



UNIVERSITY OF MICHIGAN

Office of Student Conflict Resolution

DIVISION OF STUDENT AFFAIRS



Annual Report 2011-2012

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The Year

During the 2011-2012 academic year, the Office of Student Conflict Resolution (OSCR) continued to provide a variety of programs and services designed to support a safe, just, and peaceful community, while helping Michigan students learn how to manage and resolve conflict peacefully. As in previous years, OSCR offered a full spectrum of Adaptable Conflict Resolution (ACR) pathways including Conflict Coaching, Facilitated Dialogue, Shuttle Negotiation, Social Justice Mediation, and Restorative Justice Circles, as well as the Formal Conflict Resolution (FCR) processes described in the *Statement of Student Rights and Responsibilities* and the Adaptable Conflict Resolution for Alcohol and Other Drugs (ACR-for-AOD) Program.

One of the year's most notable features though was a shift in the procedure for responding to reports of student sexual misconduct. On April 4, 2011, the U.S. Department of Education's Office for Civil Rights (OCR) released guidance concerning the impact of sexual misconduct on college campuses and recommending ways in which institutions could address student sexual misconduct in a manner consistent with Title IX – the federal statute prohibiting sex-based discrimination at educational institutions receiving federal funding. Pursuant to this guidance and the University's own commitment to maintaining an environment free from sexual misconduct, an "Interim Procedure for Addressing Sexual Misconduct Allegations Against Students" was implemented on a temporary basis pending campus conversation concerning a revised permanent procedure. The "Interim Procedure," as it came to be known, superseded processes specific to sexual misconduct in the *Statement of Student Rights and Responsibilities* and took effect on August 18, 2011 (see Appendix).

Throughout the year, OSCR adjusted to a sizeable increase in the number of sexual misconduct matters being managed through the student conduct process and to a record number of background checks requested by on and off campus entities. Meanwhile, OSCR remained at the forefront of student conduct and conflict resolution nationally. OSCR staff members were called upon numerous times during the year to engage in educational efforts with stakeholders across the campus, state, region, and nation. Topics included the social psychology of conflict, Title IX compliance, white male privilege in the adjudicatory context, the efficacy of alcohol or other drug (AOD) interventions programs, and more. OSCR also celebrated the hiring of three new professional staff members during the year and the creation of an office logo which is scheduled to be unveiled next academic year.

The report that follows provides additional detail regarding OSCR's 2011-2012 accomplishments, programs, and services, while also providing the annual disclosure of reported *Statement* violations and resulting sanctions or interventions.

The Mission

Build Trust

OSCR builds trust by conducting an operation that is educationally focused, student-driven and community-owned through:

- Supporting the amendment process of the *Statement of Student Rights and Responsibilities* that is revised and approved by students, faculty and staff
- Collaborating with students, student groups, student leaders and campus departments

Promote Justice

OSCR promotes justice by facilitating conflict resolution for the Michigan community and creating a just and safe campus climate through:

- Administering the *Statement of Student Rights and Responsibilities* with compassion, integrity, and fairness
- Implementing related university policies and developing procedures that provide adaptable conflict resolution

Teach Peace

OSCR teaches peace by serving as a campus resource for conflict management through:

- Providing proactive and preventive educational programming for students, student groups, and campus departments
- Striving to set the national standard for campus conflict resolution

The Team

Terri Barker, Conflict Resolution Facilitator

Claudette Brower, Office Supervisor

Devin Eggert, Conflict Resolution Facilitator

Katie Fleming, Conflict Resolution Facilitator

Ellen Forsman, Graduate Intern

Antoyrie Green, Conflict Resolution Facilitator

Akilah Jones, Program Manager, FCR

Carrie Landrum, Program Manager, ACR

Sandy Lymburner, Records Specialist

Katie Madden, Project Specialist

Dawn Marshall, Interim Associate Director

Aniesha Mitchell, Program Manager, FCR

TiKyra Napoleon, Conflict Resolution Facilitator

Heeral Patel, Program Specialist, FCR

Amy Ring, Graduate Intern

Courtney Rivet, Conflict Resolution Facilitator

Victoria Ruiz, Conflict Resolution Facilitator

Rokimas Soeharyo, Conflict Resolution Facilitator

Damiana Sorrell, Conflict Resolution Facilitator

Jennifer Stevenson, Conflict Resolution Facilitator

Cherry Tolbert, Conflict Resolution Facilitator

Denzell Turner, Conflict Resolution Facilitator

Stacy Vander Velde, Associate Director

David Votruba, Program Manager, ACR for AOD

Kathryn Wennerstrom, Finance and HR Specialist

Jay Wilgus, Director

Jazmin Williams, Conflict Resolution Facilitator

Jeremy Wright, Graduate Intern

The Accomplishments

OSCR is proud to report the following key accomplishments from the 2011-2012 academic year:

Direct Client Interaction and Service

- Implemented Interim Procedure for Addressing Sexual Misconduct Allegations Against Students (“Interim Procedure”); reviewed and managed over 60 disclosures of sexual misconduct between August 18th, 2011 (when the Interim Procedure took effect) and June 30, 2012.
- Processed 1,115 background checks. This represents a 116% increase from last academic year, much of which can be attributed to the increasing number of background checks completed for the Center for Global and Intercultural Study (CGIS) prior to study abroad trips.
- Provided conciliation and mediation services for the Off-Campus Housing Program (OCHP) while an OCHP staff member was out on medical leave.
- Created two additional Program Coordinator positions to expand leadership and development opportunities for student staff, while deepening their level of engagement in OSCR.

