a written notice that discloses:

- The allegations; and
- The requirements of the mediation process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, if any (on this point, as noted below, the University generally permits parties to withdraw from the mediation and initiate or re-initiate a Sexual Misconduct or Title IX Misconduct process at any time before the mediation is completed, and any informal resolution is agreed to in writing by the parties).

The statements made by parties in mediation by and between the parties cannot be used in any other University process, including an investigation or hearing, if mediation ends and a Sexual or Gender-Based Misconduct or Title IX Misconduct process begins or resumes. All parties and the Title IX Coordinator must agree to mediation for this option to be used. The Title IX Coordinator will assess the request for mediation in light of factors such as, but not limited to, the severity of the alleged violation and the potential risks to members of the University Community.

The Title IX Coordinator will determine whether mediation is appropriate, and will notify the parties of that decision. The University will only proceed with mediation if both parties provide their voluntary, written consent to having the matter resolved through mediation and the Title IX Coordinator agrees that mediation is an appropriate process for attempting to resolve the matter.

If the University and the parties agree that mediation is appropriate, the Title IX Coordinator will designate a neutral mediator (from within or outside the University) to facilitate a mediation with the parties in an attempt to reach a resolution. If the mediator has concerns that they cannot facilitate a fair process, the mediator may report those concerns to the Mediation Program Coordinator and at their discretion; a different mediator will be assigned. Similarly, a Complainant, a Respondent, or any other participant who has concerns that the assigned mediator cannot enable a fair
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process, may report those concerns to the Mediation Program Coordinator who will assess the circumstances and determine whether a different mediator should be assigned. Mediation is an informal but structured interaction between the Complainant and the Respondent with the help of a neutral mediator to achieve a resolution satisfactory to both parties. Mediation is usually not used when the concerns involve recurring behavior. If mediation is unsuccessful, the matter may proceed to the Sexual Misconduct or Title IX Misconduct process, or another appropriate response.

The matter will be deemed resolved if and when the parties expressly agree in writing to an outcome that is acceptable to them and which is approved by the Title IX Coordinator (in consultation with other appropriate University administrators as deemed necessary). A party may withdraw from the informal resolution process at any time prior to their execution of a written informal resolution agreement. After an informal resolution is agreed to in writing between the parties, neither party may initiate a formal resolution process regarding the same factual allegations.

At any time before a matter is resolved through mediation, the Title IX Coordinator may terminate an informal resolution process and initiate or re-initiate the Sexual Misconduct or Title IX Misconduct process, or another appropriate response, as they deem appropriate in their discretion.

XII. RECORDS RETENTION

The University will retain the official OIE investigatory file for a period of seven (7) years after the date of case closure. In cases in which a Respondent was found to have violated the Policy and corrective action was taken, the corrective action will be placed in the Respondent’s personnel file and will be retained in accordance with the requirements of Personnel Records – Collection, Retention, and Release Policy, SPG 201.46.

For each report of Prohibited Conduct, the University will also retain for seven (7) years records of any actions, including any Supportive Measures, taken in response to a report to OIE or Formal Complaint. If the University does not provide a Complainant with Supportive Measures, the University will document the reasons why.

XIII. ANNUAL REPORT

OIE will issue an Annual Report to the University Community providing an overview of the number and nature of reports of Prohibited Conduct received during the preceding fiscal year. The report will provide the community with an overview of response efforts.

A full version of the Employee and third party procedures (for Ann Arbor, Dearborn and Flint campuses) is available at:


- This Appendix describes the procedures the University uses when it receives a report of possible Prohibited Conduct by an Employee (referred to as “Employee Procedures” or “Procedures”). They are part of the Policy on Sexual and Gender-Based Misconduct (“Policy”). The University uses these Procedures to address allegations of Prohibited Conduct as defined in the Policy and to impose corrective action, as appropriate, for violation of the Policy.
UNIVERSITY OF MICHIGAN-FLINT

University of Michigan-Flint Alcohol and Other Drugs (AOD) Policy for Students, Faculty, and Staff


Introduction
The University of Michigan-Flint is committed to providing a safe, healthy learning community for all members. The University recognizes that the improper and excessive use of alcohol and other drugs may interfere with the university's mission by negatively affecting the health and safety of students, faculty and staff. Problems such as vandalism, assault, harassment, sexual misconduct, and disruption of sleep and study space increase in relation to misuse. It is due to the harm caused by excessive and illegal use that the University has a vested interest in establishing policies to prohibit unlawful behavior, and sanctions to address policy violations by members of the UM-Flint community.

Under the Drug Free Workplace Act and the Drug Free Schools and Communities Act, the University is required to have an alcohol and other drug policy and distribute this policy annually to all employees and students. This policy must outline the University's prevention, education and intervention efforts, and consequences that may be applied by both the University and external authorities for policy violations. The law also requires that individuals be notified of possible health risks associated with the use and abuse of alcohol and other drugs, and sources of assistance for problems that may arise as a result of use.

UM-Flint Alcohol and Other Drugs Policy
For the purpose of this Policy, the term "drug" includes:

1. controlled substances, as defined in 21 USC 802, which cannot be legally obtained
2. legally obtainable controlled substances which were not legally obtained, including:
   o Prescribed drugs when prescription is no longer valid (e.g. use of medication after a course of treatment is completed);
   o Prescribed drugs used contrary to the prescription;
   o Prescribed drugs issued to another person.

All members of the campus community also are governed by laws, regulations and ordinances established by the state and local municipalities, and will be held accountable by law enforcement representatives of the entities for any illegal activity. It is the responsibility of all campus members to be aware of these laws.

Michigan law prohibits using, dispensing, selling or supplying of drugs or alcoholic beverages to a person under 21 years old. Employees, students, faculty and campus visitors may not unlawfully manufacture, consume, possess, sell, distribute, transfer or be under the influence of alcohol, illicit drugs or controlled substances on University property, while driving a University vehicle or while otherwise engaged in University business. The only exception to this Policy is that individuals of legal age may consume alcohol on University property in a manner consistent with University policy and State of Michigan law. University property, as defined in this Policy, includes all buildings and land owned, leased, or used by the University, and motor vehicles operated by employees, including personal motor vehicles, when used in connection with work performed for or on behalf of the University.

The University prohibits the storage of consumable alcohol on University property except (a) as specifically allowed in licensed locations or (b) in private residences if the storage of consumable alcohol is expressly permitted by the building use rules applicable for the location of the residence. If alcohol is to be served at any event/meeting inside or outside of the licensed facility on campus, the General Counsel's frequently asked questions web page should be referenced for proper handling: http://ogc.umich.edu/frequently-asked-questions/.

Any person taking prescription drugs or over-the-counter medication is personally responsible for ensuring that while taking such drugs or medications, he or she is not a safety risk to themselves and others while on University property, while driving a University or privately owned vehicle, or while otherwise engaged in University business. It is illegal to misuse prescription medication, i.e. continue to use medication when the prescription is no longer valid, use prescribed drugs contrary to the prescription, and give or sell prescribed drugs to another person. Misusing prescription drugs can result in conviction with jail time.

The University of Michigan-Flint is a smoke-free campus. Electronic cigarettes, e-cigarettes, electronic nicotine delivery systems or any other lit smoking devices (a) are expressly prohibited (i) on the premises of the Recreation Center, (ii) in University Housing facilities as set forth in the Community Living Standards at UM-Flint guidelines, (iii) in classrooms as requested by the presiding faculty, and (ix) in laboratories that also prohibit food and drink. Please refer to https://www.umflint.edu/node/7910 and for more information.
Alcohol and Other Drug Prevention Strategies

UM-Flint uses best practice interventions, collaboration, and innovation to reduce harmful consequences of alcohol and other drug use.

