



Annual Report:
Institutional Response to
Sexual and Gender-Based Misconduct

July 2020 - June 2021

**Equity, Civil Rights and Title IX Reports
September 2022**



EQUITY, CIVIL RIGHTS AND TITLE IX

June 1, 2022

Dear University of Michigan-Flint Community:

In August 2021, the Office for Institutional Equity became the Equity, Civil Rights and Title IX Office (ECRT). Therefore, ECRT remains committed to OIE's mission, including making available this annual report, which is in its fifth year. It outlines the number of reports of sexual and gender-based misconduct received by the University between July 1, 2020 and June 30, 2021.

The data contained in this report was addressed under a number of University policies described in more detail in Section I below, including the applicable student sexual misconduct policy during this time: the [University of Michigan-Flint Interim Policy and Procedures on Student and Gender-Based Misconduct and Other Forms of Interpersonal Violence](#) ("Student Sexual Misconduct Policy"). However, in August 14, 2020, the University issued the [Interim Policy on Sexual and Gender-Based Misconduct](#), in response to the release of the new Title IX regulations by the U.S. Department of Education. All reports received after that date, will be addressed using this new policy.

As mentioned in previous reports, the information contained in this report represents the collaborative efforts of many campus partners working together to effectively address the issues covered in the Policy. This report is intended to provide insight into the number of complaints reported to and addressed by the University, as well as the process by which complaints are handled.

In composing this report, we have been mindful of our responsibility to balance the educational benefits of sharing as much information as is appropriate about these matters, while at the same time respecting the privacy of those involved. Therefore, if you have any feedback to offer on how this report can be improved, please feel free to forward your comments to UMFlintECRT@umich.edu.

Thank you for taking the time to read this report and your commitment to this important issue.

Sincerely,

Kirstie J. Stroble
Director of Equity, Civil Rights and Title IX

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Introduction and Title IX Coordinator

The Equity, Civil Rights and Title IX Office houses the Title IX Coordinator, Kirstie Stroble. All members of the University community are encouraged to reach out to Kirstie with any questions or concerns they may have, as well as any feedback regarding the content or format of this document:

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

Applicable Policies Related to This Report

During the period of time covered by this report, the University's [*Interim Policy on Sexual and Gender-Based Misconduct*](#) (*SGBM Policy*) was used to address reports of sexual and gender-based misconduct by faculty, staff, students and third parties.

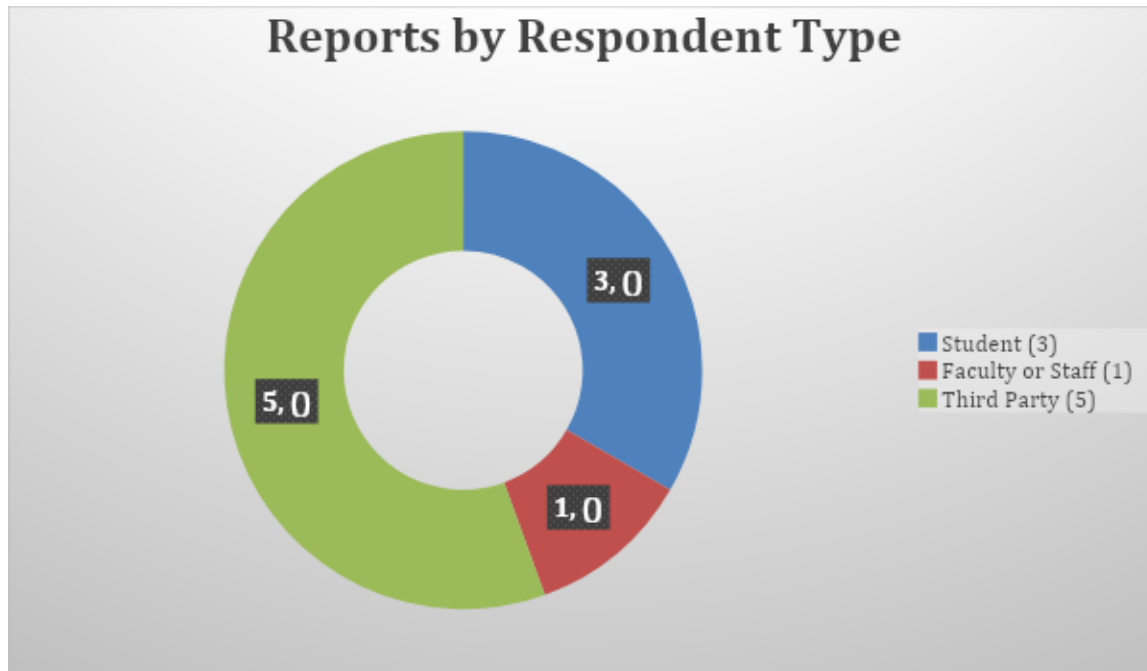
In addition, the [*Violence in the University Community*](#) policy (SPG 601.18) applies to reports of stalking by faculty, staff and third parties that are not covered by the *SGBM Policy* (i.e., have no basis in romantic or sexual interest).