Outreach

- Conducted numerous training sessions concerning the Interim Procedure to apprise community members of the revised procedure for addressing student sexual misconduct matters.
- Fielded service/consultation requests from over 40 campus stakeholders, including:
 - Law School: Collaborated in planning and hosting a unique orientation program for first year law students that focused on social justice, communication, and conflict resolution;
 - Wilson Center (College of Engineering): Provided support and guidance regarding ways in which the Center might address conflict among students who utilize the Center;
 - School of Information: Conducted conflict resolution training sessions for all first year graduate students (approximately 160);
 - Office of Greek Life: Assisted in training the student conduct boards (GARP/HTF) responsible for hearing matters involving chapters and hazing allegations;
 - University Unions: Provided conflict resolution training to all student staff members.
- Responded to inquiries from institutions seeking information on campus conflict resolution services in general and/or OSCR services specifically, including Stanford University, University of Maryland – College Park, University of Akron, Augustana College, and Salisbury University.
- Collaborated with institutional and national partners to produce and provide the following noteworthy trainings:
 - *Peace in Action Here and at Home: Translating Passion and Thought into Appropriate Action* – January 16, 2012 (MLK Day), 120 participants;
 - *Fordson – Movie Screening and Panel Discussion* - January 16, 2012 (MLK Day);
 - “Title IX: Rethinking Student Discipline” – February 23, 2012;
 - *The Tamara Williams Lecture* featuring Dr. David Lisak – March 7, 2012;
- Contributed the following presentations to local, regional, and national conferences:
 - ASCA National Conference – February 2012:
 - *Restorative Justice: Promoting Student Growth and Community Accountability*
 - *A Look Inside Conflict: Critical Thinking for the Conflict Resolution Professional*
 - *Did OCR Get It Right? Reframing the Title IX Discussion in Roundtable Format*
 - *White Male Privilege in the Adjudicatory Context: What We Must Consider*

- ASCA Michigan Drive-In Conferences – Fall 2011 and Winter 2012:
 - *Title IX and Sexual Misconduct* – October 27, 2011
 - *Foundations of the First Amendment: Knowledge to Inform the Campus Response to Behavior that May Constitute Protected Speech* – May 25, 2012
- DSA Research Symposium – May 16, 2012:
 - *The Adaptable Conflict Resolution for Alcohol & Other Drugs (ACR4AOD) Evaluation Project: Advancing Data-Informed Practice through DSA Research*
- Engaged in the following pieces of work with respect to how OSCR is “branded” at UM:
 - Collected data to support the creation of a marketing plan and necessary components thereof that could be used annually beginning in Fall 2012;
 - Conducted a quantitative and qualitative audit of OSCR website and audience needs in preparation for OSCR’s transition to the new DSA Drupal platform beginning Fall 2012;
 - Created an OSCR logo – via the OSCR Advisory Board and an external artist – that was agreed upon by OSCR staff and students.
 - Revised materials and handouts for parent orientation to more effectively represent OSCR’s spectrum of conflict resolution services.
- Engaged in conversations with the International Institute for Restorative Practices regarding potential collaboration opportunities.

Planning and Assessment

- Completed various projects related to assessment, evaluation, and:
 - Completed research project on OSCR’s ACR-for-AOD program with Dr. David Votruba and student staff who shared the results at the annual DSA Research Symposium;
 - Researched case traffic that could be defined as “cyberbullying” pursuant to student interest in a possible amendment to the *Statement*;
 - Distributed OSCR General Assessment to all students who engaged OSCR’s conflict resolution services during the academic year;
 - Drafted unit-wide learning outcomes for use in future assessment projects;
 - Completed an organizational culture survey – in collaboration with Denison Consulting and the Division of Student Affairs (DSA) – and reviewed results with OSCR staff.
- Provided institutional leadership to the following initiatives:
 - Selected as one of four units represented on a Core Planning Team charged with leading long-term policy development efforts related to student sexual misconduct;
 - Convened DSA stakeholders committed to creating a division-wide facilitation training to be piloted in Fall 2012 that will provide foundation-level facilitation skills to students, staff, and volunteers of DSA in a manner that is module-based and repeatable, while harnessing expertise, consolidating expenses, and avoiding duplication of efforts in DSA;
 - Revisited and updated Commitment to Collaborate with University Housing;
 - Engaged with institutional partners in the creation of a Hate-Bias Response Team;
 - Planned and hosted a meeting with the Program on Intergroup Relations to discuss ways in which our work overlaps and how we can more effectively communicate with campus partners regarding the role and scope of our units;
 - Worked with appropriate institutional partners to “kick-off” the *triennial* Statement amendment process.