- Providing education and awareness activities.
- Offering substance-free social, extracurricular, and public service options.
- Creating a health-promoting normative environment.
- Restricting the marketing and promotion of alcohol and other drugs.
- Enforcing campus policies and laws to address high-risk and illegal alcohol and other drug use.
- Providing early intervention and referral for treatment.

*The Parent-Family Communication Program*

The Family Education Rights and Privacy Act (FERPA) governs the release of and access to student education records. Section 952 of the 1998 Amendments to the Higher Education Act of 1965 clarified that institutions of higher education are allowed (but not required) to notify parents if a student under the age of 21 at the times of the notification commits a disciplinary violation involving alcohol or a controlled substance.

Because of the health and safety risk inherent in alcohol and other drug misuse, UM-Flint will notify parents/family of any students under the age of 21:

- If a student has committed an AOD violation accompanied by other sections behavior such as needing medical attention, significant property damage or driving under the influence.
- If a student has an AOD incident that resulted in a transport to the hospital or jail.
- If a student has had more than one AOD-related violation of the UM-Flint Alcohol and Other Drug Policy.

Please contact the Office of the Dean of Students for more Information.

Alcohol and Other Drug Prevention

Changing the community culture from one that is indifferent to, or tolerates, the harm caused by excessive and illegal use, requires participation by all members of the community. The University of Michigan-Flint actively promotes an environment that discourages and/or prevents the harmful abuse of alcohol and other drugs, and strives to prevent subsequent negative outcomes. Strategies that are utilized include: informing students about alcohol and other drug policies, and possible consequences for policy violations; educational media campaigns, promoting legal, moderate use; providing information to students’ parents about alcohol issues on campus during parent orientation; facilitating various education, skill building, and intervention programs to assist students in gaining knowledge and skills; and providing resources and support for students who seek treatment services. For more information, please contact Counseling and Psychological Services (810-762-3456) or Recreational Services (810-762-3441).

Health Risks

The use or abuse of alcohol and other drugs increases the risk for a number of health-related and other medical, behavioral and social problems. Below is a general description of the health risks associated with drug use.

**ALCOHOL** Can cause short-term effects such as loss of concentration and judgment; slowed reflexes; disorientation leading to higher risk of accidents and problem behavior; long-term effects include risk of liver and heart damage, malnutrition, cancer and other illnesses; can be highly addictive to some persons. When consumed rapidly and in large amounts, alcohol can cause coma and death. Combining medication (prescribed or not prescribed) with alcohol can have unpredictable and unwanted consequences.

**AMPHETAMINES** (Adderall, Concerta, Ritalin) Can cause short-term effects such as rushed, careless behavior and pushing beyond your physical capacity, leading to exhaustion; tolerance increases rapidly; long-term effects include physical and psychological dependence and withdrawal can result in depression and suicide; continued high doses can cause heart problems, infections, malnutrition and death.

**CANNABIS** (Marijuana) Can cause short-term effects such as slow reflexes; increase in forgetfulness; alters judgment of space and distance; aggravate pre-existing heart and/or mental health problems; long-term health effects include permanent damage to lungs, reproductive organs and brain function; can interfere with physical, psychological, social development of young users.

**COCAINE** (crack) Can cause short-term effects such as impaired judgment; increased breathing, heart rate, heart palpitations; anxiety, restlessness, hostility, paranoia, confusion; long-term effects may include damage to respiratory and immune systems; malnutrition, seizures and loss of brain function; highly addictive.

**DESIGNER DRUGS/SYNTHETIC CANNABINOIDS** (bath salts, K2, spice) Can cause short-term effects such as elevated heart
rate, blood pressure and chest pain; hallucinations, seizures, violent behavior and paranoia; may lead to lack of appetite, vomiting and tremor; long-term use may result in kidney/liver failure, increased risk of suicide and death.

**HALLUCINOGENS** (PCP, LSD, ecstasy, dextromethorphan) Can cause extreme distortions of what's seen and heard; induces sudden changes in behavior, loss of concentration and memory; increases risk of birth defects in user's children; overdose can cause psychosis, convulsions, coma and death. Frequent and long-term use can cause permanent loss of mental function.

**INHALANTS** (nitrous oxide, amyl nitrite, butyl nitrite, chlorohydrocarbons, hydrocarbons) Can cause short-term effects such as nausea, dizziness, fatigue, slurred speech, hallucinations or delusions; may lead to rapid and irregular heart rhythms, heart failure and death; long-term use may result in loss of feeling, hearing and vision; can result in permanent damage to the brain, heart, lungs, liver and kidneys.

**OPIATES/NARCOTICS** (heroin, morphine, opium, codeine, oxycodone, china white) Can cause physical and psychological dependence; overdose can cause coma, convulsions, respiratory arrest and death; long-term use leads to malnutrition, infection and hepatitis; sharing needles is a leading cause of the spread of HIV and hepatitis; highly addictive, tolerance increases rapidly. The use of opioids with alcohol or other prescription or illicit drugs can cause unpredictable and unwanted consequences.

**PRESCRIPTION DRUG MISUSE** Can cause a variety of health risks based on type of drug. Prescription drug misuse is the intentional use of medication without a prescription, in a way other than prescribed, or for the experience or feeling it causes.

**SEDATIVES** Can cause reduced reaction time and confusion; overdose can cause coma, respiratory arrest, convulsions and death; withdrawal can be dangerous; in combination with other controlled substances can quickly cause coma and death; long-term use can produce physical and psychological dependence; tolerance can increase rapidly.

**TOBACCO** (cigarettes, cigars, chewing tobacco) Can cause diseases of the cardiovascular system, in particular smoking being a major risk factor for a myocardial infarction (heart attack), diseases of the respiratory tract such as Chronic Obstructive Pulmonary Disease (COPD) and emphysema, and cancer, particularly lung cancer and cancers of the larynx and mouth; nicotine is highly addictive.

E-cigarettes contain nicotine, potential carcinogens and may cause addiction. To learn more, visit [https://hr.umich.edu/sites/default/files/ecigarettes-factsheet.pdf](https://hr.umich.edu/sites/default/files/ecigarettes-factsheet.pdf)

For an extensive list of health-related risks please visit The National Institute on Drug Abuse: [http://www.drugabuse.gov/](http://www.drugabuse.gov/)

**Counseling and Treatment Programs**

The University of Michigan-Flint encourages individuals with alcohol or other drug-related problems to seek assistance.

Students can contact Counseling and Psychological Services (810-762-3456) or Recreational Services (810-762-3441) for information on local, state and national resources available for those seeking assistance.

Faculty and Staff with alcohol or other drug related problems are encouraged to seek confidential, no cost services through the university's Faculty and Staff Counseling and Consultation Office (FSCCO). FSCCO is a University of Michigan program that offers a number of services designed to help staff, faculty, retirees, and their immediate family members with personal difficulties encountered at both work and home. Contact UM-Flint Human Resources at (810) 762-3150 for more information.