ECRT addresses matters arising under the *SGBM Policy*, while Human Resources ("HR") is generally responsible for addressing matters arising under the *Violence in the University Community* policy. When reported behavior implicates both policies, ECRT and HR work collaboratively to resolve the concerns.

Number and Type of Reports Received

This year, ECRT received ten reports of sexual misconduct by faculty, staff, third parties and students. Twenty-two reports were received the previous year.¹

¹ This report identifies the total number of sexual misconduct concerns that were reported during the past fiscal year, and is likely to differ from statistics provided in the University's Annual Security Report and Annual Fire Safety Report. As required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Annual Security Report contains the reported number of certain types of crimes, as defined by the FBI Uniform Crime Reporting (UCR) Program, that occurred in particular geographic locations during the calendar year. Some of the incidents referenced in this report, while falling under the definitions contained in applicable



During this reporting period, there was a decline in reports compared to the previous year. Although the reason for a decline is unknown, there was a significant decrease in attendance on campus among students, faculty and staff as the university shifted to remote access for its academic and employment activities in March 2020..

The University encourages every member of our campus community to report sexual and gender-based misconduct. A report may be made by a person who has experienced, witnessed, heard about or otherwise has knowledge of the behavior. We encourage reporting because it allows the University to provide for the safety and well-being of both individual community members and the overall campus community. It also allows us to provide resources and support for those impacted by the reported misconduct, even when the behavior at issue does not fall within the University's policies. There are a variety of ways to report concerns about sexual and gender-based misconduct, including [online](#) or by contacting ECRT/Title IX Coordinator at (810) 237-6517 or UMFlintECRT@umich.edu.

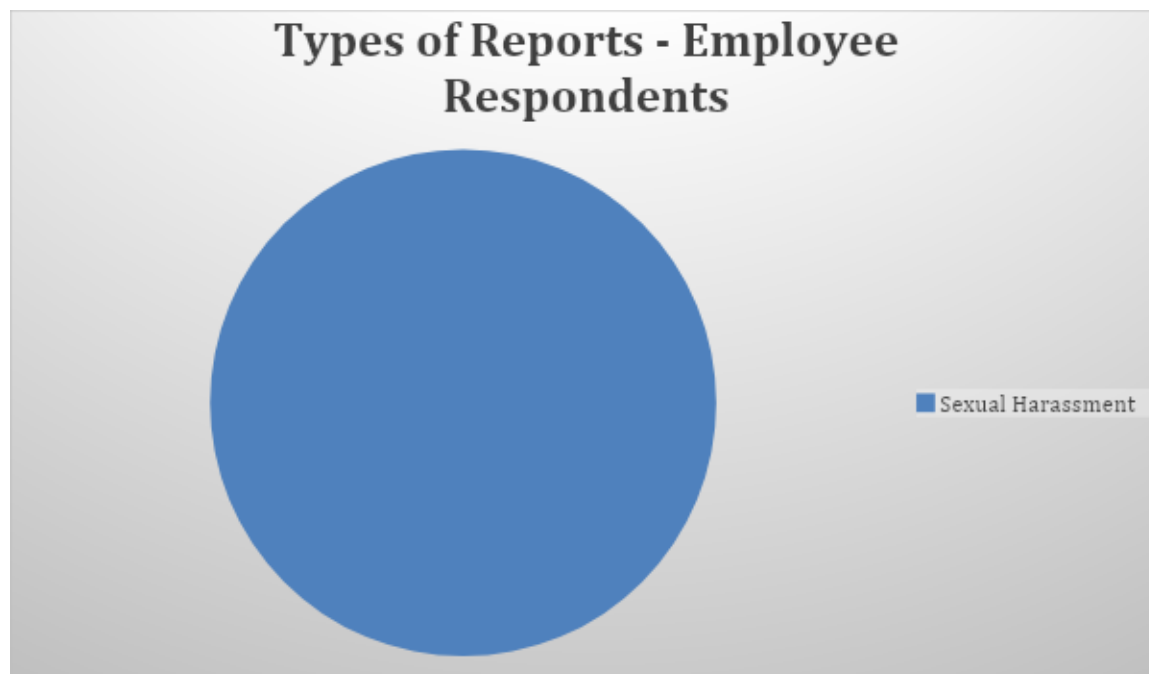
a. Respondents with Faculty and Staff Respondents