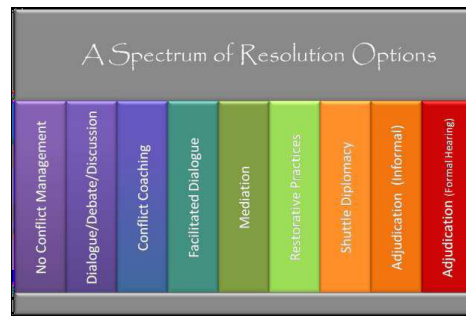
Administration

- Completed various hiring and training processes for OSCR staff members and interns:
 - Hired and trained new staff members in the following roles: Associate Director; Program Manager for Sexual Misconduct; Program Manager for Formal Conflict Resolution;
 - Conducted a national search to hire a full-time, term-limited Program Manager responsible for OSCR's ACR-for-AOD Program and Outreach efforts;
 - Completed 2012-2013 student staff hiring process prior to the Winter Commencement and celebrated a 100% return rate among eligible student staff members;
 - Served as internship site for three graduate students in student affairs: one during Winter 2012 and two during Spring 2012.
- Engaged in the following staff development activities:
 - Participated in honoring OSCR Program Manager Carrie Landrum with the U-M Distinguished Diversity Leader Award;
 - Planned and completed a unit-wide training program to provide a common theoretical and practical foundation for student staff, while permitting appropriate cross-training;
 - Maintained ongoing monthly "inservices" to enhance professional development of staff;
 - Continued monthly staff recognition via "The Mandela" award for professional staff and "The OSCaR" award for students;
 - Completed staff reading of *Reframing Campus Conflict: Student Conduct Practice Through a Social Justice Lens* as a means of ensuring similar foundation and orientation to the work, while assessing our practices for congruence with the articulated model.
- Participated in various professional development opportunities, including:
 - Restorative Justice Symposium and Training at Michigan State University, during which three OSCR staff members became certified in Facilitating Restorative Conferences by the International Institute of Restorative Practice;
 - Association for Student Conduct Administration (ASCA) events, including the National Conference, Big 10 Conference, MI Drive-In's, and the Gehring Institute;
 - Title IX Coordinator Training, National Association of College and University Attorneys.
- Completed the following key administrative tasks:
 - Administered ACR-for-AOD program in the absence of a Program Manager; this was intentionally and strategically done to save funds for next fiscal year when the position will be offered as full-time for a one-year term;
 - Absorbed 1.5% budget reduction and completed FY12 with projected carry-forward;
 - Completed annual purging and shredding of case files pursuant to Records Policy;
 - Streamlined and developed new process for completing background checks using Advocate's batch digest feature;
 - Completed annual Clery and Department of Justice reports;
 - Participated in the institutional transition to Google email and services;
 - Conducted research and consulted with Office of General Counsel on best practices with respect to confidentiality clauses invoked in ACR processes;
 - Lead DSA transition away from "Student Emergency" and "Alcohol Transport" email lists and into CARE Network reporting module;
 - Purchased and implemented Federal Reporting Engine from Symplicity Corporation to assist with ongoing federal reporting requirements, including Clery.
 - Completed assessment of OSCR space needs in preparation for office relocation in 2013 due to renovations in South Quad.

The Programs and The Numbers

The *Spectrum Model*

As discussed in previous annual reports, the conceptual framework for OSCR's programs and services is the *Spectrum Model*. The *Spectrum* is a continuum of conflict resolution processes, or "pathways," designed to permit parties to the conflict, rather than a potential policy violation, to drive the conflict resolution process.



*Figure developed by Schrage & Thompson, 2008.

OSCR invites participants to make an informed choice regarding the pathways above through three major program areas: ACR, FCR, and ACR-for-AOD. Details regarding each program are provided below.

Formal Conflict Resolution (FCR)

The FCR process occurs when a student is reported to have violated the *Statement of Student Rights and Responsibilities*. Both the complainant (the party reporting the violation) and the respondent (the student named in the complaint) will have the opportunity to meet with an OSCR staff member to discuss their options in the FCR process, and both are entitled to have an advisor present at any meetings with OSCR.

During the 2011-2012 academic year, 111 matters were managed under the FCR process. Details regarding the number/type of reported violations, along with information about the number of instances in which a student was found responsible for the reported violation, are shown in Table C. below. Details regarding the number/type of sanctions applied in those matters are shown Table D. below.

Adaptable Conflict Resolution (ACR)

ACR processes are available when parties experience conflict and choose not to utilize the FCR process. ACR offers various approaches that adapt around individual needs and circumstances. Conflict resolution skills provided by ACR allow each individual involved to have significant influence over the process and substantial control over any outcome, including whether or not a resolution is reached at all. Pathways in ACR include Conflict Coaching, Facilitated Dialogue, Shuttle Negotiation, Social Justice Mediation, and Restorative Justice Circles.

During the 2011-2012 academic year, 71 matters were managed under the ACR program. Those matters involved a total of 92 students and 5 student organizations.

Table A.