The MHealthy Alcohol Management program (734-998-2017) [https://hr.umich.edu/benefits-wellness/health/mhealthy/physical-well-being/alcohol-tobacco-programs/alcohol-management-program-moderation-or-abstinence](https://hr.umich.edu/benefits-wellness/health/mhealthy/physical-well-being/alcohol-tobacco-programs/alcohol-management-program-moderation-or-abstinence) offers brief, confidential health education and one-on-one counseling to anyone with mild to moderate alcohol problems. Choose from in-person and phone in options. The program serves anyone who wants to make changes to their alcohol use.

MHealthy Tobacco Consultation Service (734-998-6222) provides complete and easily accessible quit tobacco programs open to all U-M employees, patients, and the general public. Group and individual programs are available.

UM-Flint Smoke-Free Campus information is available at [https://www.umflint.edu/node/7910](https://www.umflint.edu/node/7910). Although not included in the Smoke-Free Campus Policy, using e-cigarettes and chewing tobacco is discouraged. Select buildings and classrooms on campus may have policies that address the use of e-cigarettes and chewing tobacco.

**Alcohol and Other Drugs Policy and Student Organizations**

The University of Michigan-Flint expects each student organization to adopt a policy about alcohol and other drugs to promote behavior that is consistent with this Policy. Student organizations will be held to the highest standards and will be expected to comply with all federal, state and local laws, thus minimizing criminal and civil liability to the organization and its members, while helping to ensure the personal safety and welfare of its members and guests.

The following guidelines are recommended:

1. It is illegal for student organizations to sell alcohol in the state of Michigan. Student organizations can significantly improve
personal safety and reduce liability by not providing alcohol to any person.

2. If alcohol is to be present at an organization-sponsored activity, the organization can provide for the safety of its members and reduce its liability if:
   a. Alcohol is not the focus of the event;
   b. Attractive alternative beverages are provided;
   c. Procedures are in place to prevent service or sale to persons under the legal age of 21;
   d. Alcoholic beverages are not purchased with organization funds nor with the contributions of individual members;
   e. Alcohol is not served from common or self-serve containers;
   f. Service complies with this Policy, as well as the rules of the facility;
   g. Designated non-drinking hosts are assigned to attend the event;
   h. Assist any attendee who is intoxicated with finding alternative transportation home.

If alcohol is to be present at an event, the preferred method of serving alcohol is to use a caterer or hold the event at a site provided by a vendor who is licensed to sell and serve alcohol. If these methods are not possible, the next best option is to request that guests of age bring a reasonable and limited amount of alcohol that only they will personally consume at the event. Schools, departments, units and administrative offices as appropriate are expected to encourage student organization compliance with these expectations and recommendations.

University Sanctions

The use or abuse of alcohol and other drugs also increases the risks for behavioral and social problems such as negative effects on academic work performance; conflicts with co-workers, classmates, family, friends and others; conduct problems resulting in disciplinary action, including loss of employment or dismissal from an academic program; and legal problems resulting in ticketing, fines and imprisonment.

The laws of the State of Michigan and University of Michigan's policies prohibit the consumption or possession for personal consumption of alcoholic beverages by persons under the age of 21 years. Further, Michigan laws and University policies prohibit the sale, service or giving of alcoholic beverages to persons under the age of 21. University of Michigan's policies, local ordinances and laws, state laws and federal laws also prohibit the unlawful possession, use and/or distribution of illicit drugs and alcohol.

Violation of University policies will be subject to campus disciplinary review and action, as follows:

Students: The University community has established expectations for non-academic student conduct under the Code of Student Conduct. The Code specifically addresses the illicit use of alcohol and other drugs.

The following behaviors contradict the values of the University community and are subject to disciplinary action under the AOD Policy:

- “Illegally possessing or using alcohol”
- “Illegally distributing, manufacturing, or selling alcohol”
- “Illegally possessing or using drugs”
- “Illegally distributing, manufacturing, or selling drugs”

The Code of Student Conduct, including sanctions, can be found at: [https://www.umflint.edu/osccr/code-student-conduct](https://www.umflint.edu/osccr/code-student-conduct) and is administered by the Division of Student Affairs (DSA). Sanctions cover a wide range of educational assignments and obligations, including but not limited to suspension and expulsion from the institution. The Associate Vice Chancellor/Dean of Students oversees conduct and hearing processes for students as outlined in the Code of Student Conduct.

Academic units of the university may also have written or implied policies concerning management of alcohol use and their response to the illicit use of alcohol and other drugs in the academic setting. Students are expected to know and understand these additional policies and abide by them.

Student Organizations: Policy violations by student organizations are handled through the Office of the Dean of Students. Information pertaining to the conduct process can be found at the following website: [https://www.umflint.edu/osccr](https://www.umflint.edu/osccr)

Staff and Faculty: Sanctions for violations by faculty and staff are governed by policies within individual departments and any applicable guidelines set by university regulations (Standard Practice Guide 201.12 [http://spg.umich.edu/policy/201.12](http://spg.umich.edu/policy/201.12)), appropriate collective bargaining agreements, and other applicable policies or procedures. Appropriate sanctions may include: verbal or written warnings, a mandated rehabilitation program, probation, suspension, and termination. In each case there are likely to be different circumstances that are relevant for understanding the situation and determining the appropriate sanction.
**External Sanctions**

Violations of laws and ordinances may result in misdemeanor or felony convictions accompanied by the imposition of legal sanctions, which include, but are not limited to, the following:

- Fines as determined under local, state, or federal laws;
- Imprisonment, including up to life imprisonment, for possession or trafficking in drugs such as heroin, cocaine, marijuana and prescription drugs;
- Forfeiture of personal and real property;
- Denial of federal benefits such as grants, contracts and student loans;
- Loss of driving privileges;
- Required attendance at substance abuse education or treatment programs.

**Drugs:**


This section is not intended as legal advice; consult with an attorney regarding your specific legal issues. For more information on referrals to local legal services, contact the Office of the Dean of Students.

**Alcohol:**

Under Michigan law it is illegal for anyone under the age of 21 to purchase, consume or possess, or have any bodily content of alcohol. A first time conviction may result in a fine, substance abuse education and treatment, community service and court-ordered drug screenings. There is also a provision for possible imprisonment or probation for a second or subsequent offense. Use of false identification by minors in obtaining alcohol is punishable with a fine, loss of driver's license, probation and community service.

Individuals can be arrested/convicted of operating a vehicle while intoxicated with a blood alcohol concentration (BAC) level at .08 or higher. If a student is under 21, there is a "zero tolerance" law in the state of Michigan and any blood alcohol level of .01 or higher can lead to a minor in possession (MIP) ticket as well as being cited for operating a vehicle while intoxicated. This is in addition to suspension of driving privileges in the state of Michigan.

**Medical Amnesty:**

To better ensure that minors at medical risk as a result of alcohol intoxication will receive prompt and appropriate medical attention, the State of Michigan provides for medical amnesty to remove perceived barriers to calling for or seeking help.

Michigan law continues to prohibit a minor from purchasing, consuming, or possessing, or attempting to purchase, consume, or possess, alcoholic liquor and from having any bodily alcohol content. The medical amnesty law provides an exemption from prosecution for the following:

- A minor (under the age of 21) who, after consuming alcohol, voluntarily presents himself or herself to a health facility or agency for treatment or observation, including medical examination and treatment for any condition as a result of sexual assault (as defined in Michigan law).
- Any minor (under the age of 21) who accompanies any individual who, after consuming alcohol, voluntarily presented himself or herself to a health facility or agency for treatment or observation, including medical examination and treatment for any condition as a result of sexual assault (as defined in Michigan law). Any minor (under the age of 21) who initiated contact with law enforcement or emergency medical services personnel for the purpose of obtaining medical assistance in connection with a legitimate health care concern.
- Any individual who seeks medical assistance for themselves because of drug overdose or use of a prescription drug that is a controlled substance or a controlled analogue.
- Any individual who accompanies or procures medical assistance for another individual as a result of drug overdose or use of a prescription drug that is a controlled substance.

The University maintains the discretion to refer the individual for appropriate educational intervention(s).

**Marijuana:**

On November 6, 2018, Michigan voters passed Proposal 18-1, which legalizes possession and use of limited amounts of recreational marijuana by individuals 21 years and older. Neither this new state law, nor the Michigan Medical Marihuana Act, authorize the use or possession of marijuana on any property owned or managed by the University of Michiana-Flint, and by University of Michiana-Flint's faculty, staff, or students on any University of Michiana-Flint property or during off-campus University of Michiana-Flint business or events.

Marijuana possession and use remains illegal under federal law and is categorized as an illicit substance under the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendment of 1989. In addition, pursuant to U-M's Alcohol and Drug Policy (SPG 601.29), University of Michiana-Flint employees, students and visitors may not unlawfully
manufacture, consume, possess, sell, distribute, transfer or be under the influence of alcohol, illicit drugs or controlled substances on University property or at any site where university work is performed.

University of Michiana-Flint receives federal funding for various uses, including research and student financial aid. As such, University of Michiana-Flint must comply with federal law, including all current federal drug laws. Therefore, even though the State of Michigan has legalized limited amounts of marijuana for recreational use for some individuals, the possession, use, storage and cultivation of marijuana remains prohibited for all faculty, staff and students under University of Michiana-Flint’s policy.

Employees and students who violate University of Michiana-Flint’s policy prohibiting the use or possession of illegal drugs on campus will continue to be subject to disciplinary action.

Employee Reporting Requirement
Under the Drug-Free Workplace Act, in addition to the other requirements of this Policy, the University of Michigan requires all employees who work in any capacity under a federal grant or contract to notify his or her University supervisor or department head in writing of his or her conviction for a violation of any criminal drug statute occurring in the workplace or on work-related activities no later than five (5) calendar days after such conviction. The supervisor or department head will notify University Human Resources, who will consult with the appropriate staff in the Division of Research Development and Administration regarding satisfying the University's reporting obligations.

Marketing Standards
The University of Michigan-Flint will refuse advertising inconsistent with the fundamental missions of the University, or in conflict with the image the University seeks to project or the well-being of the University community. Examples of advertisements that will not be accepted include:

- Alcoholic beverages
- Tobacco products
- Sex as a product
- Gambling
- Paraphernalia associated with illegal drugs
- Dishonest, deceptive, or illegal advertising.

Distribution of Policy
A copy of this policy statement will be distributed to all faculty, staff and students three times per year (January, May, and September) via email.

Review of University Prevention Program and Policy
Biennially the University shall review its "Alcohol and Other Drugs Prevention Program and Policy" to determine effectiveness and implement changes, if needed, and to ensure that the University's disciplinary sanctions are consistently enforced.

For More Information concerning this policy, contact the Office of the Vice Chancellor for Campus Inclusion and Student Life at 810-762-3434.

Enforcement Information: See above for University and external sanctions (enforcement). UM-Flint DPS enforces federal and state and for drug laws and enforces state underage drinking laws and ordinances on University of Michigan – Flint owned, leased, or controlled properties. It is a criminal violation to possess, use, manufacture, or distribute a controlled substance at any time or for any reason on campus property. Definitions and legal penalties are outlined in Chapter 333 of the Michigan Compiled Laws (http://legislature.mi.gov/doc.aspx?mcl-chap333). It is a criminal violation to purchase, consume, or possess alcoholic liquor as a minor. Definitions and legal penalties are outlined in Section 436.1703 of the Michigan Compiled Laws (http://legislature.mi.gov/doc.aspx?mcl-436-1703).

Drug and Alcohol Abuse Prevention Program
The University has a comprehensive substance abuse prevention program (DAAPP) that seeks to reduce the negative consequences associated with alcohol and other drug use for UM-Flint students. Through educational programs, intervention services, policy and coordination with educators and providers the University promotes the health and safety of all members of the UM-Flint community. For resources, please visit: https://www.umflint.edu/reccenter/student-health-resources.
A full list and descriptions of alcohol and other drug prevention programming can be found in the 2016-2018 UM-Flint DFSCA Biennial Report found here at: https://www.umflint.edu/sites/default/files/groups/Public_Safety/2016_2018_biennial_report.pdf.

The current Alcohol and Other Drugs (AOD) Policy and the DFSCA Biennial Review and Executive reports are available at: https://www.umflint.edu/safety/personalsafety/alcohol.

Additional resources are available by visiting: https://www.umflint.edu/reccenter/student-health.

Programing provided or facilitated by the UM-Flint Center for Gender and Sexuality (CGS):

**Take Back the Night**
In recognition of Sexual Assault Awareness Month, this annual program features personal stories of survivors, information to raise awareness about incidents of sexual assault, resources that are available in the community, and a march through campus and the City of Flint.

**Party Smart**
This event is an educational tabling event that raises awareness around consent, sexual health, and alcohol safety tips

**Party Smarter in collaboration with Alpha Sigma Phi**
This event is a spin off of the Party Smart event and is an interactive workshop to educate about consent, sexual assault, alcohol education, safety while drinking, and more.

**Consent Training in collaboration with Housing and Residential Life**
This presentation and workshop covers issues on consent and healthy relationships. A discussion about alcohol and consent was a topic during the event.

**Consent Training in collaboration with NPHC**
This presentation and workshop covers issues on consent and healthy relationships. A discussion about alcohol and consent was a topic during the event.

**Bystander Intervention Training (Peer Education Info Series)**
In the training, students learn about bystander intervention, sexual assault, consent, and issues around alcohol and consent. Each presentation, there was a discussion around alcohol and consent.

**Bystander Intervention Trainings for new Greek Life students**
In the training, students learn about bystander intervention, sexual assault, consent, and issues around alcohol and consent. Each presentation, there was a discussion around alcohol and consent.

**Let's Talk About Consent (Peer Education Info Series)**
This workshop focuses on having conversations around sexual boundaries, barriers to consent, and conditions of consent. A discussion about alcohol and consent was a topic during this workshop.

**Alcohol and Bystander Intervention in collaboration with Theta Chi**
In this workshop, students learned about bystander intervention, consent, sexual assault, issues around alcohol and consent, and safe drinking tips.

**Sex Signals**
Sex Signals is a two-person team of highly trained educators through Catharsis Productions. This program engages audiences in a focused discussion on social pressures, gender stereotypes, unrealistic sexual expectations, and the role of alcohol surrounding hooking up and intimate relationships.

Programing provided or facilitated by the UM-Flint

**Fatal Vision Goggles Program**
DPS collaborates with the Office of Housing and Residential Life to schedule the Fatal Vision Goggles Program. During these sessions, students are given the opportunity to participate in a simulated, alcohol driving impaired experience. The demonstrations often involve maneuvering through a course designed by the DPS staff in a golf cart while wearing optically-altered goggles that illustrate different levels of intoxication. These drunk driving scenarios are presented to show the effects that alcohol has on a person’s physiological reactions, judgment, and behavior.