Pathways Used in ACR Program	
Conflict Coaching	17
Facilitated Dialogue	7
Social Justice Mediation	6
Restorative Justice Circle	1
Shuttle Negotiation	7
ACR Consultation	20
General Consultation/Contact	11
Referral to FCR	2
<i>Total</i>	71

Adaptable Conflict Resolution for Alcohol and Other Drugs (ACR-for- AOD)

OSCR's ACR-for-AOD program allows students to address alcohol or other drug-related incidents in a safe, private setting without incurring a disciplinary record. While all ACR-for-AOD meetings involve certain key elements, the exact content and outcomes of a student's ACR-for-AOD program will depend upon the nature of the incident and the student's specific needs. A typical ACR-for-AOD meeting involves, among other things, reviewing the *Statement of Student Rights and Responsibilities*, discussing the incident and the student's general AOD usage, and exploring campus resources.

OSCR categorizes all ACR-for-AOD incidents into one of three Tiers (Tier I, Tier II, and Tier II+) which determine the sub-pathway of an ACR-for-AOD incident. Tier I designates first-time incidents. Tier II refers to second-time incidents, first-time transports (not occurring in the residence halls) and first-time incidents in a residence hall for a non-resident. Tier II+ includes first-time transports from a residence hall of a resident.

During the 2011-2012 academic year, 272 matters were managed under the ACR-for-AOD program. Details regarding the number/type of sanctions applied in those matters are shown in Table D. on page 13.

Table B.

AOD Related Statement Violations By Tier	
Tier I	93
Tier II	64
Tier II+	115
<i>Total</i>	272

Report of Actions Taken Through *Statement Processes*

As described in the *Statement*, “[b]ehavior which occurs in the city of Ann Arbor, on University controlled property, or at University sponsored events/programs may violate the *Statement*. Behavior which occurs outside the city of Ann Arbor or outside University controlled property may violate the *Statement* only if the behavior poses an obvious and serious threat or harm to any member(s) of the University community.” During the 2011-2012 academic year, OSCR received and processed 497 reported violations of the *Statement* as described in Table C below.

Table C.

Reported Violations of the <i>Statement of Student Rights and Responsibilities</i>	Total
<p><i>A. Physically harming another person including acts such as killing, assaulting or battering</i></p> <ul style="list-style-type: none"> ○ 4 responsible ○ 2 not responsible 	6
<p><i>B. Sexually assaulting another person*</i></p> <ul style="list-style-type: none"> ○ 6 responsible ○ 7 not responsible ○ 19 reviewed and closed pending additional information ○ 1 referred to Office for Institutional Equity as staff or faculty matter ○ 5 non-UM affiliates 	38
<p><i>C. Sexually harassing another person*</i></p> <ul style="list-style-type: none"> ○ 2 responsible ○ 5 not responsible ○ 13 reviewed and closed pending additional information ○ 1 referred to Office for Institutional Equity as staff or faculty matter ○ 2 referred to Housing Student Conflict Resolution ○ 1 non-UM affiliate 	24
<p><i>D. Hazing</i></p>	0
<p><i>E. Stalking or harassing another person</i></p> <ul style="list-style-type: none"> ○ 2 responsible ○ 2 not responsible (1 of which was processed under the Interim Procedure*) ○ 1 reviewed and closed pending additional information* ○ 2 dismissed ○ 1 non-UM affiliate ○ 1 transferred to ACR 	9
<p><i>F. Perpetrating domestic violence / intimate partner violence</i></p> <ul style="list-style-type: none"> ○ 1 responsible ○ 1 not responsible ○ 1 reviewed and closed pending additional information 	3
<p><i>G. Possessing, using or storing firearms, explosives or weapons on University controlled property or at University events or programs</i></p> <ul style="list-style-type: none"> ○ 1 responsible ○ 2 not responsible 	3
<p><i>H. Tampering with fire or other safety equipment or setting unauthorized fires</i></p> <ul style="list-style-type: none"> ○ 3 responsible 	3
<p><i>I. Illegally possessing or using alcohol</i></p> <ul style="list-style-type: none"> ○ 330 responsible** ○ 3 not responsible 	345

<ul style="list-style-type: none"> ○ 3 not UM students ○ 1 complaint withdrawn ○ 4 dismissed ○ 1 transferred to ACR ○ 3 unresolved 	
<i>J. Illegally distributing, manufacturing or selling alcohol</i>	0
<i>K. Illegally possessing or using drugs</i> <ul style="list-style-type: none"> ○ 17 responsible** ○ 5 not responsible ○ 2 dismissed 	24
<i>L. Illegally distributing, manufacturing or selling drugs</i> <ul style="list-style-type: none"> ○ 1 reviewed and closed pending additional information 	1
<i>M. Intentionally and falsely reporting bombs, fires or other emergencies to a University official</i>	0
<i>N. Stealing, vandalizing, damaging, destroying or defacing University property or the property of others</i> <ul style="list-style-type: none"> ○ 13 responsible ○ 5 not responsible ○ 1 transferred to ACR ○ 1 dismissed ○ 1 unresolved 	21
<i>O. Obstructing or disrupting classes, research projects, or other activities or programs of the University or obstructing access to University facilities property or programs (except for behavior that is protected by the University's policy on Freedom of Speech and Artistic Expression)</i> <ul style="list-style-type: none"> ○ 3 responsible** ○ 1 not responsible 	4
<i>P. Making, possessing or using any falsified University document or record; altering any University document or record, including identification cards and meal cards</i>	0
<i>Q. Assuming another person's identity or role through deception or without proper authorization. Communicating or acting under the guise, name, identification, email address, signature or indicia of another person without proper authorization, or communicating under the rubric of an organization, entity or unit that you do not have the authority to represent</i> <ul style="list-style-type: none"> ○ 1 responsible ○ 2 not responsible 	3
<i>R. Failing to leave University controlled premises when told to do so by a police or security office with reasonable cause</i>	0
<i>S. Conviction, a plea of no contest, acceptance of responsibility, or acceptance of sanctions for a crime or civil infraction (other than a minor traffic offence) in state or federal court if the underlying behavior impacts the University community</i>	0
<i>T. Misusing, failing to comply with, or jeopardizing Statement procedures, sanctions, or mediated agreements, or interfering with participants involved in the resolution process*</i> <ul style="list-style-type: none"> ○ 7 responsible** ○ 4 not responsible ○ 1 dismissed 	12
<i>U. Violating University computer policies</i> <ul style="list-style-type: none"> ○ 1 responsible 	1
TOTAL Reported Violations Received and Processed by OSCR in 2011-2012	497