**Interactive Safety Awareness March Program**
DPS partners with the Block Club, a UM-Flint recognized student organization, to present the Interactive Safety Awareness March program. During these sessions, students are given the opportunity to participate in staged role playing scenario
sessions to educate them on identifying an individual(s) under the influence of drugs and alcohol and how to effectively and safely manage the situation. Referral information is provided.

**Rape Aggression Defense (RAD) Education and Prevention Programming**

Each semester the Department of Public Safety offers RAD classes for the campus community. Through this interactive presentation, participants are taught the techniques of self-defense and signs of aggression about which they need to be aware. Each session is comprised of four, 3-hour classes.

**“Pop with a Cop” Programming**

Each semester the Department of Public Safety offers “Pop with a Cop” presentations for the campus community. Through this safety presentation, participants are encouraged to interact with DPS while being provided safety information and communicating support or concern for activities on campus.

**“Educational Safety Sessions/Community Conversations” Programming**

Routinely the DPS offers this presentation for the campus community. Through these safety presentations, participants are encouraged to interact with DPS while engaging in casual, open discussions about safety and other emerging topics. Conversations focus on listening to concerns or ideas around safety and our campus.

**Programming in the Residence Hall**

Alcohol abuse is a prominent public health issue requiring a response from universities across the nation. It is the University’s and Housing & Residential Life’s goal to educate members of our community about the health risks associated with the use and abuse of alcohol and other substances, and about campus and community resources available for counseling and therapy. The policies for alcohol and other drugs for Housing & Residential Life can be found in the Community Living Standards document available to all residential students at http://www.umflint.edu/reslife/resident-resources and attached in Appendix D. Additionally, the alcohol and drug policy is discussed at mandatory individual floor meetings. In addition to the Associate Director of Residential Life, Associate Director of Housing and Guest Services, and the Area Coordinator, the Resident Assistants and Front Desk Assistants are responsible for monitoring compliance with the alcohol and other drug policy.

**Programming in the Fraternities & Sororities**

Fraternities and sororities at the University of Michigan-Flint hold national charters and are required to comply with all national rules in order to maintain campus recognition. UM-Flint does not own fraternities and sororities houses so there are not specific alcohol and other drugs policies related to Greek organizations living on campus. Fraternities and sororities are held to the same standard as other students in regards to the Code of Student Conduct. The Interfraternity Council has a Social Event Registration Policy for their fraternity member chapters. In addition to staff, the Interfraternity Council members are responsible for monitoring compliance with the alcohol and other drug policy.

The Office of Fraternity and Sorority Life adheres to the National Panhellenic Conference (NPC) Manual of Information regarding policies and procedures on alcohol and other substance abuse. NPC policies and resolutions may be accessed at https://www.npcwomen.org. Resolutions offering policy recommendations to College Panhellenic groups are on file with the National Panhellenic Conference Office in Indianapolis, Indiana. The Office of Fraternity and Sorority Life also adheres to each of the National Pan-Hellenic Council (NPHC) organization's policies and procedures on alcohol and other substances.

**Programming in Club Sports**

Student athletes representing the Club Sports, both on and off the field of play, are held to the same standards as other students in regards to the Code of Student Conduct. When involved in Club Sports events, on and off campus, and when traveling, club athletes, coaches, and spectators represent the University of Michigan-Flint and alcohol is not allowed at any Club Sports event. When traveling, from the time the club leaves campus to the time the club returns to campus is considered a club event and drugs and alcohol are not allowed at any time. Additionally, events hosted by clubs outside of practices and competitions (i.e. banquets) are subject to these expectations. The alcohol and other drug policy is located in the Club Sports Handbook which can be found at: http://www.umflint.edu/clubsports/officers-coaches and the Code of Conduct section including the Drug/Alcohol statement is attached in Appendix F. A review of the Club Sports Handbook is performed with the athletes at their annual season kickoff meetings. In addition to the Club Sports Associate Director, Club Sport leaders and coaches are also responsible for monitoring compliance with the alcohol and other drug policy.
Handling Alcohol Emergencies

Alcohol or other drug overdoses can result in bizarre behavior, unconsciousness, and death. Know the signs of an alcohol emergency and know what to do.

**Don’t assume a person will sleep it off.** People may pass out before all the alcohol or other drugs reach the brain. The heart and lungs can slow to the point of stopping. Do not use cold water or caffeine to attempt to wake the person up. Do not force food or exercise on someone.

**Stay with the person.** Turn and keep the person on their side to prevent choking on vomit.

**Call 9-1-1 or DPS at (810) 762-3333 immediately if the person:**

- Is unconscious or semi-conscious (does not respond when you shake, shout at, pinch, or prod them)
- Has skin that is pale, bluish (especially around the lips and fingernails, cold, or clammy)
- Has slow, irregular, or shallow breathing (8 or fewer breaths/minute)
- Used alcohol with other drugs (especially depressants like OxyContin or Xanax)
- When in doubt, call 911.

Code of Student Conduct

The original Code of Student Conduct was first implemented September 12, 2013 as the Statement of Student Rights and Responsibilities. The Code outlines 26 violations of UM-Flint values. The complete Code can be found electronically at https://www.umflint.edu/osccr/code-student-conduct or as a downloadable pdf at https://www.umflint.edu/sites/default/files/groups/Student_Conduct_and_Community_Standards/code_of_student_conduct.pdf.

I. Introduction

The primary purpose of the Code of Student Conduct (the Code) is to assist the University of Michigan-Flint (“University” or “UM-Flint”) in providing an environment that supports the educational process and the well-being and safety of the campus community. Free inquiry and free expression are essential attributes of the University community. As members of the community, students are encouraged to develop the capacity for critical judgment and to engage in a substantial independent search for truth. The freedom to learn depends upon the opportunities and conditions in the classroom, the campus, and in the larger community. The responsibility to secure and respect general conditions conducive to the freedom to learn should be shared by all members of the academic community. When students choose to accept admission to the University, they accept the rights and responsibilities of membership in the University’s academic and social community.

As members of the University community, students are expected to uphold its values by maintaining a high standard of conduct. Such values include, but are not limited to, civility, dignity, diversity, education, equality, freedom, honesty, and safety. The Code is intended to define conduct expectations, to identify sanctions that may be imposed when misconduct occurs, and to ensure that students are treated with fundamental fairness and personal dignity. The Code is an articulation of the University’s commitment to recognize and support the rights of its students and to provide a guide for defining behaviors the University considers inappropriate. It is not, however, meant to be an exhaustive list of all rights supported by the University or of all actions which may be considered misconduct.

Within the University, academic units have developed policies that outline standards of conduct governing their constituents and that sometimes provide procedures for sanctioning violations of those standards. This Code of Student Conduct does not replace those standards; nor does it constrain the procedures or sanctions provided by those policies. This Code describes possible behaviors which are inconsistent with the values of the University community, it outlines procedures to respond to such behaviors, and it suggests possible sanctions which are intended to educate and to safeguard members of the University community.

For more information on academic policies and regulations please review: http://catalog.umflint.edu/content.php?catoid=26&navoid=2860.

Students are accountable to both civil and criminal authorities and to the University for acts that violate the law or this Code. Disciplinary action at the University will normally proceed during the pendency of external civil or criminal proceedings and will not be subject to challenge on the grounds that external civil or criminal charges involving the same incident are pending or have been invoked, dismissed, or reduced.
Nothing in the Code should be construed so as to limit the Chancellor’s authority to maintain health, diligence, and order among students under Regents’ Bylaw 2.03.

The remaining sections of the Code include:

II. Definitions

III. Conduct Authority

IV. Scope of the Violations

V. Student Rights

VI. Student Responsibilities
   A. Offenses Against the Community
   B. Offenses Against Persons
   C. Offenses Against Property
   D. Offenses Disrupting Order or Disregarding Health and Safety
   E. Violation of State, Federal, or Local Laws and University Policies
   F. Interfering with the Conduct Process,
   G. Shared Responsibility for Infractions

Organizational Responsibility

VII. Resolution Process
   A. Purpose
   B. Conduct Procedures
      1. Filing an Incident Report
      2. Investigation
      3. Administrative Disposition – Conduct Meeting
      4. Board Disposition – University Conduct Committee (UCC)
         1. Composition of the UCC
         2. UCC Hearing Procedures
      5. Standard of Proof
   C. Sanctions
   D. Appeals

VIII. Related Procedures
   A. Emergency Suspension
   B. Procedures for Handling Discrimination and Unlawful Harassment Complaints
   C. Procedural and Interpretive Questions
   D. Records of Resolution Actions
   E. Time Limits
   F. Reports of Actions
   G. Concurrent Legal and Conduct Proceedings
   H. Amending the Code of Student Conduct

UNIVERSITY REGULATIONS

Hate Incidents

A hate crime, generally, refers to a crime committed not out of animosity toward a victim as an individual, but out of hostility toward the group to which the victim belongs. Hate crime is the violence of intolerance and bigotry, intended to hurt and intimidate someone because of their race, color, ethnicity, national origin, religion, sexual orientation, gender identity, or disability.

Reporting Hate Incidents

The University of Michigan – Flint is committed to the success of all our students, staff, and faculty. Diversity is fundamental to our mission. The University of Michigan-Flint is committed to creating and maintaining a working and learning environment that embraces individual differences. UM-Flint celebrates, recognizes and values diversity and is committed to ensuring that all staff, faculty and students have equal access and opportunities, and receive the support needed to be successful. Additionally, we are committed to the principles of equal opportunity in all employment, educational and research programs, activities and events, as well as to the use of affirmative actions to cultivate and maintain an environment that fosters equal opportunity.
If you witness or experience conduct that discriminates, stereotypes, excludes, harasses, or harms anyone in our community based on their identity (such as race, color, ethnicity, national origin, sex, gender identity or expression, sexual orientation, disability, age, or religion) you may non-criminally report it to the university by calling the UM-Flint Office for Institutional Equity. If you are not sure you have experienced a hate crime and would like to discuss the incident, please call the Office for Institutional Equity at (810) 237-6517 / (810) 762-3150 or visit the on-line reporting portal via Institutional Equity (IE) at https://umflint.ut1.qualtrics.com/jfe/form/SV_bkLlhN2wWKWyNbD. If you believe you have experienced a hate crime on-campus, you may criminally report it directly to law enforcement. DPS can be reached at (810) 762-3333. DPS will investigate all crimes reported to the department and assist with criminal prosecution. DPS can assist you with reporting to the Institutional Equity Specialist and off-campus incidents.

The Regents of the University maintain rules and regulations in an Ordinance to Regulate Parking and Traffic, and to Regulate the Use and Protection of Buildings and Property of the University of Michigan. These regulations include, among other topics, alcohol use and possession, fire setting and possession of weapons. The complete ordinance may be found at www.regents.umich.edu/ordinance.html. UM-Flint adoption of procedures and requirements specific to weapons can be found at https://www.umflint.edu/safety/personalsafety/weapons. The Department of Public Safety enforces federal, state, local laws and Regent’s ordinances on the UM-Flint campus.

Two sections of the Ordinance – Weapons and Fire setting and False Alarms – are listed below.

**Fire Setting and False Alarms**
The University prohibits setting “any fire upon University property or University buildings except in approved stoves or grills or as otherwise permitted by University officials by a prior writing.” In addition, it is a violation of state law to knowingly or willfully commit any or one of the following actions:

- to raise a false alarm of fire at any gathering or any public place; by telephone or in person,
- to ring any bell or operate any mechanical apparatus, electrical apparatus, or combination thereof, for the purpose of creating a false fire alarm.

Violation of the state law shall be regarded as a misdemeanor and punishable by jail for not more than one year and a fine in the amount of $500 or less.

In addition, these actions are a violation of the Code of Student Conduct.

Information about fire safety systems and rules in the residence hall can be viewed in the Community Living Standards, A Resident’s Guide to Community Living at https://www.umflint.edu/reslife/resident-resources.

**Weapons**
The University prohibits the possession or discharge of any firearm or other dangerous weapon as defined under Michigan law, regardless of whether the individual has a concealed weapons permit. In addition, any knife, sword, or machete having a blade longer than four inches is prohibited. In the case of a knife with a locking mechanism to lock the blade in place when open, longer than three inches is also prohibited. This prohibition includes all of UM-Flint campus.

Exceptions to this Ordinance include:

- UM-Flint employees who are authorized to possess and/or use such a device pursuant to Standard Practice Guide 201.94;
- Law enforcement officers or legally established law enforcement agencies;
- When someone possess or uses such a device as part of a military or similar uniform or costume in connection with a public ceremony or parade or theatrical performance;
- When someone possess or uses such a device in connection with a regularly scheduled educational, recreation, or training program authorized by the University;
- A written waiver has been obtained from the Police Chief of the UM-Flint Department of Public Safety based on extraordinary circumstances. Any such waiver may include certain restrictions when the Chief determines that such restrictions are appropriate under the circumstances.

A person who violates the Ordinance is guilty of a misdemeanor, and upon conviction, punishable by jail for no less than 10 days and no more than 60 days, or by a fine of not more than $50, or both.
8. ANNUAL FIRE SAFETY REPORT

FIRE SAFETY IN ON-CAMPUS HOUSING

The University of Michigan - Flint has compiled the following Annual Fire Safety Report and Fire Statistics in compliance with the Higher Education Opportunity Act (HEOA). This Annual Fire Safety Report contains information on fire safety practices and standards at The University of Michigan - Flint. The information reported includes the following information concerning the University's on-campus student housing facilities:

- description of fire safety systems
- policies on smoking, open flames, and portable electrical appliances/prohibited items
- kitchen safety
- fire hazards
- individuals with disabilities
- number of fire drills
- evacuation procedures
- emergency preparedness, fire safety education and training programs;
- plans for future improvements in fire safety
- where to report fires
- fire safety log

The Fire Statistics at the end of this report describe all fire-related incidents that occurred in on-campus student housing facilities in 2019. The Fire Statistics list the location, date/time, number and cause of each fire, the number of persons with fire-related injuries, the number of fire-related deaths for each fire and the value of fire-related property damage associated with each reported fire occurring in on-campus student housing facilities in 2019.

FIRE SAFETY POLICIES/PROCEDURES:

Smoking, Open Flame, Portable Electronic Appliances/Prohibited Items, Kitchen Safety, and Fire Hazards

The following are policies and procedures relating to fire safety in the residence halls at the University of Michigan – Flint. In on-campus residential environments with hundreds of people living in close proximity, each person must adhere to strong fire prevention practices and look out for their neighbors. University Housing & Residential Life provides a number of important services and programs designed to help students think ahead, live smart, and play it safe during their years in University Housing & Residential Life.