*Beginning August 18, 2011, all sexual assault, sexual harassment, and stalking reports involving contact of a sexual nature were managed under the Interim Procedure for Addressing Sexual Misconduct Allegations Against Students using an investigative model and a preponderance of the evidence standard. See Appendix for details.

**A portion of reported violations in this category were managed through the ACR-for-AOD program.

Sanctions or Interventions Applied to Students Found Responsible for a Reported Violation

As described in the *Statement*, the sanctions or interventions applied to students who accept responsibility for a reported violation, or who are found responsible for a violation through a *Statement* process, are designed to promote the University's educational mission. "Sanctions/interventions may also serve to promote safety or to deter students from behavior which harms or threatens people or property or is motivated by bias because of membership in a group listed in Section 2 [of the *Statement*]. Some behavior is so harmful to the University community or so deleterious to the educational process that it may require more serious sanctions/interventions such as removal from housing, removal from specific courses or activities, suspension from the University, or expulsion." During the 2011-2012 academic year, the following sanctions/interventions were utilized with students who were found responsible, or who accepted responsibility, for a reported violation:

Table D.

Sanction/Intervention Type	Total
<p><i>A. Formal Reprimand:</i> A formal notice that the <i>Statement</i> has been violated and that future violations will be dealt with more severely.</p> <ul style="list-style-type: none"> ○ 6 behavioral contract ○ 23 formal reprimand ○ 1 permanent transcript notation 	30
<p><i>B. Disciplinary Probation:</i> A designated period of time during which the student is not in good standing with the University. The terms of probation may involve restrictions of student privileges and/or set specific behavioral expectations.</p> <ul style="list-style-type: none"> ○ 73 general 	73
<p><i>C. Restitution:</i> Reasonable compensation for loss, damage, or injury to the appropriate party in the form of community service or service learning, money, or material replacement.</p> <ul style="list-style-type: none"> ○ 5 apology letter ○ 6 restitution 	11
<p><i>D. Restriction from Employment at the University:</i> Prohibition or limitation on University employment.</p>	0
<p><i>E. Class/Workshop Attendance:</i> Enrollment and completion of a class or workshop that could help the student understand why certain behavior was inappropriate.</p> <ul style="list-style-type: none"> ○ 209 Brief Alcohol Screening and Intervention for College Students (BASICS) ○ 17 Assessment for Substance Abuse Patterns (ASAP) ○ 11 Individual Marijuana Education Program (IMEP) ○ 1 Marijuana Check Up and Go ○ 1 EChug ○ 1 other alcohol/drug intervention ○ 1 anger management workshop ○ 9 recommended counseling ○ 8 other workshop attendance 	258
<p><i>F. Educational Project:</i> Completion of a project specifically designed to help the student understand why certain behavior was inappropriate.</p> <ul style="list-style-type: none"> ○ 72 reflection essay ○ 11 educational projects ○ 59 other 	142
<p><i>G. Service:</i> Performance of one or more tasks designed to benefit the community and help the student understand why certain behavior was inappropriate.</p> <ul style="list-style-type: none"> ○ 110 community connection meeting with Hall Director ○ 116 restorative measures through community connection meeting 	231

<ul style="list-style-type: none"> ○ 4 community service ○ 1 other follow-up meeting 	
<p><i>H. University Housing Transfer or Removal:</i> Placement in another room or housing unit or removal from University housing.</p> <ul style="list-style-type: none"> ○ 1 transfer/removal from University Housing ○ 3 no reapplication to University Housing 	4
<p><i>L. Removal from Specific Courses or Activities:</i> Suspension or transfer from courses or activities at the University for a specified period of time.</p> <ul style="list-style-type: none"> ○ 1 removal from course 	1
<p><i>J. No Contact:</i> Restriction from entering specific University areas and/or all forms of contact with certain person(s).</p> <ul style="list-style-type: none"> ○ 10 restriction from contact with certain person(s) 	10
<p><i>K. Suspension:</i> Separation from the University for a specified period of time or until certain conditions are met.</p> <ul style="list-style-type: none"> ○ 4 suspension ○ 1 voluntary withdrawal/separation 	4
<p><i>L. Expulsion:</i> Permanent separation from the University.</p>	0

The Year Ahead

Areas of focus for OSCR in 2012-2013 will include:

- Collaborating with institutional stakeholders to develop a long-term policy for addressing student sexual misconduct;
- Facilitating the triennial amendment process for the *Statement of Student Rights and Responsibilities*;
- Enhancing OSCR's campus visibility and service to students with a new logo, website, and social media presence;
- Publishing OSCR's student learning goals and integrating them into general assessment efforts;
- Engaging in systematic efforts designed to enhance OSCR's organizational culture and work product; and
- Planning for and completing a move to a new office location.