Smoking Policy

Smoking, including the use of e-cigarettes, is prohibited on all University of Michigan - Flint properties. All of the University campus, including residence halls and resident rooms, are smoke-free environments as of July 1, 2011 under SPG 601.4; visit https://smokefree.umich.edu/ for more information.

Regulations under SPG 601.4, Smoking on University Property

- Smoking is prohibited in all University buildings, facilities, grounds, and University-owned vehicles, as they are considered property of the University and under the authority of the Board of Regents of the University, except as indicated below.
- Smoking in privately-owned vehicles and on sidewalks adjacent to public thoroughfares is not prohibited.
- The sale of tobacco products is prohibited in all University buildings, facilities and grounds under the authority of the Board of Regents of the University.
- Assistance with smoking cessation for faculty and staff is available through MHealthy at www.hr.umich.edu/mhealthy/programs/tobacco which includes information about the UM Tobacco Consultation Service, current health plan offerings and available on-line programs. Students can receive assistance through the University Health Service and the Tobacco Consultation Service.

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of smokers and non-smokers. All faculty, staff, students, and visitors share the responsibility for adhering to and enforcing the policy. Any concern should be brought to the attention of the individuals responsible for the operation of the University facility in question and/or the Supervisor responsible for the work area. Any exceptions to this Standard Practice Guide must be approved by the appropriate executive officer or designated representative. A full copy of this policy is available at http://spg.umich.edu/policy/601.04
Open Flame
No open flames allowed. This includes candles, incense, and candle/oil warmers.

Portable Electronic Appliances and Prohibited Items
The following items are not permitted in the residence halls:
- Air conditioners
- Appliances without an automatic shut off (e.g., slow cookers, crackpots, InstantPots, rice cookers, waffle and s’mores makers, irons, electric kettles, coffee makers)
- Appliances not owned by HRL greater than 5.5 cubic foot capacity and/or with an amperage draw of more than 1.5 amps (e.g., cube refrigerators, microwaves, etc.)
- Candles, incense, and candle/oil warmers
- Drug-related paraphernalia (e.g., bong, pipe, vaporizers), water pipes (hookahs)
- Electrical outlet extenders (devices that can be screwed into a light bulb socket that has an electrical outlet - the lightbulb is then screwed into the extender)
- Extension cords higher than 16 gauge (e.g., 18 or 20 gauge)
- Firearms, fireworks, explosives and ammunition
- Electric fireplaces, space heaters, etc.
- Flammable items, such as fuel (propane, lamp oil, solvents, lava lamps, gasoline, etc.)
- Foil-lined cupboards, stove and/or walls/windows
- Fog machines
- Grills (gas, charcoal, electric, etc.)
- Halogen lamps, bulbs (all types, including clip-on, torchiere, desk, and spider lamps)
- Heating pads or electric blankets without automatic shut off features
- Hot plates, toaster ovens, or any cooking appliance with an exposed cooking element
- "Hoverboards", electronic skateboards, self-balancing boards/scooters and other similar equipment are prohibited from being used, stored, and/or charged inside any housing facility
- Humidifiers of all types unless there is documented medical need approved by the University
- Locks, latches, or similar devices (for interior or exterior doors) beyond what is provided by HRL
- Mercury thermometers (residents found responsible for a broken mercury thermometer will be charged $800-$2,000 for the spill cleanup)
- Natural, cut trees, branches and/or greens (such as holiday trees, wreaths and garlands)
- Oil-based popcorn poppers, deep frying appliances/devices
- Pets
- Pesticides/Pest control (such as commercially available bug bombs, spray, or poison bait)
- Pianos and organs
- 3D printers
- Satellite dishes mounted in any fashion to any interior or exterior area
- Sleeping pods, capsules, or enclosures that could impede a person's ability to hear a fire alarm or notice of evacuation, subwoofers, sound systems, or entertainment systems that cause an excessive and disruptive degree of noise. Tanning beds, trampolines, waterbeds
- Vent covers
- Wireless routers and other technologies that interfere with normal network operations

Kitchen Safety
Kitchen safety is important in the residence halls. Cooking fires are the leading cause of home fires and home injuries. Stay in the kitchen when frying, grilling or broiling food. Turn the stove off if you leave. For ways to stay safe please see the "kitchen safety tips" located in the kitchen of each suite.

Fire Hazards
Most fires are preventable. All residents are asked to comply with the following policies regarding fire prevention:
• No open flames allowed.
• Keep all furniture, trash, personal items out of hallways.
• Keep suite/room decorations and posters to a minimum.
• Smoking is prohibited in HRL and on campus.
• Make sure all electrical cords and appliances are in proper working order.
• All appliances should bear the Underwriter Laboratories (UL) or Factory Mutual (FM) certification seal.
• For the protection of personal property from damage caused by fluctuation in the flow of electricity, it is strongly recommended that power strips also have a surge protection device.
• Do not overload electrical outlets. If a wall socket or extension cord is warm to the touch, it is overloaded.
• Do not alter the prongs of polarized plugs to make them fit an outlet.
• Do not “daisy chain” cords, plugs, or connections together. Do not run electrical cords under rugs or furniture where they may be pinched or stepped on. Heat can build up and start a fire. In addition, cords can be frayed and exposed wires, which can also result in a fire.
• Never cover lamps with clothing, paper, drapes or any other things that can burn.
• Staff reserves the right to unplug any outlet for health and safety reasons.
• Do not prop open stairwell, hallway, or fire doors.
• Torchiere style halogen lamps and bulbs are prohibited in public and suites/rooms.
• Fire doors, hallways, and stairwells must be clear of obstructions at all times.
• Fire doors must be free to close automatically, especially in an emergency to keep a fire from spreading.
• Appliances with an open heating element are prohibited.
• All appliances must have an automatic shut off.
• Any violation of these policies could result in a fire.

Safety inspections will be held regularly in residence halls. For more information, including residence hall fire safety policies, guidelines, and prohibited items as well as additional fire safety tips, visit the University Housing & Residential Life website for the Resident’s Guide to Community Living at [https://www.umflint.edu/reslife/resident-resources](https://www.umflint.edu/reslife/resident-resources).

**FIRE SAFETY SYSTEMS – RESIDENCE HALLS**

UM-Flint campus residence halls are protected by code compliant fire alarm systems that include smoke detectors and sounder-bases in each residential space.

- The fire alarm systems are comprised of the following initiating devices: manual pull stations and smoke/heat detectors.
- Audible/Visible devices, voice speaker annunciators, and visual xenon strobes are the indicating devices of the fire alarm systems.

Both residence halls are equipped with automatic, comprehensive fire suppression sprinkler systems. Each residence hall fire alarm system has backup power. All fire alarm systems report, upon activation, to the DPS Communications Center, monitored by DPS personnel 24 hours a day, 365 days a year. Both residence halls are equipped in each residential room and each residential corridor with one or more fire extinguishers. Evacuation maps are posted in conspicuous locations including common areas and near entry/exits.

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Individuals with Disabilities
UM-Flint encourages the use of the "Buddy System". A buddy is someone who helps someone else get to a safe place in an emergency. If you know someone who has a temporary or permanent disability, reach out to them and plan to be their buddy.