Appendix

Interim Procedure for Addressing Sexual Misconduct Allegations Against Students

Procedural Summary:

Effective August 18, 2011, all allegations of sexual misconduct against a student¹ (including, but not limited to, sexual assault, sexual harassment, and stalking as defined in the *Statement of Student Rights and Responsibilities*) that become known to the University will be subject to review and investigation by the Office of Student Conflict Resolution in coordination with the University's Title IX Coordinator. If the review and investigation concludes, based on a preponderance of the evidence, that a student is responsible for sexual misconduct, appropriate sanctions/interventions will be applied. This document outlines the procedures that will be utilized at each stage of the process from initial review to final appeal.

Initial Action and Review:

Once the University is put on notice of any allegation of sexual misconduct against a UM student or students, the individual who allegedly experienced sexual misconduct (hereinafter, "Complainant") will be offered appropriate support services and notified of applicable institutional policies, including the Interim Procedure for Handling Sexual Misconduct Allegations Against Students. The student who is alleged to have engaged in sexual misconduct (hereinafter, "Respondent") will also be offered appropriate information and support services. The University may also implement interim sanctions or interventions, as needed to protect the community and students involved, pending the culmination of any review, investigation, or appeal process.

If the Complainant is willing to participate in the review and investigation process, the University will proceed as described in the Investigation section below. If the Complainant requests confidentiality or asks that the complaint not be pursued, before taking any further steps, the University will forward that information, along with all available information about the incident or allegation, to a review panel consisting of the University's Title IX Coordinator and representatives from the Office of Student Conflict Resolution, the Sexual Assault Prevention and Awareness Center, the Department of Public Safety, the Office of General Counsel, and other offices as deemed necessary and appropriate under the circumstances. This panel is charged with balancing UM's tradition of supporting survivor²-centered practices with UM's equally strong commitment to providing due process to the accused student (hereinafter, "Respondent") and promoting a safe community. Specifically, the panel will provide information and advice to the Title IX Coordinator regarding: 1) their perspectives on whether, and to what extent, UM should further investigate an allegation of sexual misconduct when the Complainant does not wish for an investigation to be conducted and/or when the Complainant wishes for his/her

¹ Student-employees who are alleged to have engaged in sexual misconduct in their employment capacity will continue to be reviewed by the Office of Institutional Equity, in accordance with University of Michigan Standard Practice Guide 201.89. If a student-employee is found to have engaged in sexual misconduct after that review, the student-employee may be subject to sanctions both in connection with their employment and in connection with their student status, under applicable processes.

² The term "survivor" refers to individuals who allege being subjected to sexual misconduct (also known as "Complainants") and is intentionally utilized by University staff to support students. Use of the term here does not imply a premature determination of responsibility on the part of the Respondent or anyone else. Rather, it indicates UM's commitment to supporting survivor-centered practices, which must be balanced appropriately with due process rights of the Responding student.

information to remain confidential; and 2) what other protective measures or remedies might be considered to address any effects of the alleged sexual misconduct in the campus community.

In all cases, the final decision on whether and to what extent an investigation will be conducted for any allegation of sexual misconduct rests solely with the Title IX Coordinator.

Investigation:

If, after reviewing the allegations, the Title IX Coordinator deems further investigation is warranted, the University will use the following guidelines to ensure that allegations of sexual misconduct are handled promptly and effectively in a manner that is procedurally fair to all parties. The Office of Student Conflict Resolution, under the supervision of the Title IX Coordinator, may modify these guidelines as necessary to achieve the goals of prompt, thorough and effective complaint resolution in a procedurally fair manner.

1. Preliminary Issues

a. Definitions: In these guidelines, all references to days mean calendar days unless specified otherwise, and all references to Complainant and Respondent are meant to include one or more persons in those categories. A Complainant is an individual who allegedly experienced sexual misconduct, regardless of whether the Complainant participates in this process at any point. A Respondent is a student who is alleged to have engaged in sexual misconduct. An Investigator is an individual who investigates complaints.

b. Support Persons: During the investigative process, a Complainant or Respondent may have a support person present. The support person may be present in support of the Complainant or the Respondent, but may not participate directly in the investigative process. Individuals who are witnesses to the alleged behavior in question may not serve as a support person for either party.

c. Advocacy: Investigators do not function as advocates for Complainants or Respondents. Investigators can, however, identify advocacy and support resources for Complainants and Respondents.

d. Confidentiality: Sexual misconduct complaints will be handled in a confidential manner to the extent possible and consistent with principles of due process. Information will only be shared among University employees or external parties on a need-to-know basis and as permitted under University policy and applicable federal and state law.

e. Confidential Assistance: Information about or assistance with sexual misconduct issues may be obtained from a variety of University resources. Prior to or concurrent with any review or investigation process, students may find it helpful to consult with a counselor or otherwise seek assistance. The following offices can provide advice and support. All information shared with these offices will remain confidential to the extent permitted by law and University policy. Discussions with representatives of these offices will not be considered a report to the University regarding the problematic behavior and will not, without additional action by the Complainant, result in sanctions or intervention.

CAPS – Counseling and Psychological Services (Students)
(734) 764-8312
www.umich.edu/~caps/

SAPAC – Sexual Assault Prevention and Awareness Center (Faculty, Staff and Students)

(734) 998-9368

www.sapac.umich.edu

Office of the Ombuds (Students)

734) 763-3545

www.umich.edu/~ombuds/

FASAP – Faculty and Staff Assistance Program (Faculty and Staff)

(734) 936-8660

www.umich.edu/~fasap/

UMHS Employee Assistance Program (Hospital and Health Centers Staff)

(734) 763-5409

www.mhealthy.umich.edu/eap

University Faculty Ombuds (Faculty)

(734) 764-0303

www.umich.edu/~facombud/

f. Anonymous Complainants: The University may not be able to fully address allegations received from anonymous sources unless sufficient information is furnished to enable the University to conduct a meaningful and fair investigation.

2. Procedure

The Office of Student Conflict Resolution, under the supervision of the University's Title IX Coordinator, will determine the most effective method of reviewing the concerns raised by the Complainant. In most cases, this will involve conducting a thorough fact-finding investigation, which includes meeting separately with the Complainant, Respondent, pertinent witnesses, and reviewing and analyzing relevant documents as they relate to each allegation of the complaint. The Investigator will seek to complete his or her investigation promptly. Occasionally, a different or less formal response to the complaint may be warranted. Although the Office of Student Conflict Resolution may, in consultation with the Title IX Coordinator, modify these guidelines, it will still respond to the complaint in a prompt, thorough and effective manner that is procedurally fair.

3. Investigation Report

When an investigation is conducted, the Investigator will prepare a written report at the conclusion of the investigation. The Complainant and Respondent will be given an opportunity, to the extent permitted under FERPA³, to review a draft summary of the evidence gathered during the investigation, and will be given five (5) days to submit comments on that draft summary to the Investigator. The Investigator will address factual inaccuracies and misunderstandings, supported by evidence, identified by either party.

Following the receipt of any comments submitted, or after the five (5) day comment period has lapsed without comment, the Investigator will make a determination regarding the merit of the allegations.

³ The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records.

The Investigator's written report will contain (1) a summary of the Complainant's relevant allegations, (2) a summary of the Respondent's relevant statements in response to the allegations, (3) a description of the relevant information provided by witnesses or obtained from documents including comments submitted in response to the draft report, and (4) the Investigator's analysis and findings.

After the investigation has concluded and has been approved by the Title IX Coordinator, the Investigation Report will be made available to the Complainant and Respondent. If the final report concludes, based on a preponderance of the evidence, that sexual misconduct has occurred, appropriate sanctions/interventions will be applied, as described below.

Sanctions/Interventions:

The sanctions/interventions applied to students found responsible for sexual misconduct are designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while honoring the University's educational mission. Sanctions/interventions may also serve to promote safety or to deter students from behavior that harms or threatens people or property or is motivated by bias. Some behavior is so harmful to the University community or so deleterious to the educational process that it may require more serious sanctions/interventions such as removal from housing, removal from specific courses or activities, suspension from the University, or expulsion.

1. Sanction/Intervention Options:

Sanctions/interventions may include, but are not limited to, the following:

- a. **Formal Reprimand:** A formal notice that the student has violated the *Statement of Student Rights and Responsibilities* and that future violations may be dealt with more severely.
- b. **Disciplinary Probation:** A designated period of time during which the student is not in good standing with the University. The terms of probation may involve restrictions of student privileges and/or set specific behavioral expectations.
- c. **Restitution:** Reasonable compensation for loss, damage, or injury to the appropriate party in the form of community service or service learning, money, or material replacement.
- d. **Restriction from Employment at the University:** Prohibition of or limitation on University employment.
- e. **Class/Workshop Attendance:** Enrollment and completion of a class or workshop that could help the student understand why certain behavior was inappropriate.
- f. **Educational Project:** Completion of a project specifically designed to help the student understand why certain behavior was inappropriate.
- g. **Service:** Performance of one or more tasks designed to benefit the community and help the student understand why certain behavior was inappropriate.
- h. **University Housing Transfer or Removal:** Placement in another room or housing unit or removal from University housing.

- i. **Removal from Specific Courses or Activities:** Suspension or transfer from courses or activities at the University for a specified period of time.
- j. **No Contact:** Restriction from entering specific University areas and/or from all forms of contact with certain person(s).
- k. **Suspension:** Separation from the University for a specified period of time or until certain conditions are met.
- l. **Expulsion:** Permanent separation from the University.