FIRE DRILLS
Under the direction of UM-Flint Environment, Health & Safety (EHS), fire drills are coordinated and performed at each residence hall on campus during the school year to allow occupants to become familiar with and practice their evacuation skills. Fire drills are a supervised practice of a mandatory evacuation of a building for a fire. All persons (including staff and residents) in a residence hall at the time of a drill are required to participate. Department of Public Safety personnel will monitor and assist in the coordination of the drill evacuation activities. Drills provide campus (including residential) staff and students an opportunity to practice UM-Flint emergency preparedness evacuation procedures by recognizing and responding to audible and visual alarms, exiting the building in a coordinated manner to pre-established points of assembly away from the building designated for evacuees and then reoccupying the residence hall once an all-clear is provided by authorized fire or police/safety personnel.

RESIDENCE HALL EVACUATION PROCEDURES IN CASE OF FIRE
If an alarm sounds:
- Stay calm. Do not panic.
- Close windows.
- Quickly put shoes on and a coat if needed.
- Take a towel with you to prevent breathing smoke.
- Check your doorknob and door with the back of a hand. If either is hot, do not open your door. Exit through a window if it's safe or call DPS 810-762-3333. If the door and doorknob are cool, exit cautiously and close your door. If time permits, take your keycard with you.
- Walk quickly and leave the building by the nearest exit. Alert others to do the same.
- Help others with temporary or permanent disabilities get to the nearest exit or safe location using the "buddy system." It's best to become a buddy well before there is an emergency.
- If the area is filled with smoke, drop to your hands and knees and crawl to the exit. Stay low because smoke rises. Take shallow breaths. Use the towel or your shirt as a filter.
- Use the stairs.
- DO NOT USE ELEVATORS. Once in the stairwell, check to see that the door is closed and go down to street level.
- Gather at the designated assembly area: Wilson Park for First Street Residence Hall persons or the porch of University Tower for Riverfront Residence Hall persons.
- Identify and report any missing persons to the DPS.
- DO NOT reenter the building until you are instructed to by DPS.
- Failure to exit in an immediate and orderly fashion may result in disciplinary action.
If you're trapped in the building:
- STAY CALM, DO NOT PANIC. Call DPS 810-762-3333 and maintain contact.
- Keep all doors and windows closed.
- Wet and place clothing or towels around and under the door to prevent smoke from entering.
- Be prepared to signal someone outside, but don't break the glass until absolutely necessary. Putting a piece of clothing inside the window is one way to signal.
- Wet a cloth and wrap it around your face to minimize breathing smoke. Fill sinks and tubs with water if possible to maintain a supply of water.
- Keep your head no more than 8-12 inches off the floor where the air is less toxic.
- Shout at regular intervals to alert emergency crews of your location.

EMERGENCY PREPAREDNESS, FIRE SAFETY EDUCATION, AND TRAINING PROGRAMS
UM-Flint EHS and DPS provide campus (including residential) employees and students with emergency preparedness guidelines, fire safety education and training programs so they are aware of the rules and safe practices. Presentations are provided through a variety of mediums to include seasonal evacuation drills, residence hall staff and student education and training programs each semester, during move-in and floor meetings, student/employee orientation/training, and upon request. Education and training program content includes identification and prevention of fire hazards, basic fire safety, specific occupant response to fire emergencies, basic fire extinguisher training covering the types of extinguishers, safe use of an extinguisher, limitations of extinguishers, and guidelines for response when confronted with fire, building evacuation/reentry, and fire reporting.

Tips:
- Put UM-Flint Public Safety's number 810-762-3333 in your cell phone contacts in case of emergency.
- Sign up for UM-Flint emergency alert text messages or phone calls by registering on the Student Information System http://umflint.edu/emergency/
- Check out the Evacuation/Sheltering maps posted in all University buildings so you know where to go in case of emergency.
- Become familiar with where emergency equipment is located (fire extinguisher; fire alarm; first aid kit; AED; refuge areas in Riverfront)
- Visit the UM-Flint Public Safety website for a list of safety tips www.umflint.edu/safety/personalsafety.htm

PLANS FOR FUTURE IMPROVEMENTS IN FIRE SAFETY
Keeping our campus safe and healthy is a priority for everyone. Planning ahead and taking precautions can be important elements in maintaining a safe environment. This especially is true regarding fire prevention – from installing appropriate infrastructure to taking personal responsibility to avoid creating potential for accidental or intentional fires – everyone can participate. University students, occupants, staff, and faculty may all contribute to identifying needs for future improvements in fire safety. The review of, and planning for, future fire safety improvements is an ongoing process. UM-Flint Facilities and Operations staff annually review the fire systems in all campus buildings and make recommendations for upgrades, repairs or revisions when problems are identified. There are no plans for fire safety improvements at the residence hall facilities at this time.

CAMPUS STUDENTS AND EMPLOYEES SHOULD REPORT FIRE INCIDENTS TO DPS
Per federal law, University of Michigan-Flint is required to annually disclose statistical data on fires that occur in on-campus student housing facilities. If you know of a fire and are unsure whether the Department of Public Safety (DPS) has been made aware of it, please contact:
- UM-Flint Department of Public Safety: (810) 762-3333.

Note: Activating a false fire alarm is a violation of state law. See Fire Setting and False Alarms. All active fires should be reported immediately to the Department of Public Safety (DPS) by calling 9-1-1, or pulling a fire alarm station.
FIRE SAFETY LOG
DPS keeps a fire safety log in compliance of the Jeanne Clery Disclosure and Campus Security Policy Crime Statistic Act. This fire log contains fire reported data including the general location of the fire, date fire reported, date and time of the fire, and nature of the fire. The most recent sixty (60) days of the Fire Log are public and open to public inspection, upon request, during normal business hours at the DPS Communications Office at the Mill Street Parking Ramp located at 402 Mill Street. Requests for any portion of the log older than sixty (60) days will be available within two business days of a request.

FIRE STATISTICS – RESIDENCE HALLS AT THE UNIVERSITY OF MICHIGAN – FLINT

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<th>Residential Facility</th>
<th>Total Fires Reported each Calendar Year</th>
<th>Reported Fires: Date / Time</th>
<th>Nature / Cause</th>
<th>Persons with fire-related Injuries</th>
<th>Fire-related Deaths</th>
<th>Value of Damage Caused By Fire</th>
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<td>2019 - 0&lt;br&gt;2018 - 1&lt;br&gt;2017 - 1</td>
<td>2019 – No Reported Fires&lt;br&gt;2018 – 09/25/18 2:07 pm&lt;br&gt;2017 – No Reported Fires</td>
<td>Not Applicable&lt;br&gt;Unintentional Fire-Cooking&lt;br&gt;Not Applicable</td>
<td>0&lt;br&gt;0&lt;br&gt;0</td>
<td>0&lt;br&gt;0&lt;br&gt;0</td>
<td>$0&lt;br&gt;$0-$99&lt;br&gt;$0</td>
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<td><strong>Riverfront Residence Hall</strong>&lt;br&gt;101 Riverfront; Flint, MI 48502</td>
<td>2019 - 2&lt;br&gt;2018 - 2&lt;br&gt;2017 - 1</td>
<td>2019 – 02/11/19 9:33 pm&lt;br&gt;2019 – 11/11/19 6:05 pm&lt;br&gt;2018 – 10/09/18 9:55 pm&lt;br&gt;2018 – 10/11/19 11:25 pm</td>
<td>Unintentional Fire-Cooking&lt;br&gt;Unintentional Fire-Cooking&lt;br&gt;Unintentional Fire-Cooking&lt;br&gt;Unintentional Fire-Cooking</td>
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For other University of Michigan information call 734-764-1817.

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