2. Resolution Options:

The Respondent may choose either of the following two options for resolving the complaint and determining the sanctions/interventions that will result:

a. Option 1: Enter into an Agreement

If the Respondent is in general agreement with the Complainant and/or community (as represented by the Resolution Coordinator⁴ assigned to the case) about how to resolve the conflict and restore the community, the Respondent has the option of entering into an agreement. In resolution by agreement, the Respondent accepts responsibility for the findings of the Investigation Report and agrees to fulfill sanctions/interventions that are developed with the input of the Respondent, the Complainant (if the Complainant chooses to participate), and the Resolution Coordinator. The Respondent has the right to discuss potential sanctions/interventions with others before entering into an agreement. Once an agreement has been reached, it may not be appealed.

b. Option 2: Request a Sanctioning/Intervention Decision

If the Respondent is unable or unwilling to enter into an agreement as outlined above, the Respondent may request that a Resolution Officer (RO)⁵ be appointed to decide which sanctions/interventions will be applied. This RO will not modify the findings of the Investigation Report and will address only what sanctions/interventions are appropriate given the findings of the Report. The following procedures will be utilized to inform the RO's sanctioning/intervention decision.

3. Sharing Information with the Resolution Officer:

Each party may elect to present information to the RO in writing, in person, or both. Written information, including the names and anticipated statements of any individuals who will be presenting information to the RO in person, must be provided to the Resolution Coordinator, for distribution to the RO, at least five (5) days in advance of the RO's scheduled date of decision.⁶ All parties may have access to any written documentation that will be presented to the RO for consideration. The Resolution Coordinator will prepare and distribute this information to each party at least two (2) days prior to the date of decision.

⁴ The "Resolution Coordinator" is a staff member from the Office of Student Conflict Resolution who is assigned to each case to support all participants and facilitate appropriate processes.

⁵ A "Resolution Officer" is a University official, recommended by the Faculty Senate or Vice President for Student Affairs, who is trained to review alleged violations of the *Statement of Student Rights and Responsibilities*.

⁶ The "date of decision" will be scheduled by the Resolution Coordinator following the Respondent's Request for Decision. All reasonable efforts will be made to ensure the decision is made promptly and effectively in light of the circumstances.

Each party may also choose to present information to the RO in person on the scheduled decision date. Each party who elects to present information in person will meet separately with the RO.⁷ The party may be accompanied by a personal advisor, who may be an attorney, when s/he meets with the RO. The advisor, however, may not participate directly in the meeting, but may only advise the party.

During the meeting, the RO may question the involved party. The involved party may present information relevant to the sanction/intervention process. The RO, however, may, at any time prior to or during the meeting, exclude information or individuals that would, in the RO's view, be irrelevant, redundant, or otherwise not helpful in determining the appropriate sanction/intervention. At any time during the meeting, the involved party may request a recess to consult with their advisor.

An audio recording will be made of each meeting with the RO, and will be made available (in the Office of Student Conflict Resolution), upon request, to the Respondent and Complainant during the period in which an appeal may be filed or is pending.

To ensure fairness and consistency, the RO must consult with the Office of Student Conflict Resolution and UM's Title IX Coordinator in making the decision regarding recommended sanctions/interventions. In all cases, the RO will issue a written decision containing rationales for all recommended sanctions/interventions. The RO's decision regarding recommended sanctions/interventions will be delivered to the Dean of Students, who, in consultation with others, including the Title IX Coordinator, may accept or modify the recommendation(s).

Appeal Process:

The University provides an appeal process that is available to each party. Appeals may be filed for the following reasons: 1) a material deviation from the written procedures occurred that substantially affected the due process rights of either party; 2) the sanctions/interventions are insufficient or excessive relative to the violation found; or 3) there is new evidence not reasonably available at the time of the investigation that could reasonably have affected the finding(s) of the Investigation Report. All appeals must be submitted in writing to the Resolution Coordinator within ten (10) calendar days after notification of the Dean of Students' decision to accept or modify the RO's recommended sanctions/interventions. The Vice President for Student Affairs (VPSA) may waive the ten-day limitation when the VPSA deems the late submission to be reasonable under the circumstances. The appeal will be reviewed by the Appeals Board described in the *Statement of Student Rights and Responsibilities*. The Appeals Board will recommend one of the following actions to the VPSA: (a) confirmation of the sanctions/interventions; (b) alteration of the sanctions/interventions; (c) striking of the initial sanctions/interventions and remand to the original RO for further consideration with corrective instructions from the Appeals Board; or (d) an order, with the approval of UM's Title IX Coordinator, that the original investigator consider the new information available and determine whether any parts of the Investigation Report need to be modified. The VPSA, after any needed consultation with others, including the Title IX Coordinator, may accept or modify the recommendation(s) made by the Appeals Board.

⁷ In the limited circumstance where a Complainant and Respondent may mutually request a joint meeting, and such a meeting is deemed reasonably appropriate by the Office of Student Conflict Resolution, in consultation with the Title IX Coordinator, a joint meeting may be permitted to occur with appropriate restrictions and limitations. The Complainant and Respondent, however, have no right to confront or question each other during any meeting with the RO.

Related Procedures:

Procedures and guidelines not described herein, but necessary for the interpretation or implementation thereof, shall be supplied by the *Statement of Student Rights and Responsibilities*.