Of the ten reports received this past fiscal year, one raised concerns about faculty or staff members,² representing the following possible policy violations:

University policies, do not fall within the federal definitions used for the purposes of reporting in the Annual Security Report, which results in a disparity between the data reported in this report and the Annual Security Report. Further, the numbers will differ because the two reports contain information from different time periods (i.e., this report encompasses the 2020 fiscal year while this year's Annual Security Report reflects the 2019 calendar year).

² When ECRT is unable to determine the identity of the respondent and whether that person had any connection to the University or a University program or activity, the matter is categorized as a report against a third party

- 0 reports of sexual assault
- 0 reports of sexual exploitation
- 1 report of sexual harassment
- 0 reports of gender-based harassment
- 0 report of stalking
- 0 reports of intimate partner violence
- 0 reports of sex and gender-based discrimination
- 0 reports of retaliation
- 0 reports of violation of interim measures



This year, as was the case last year, the University did not receive any reports of stalking behaviors that potentially fell under the *Violence in the University Community* policy.

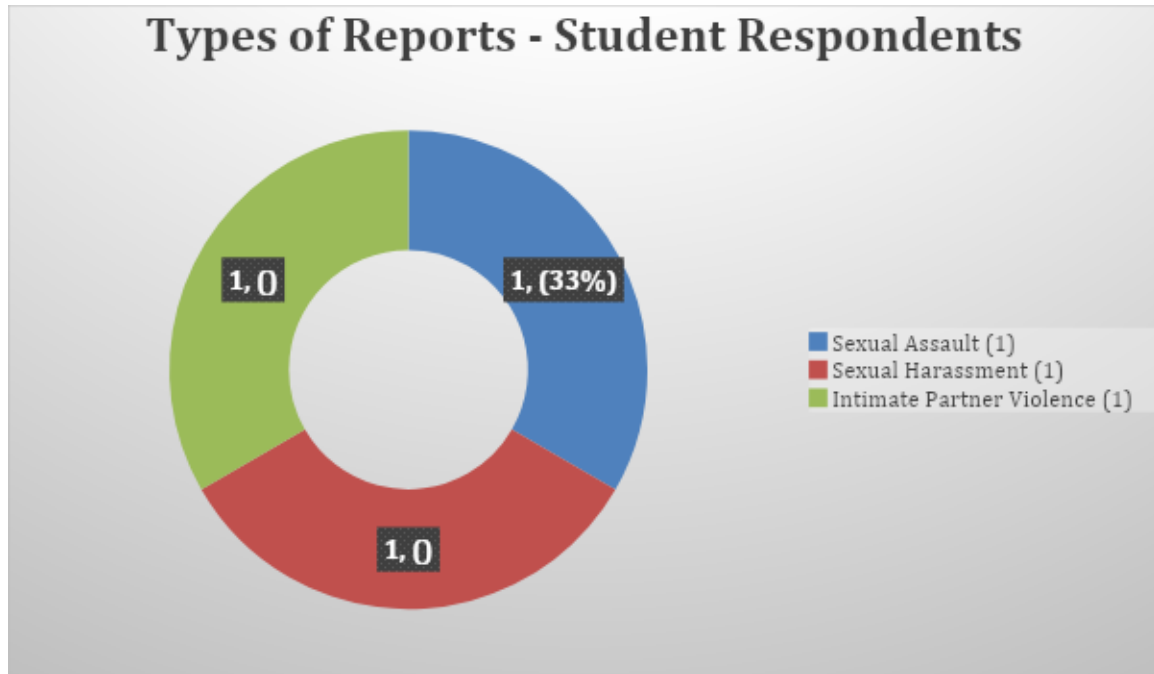
b. Reports with Student Respondents

ECRT received three reports of possible sexual misconduct by students,³ representing the following possible policy violations:

- 1 report of sexual assault
- 0 reports of sexual exploitation

³ In some instances, ECRT was unable to determine the identity of the respondent and whether that person had any connection to the University or a University program or activity. In those instances, the matter was categorized as a report against a third party

- 1 report of sexual harassment
- 0 reports of gender-based harassment
- 0 report of stalking
- 1 report of intimate partner violence
- 0 reports of sex and gender-based discrimination
- 0 reports of retaliation
- 0 reports of violation of interim measures

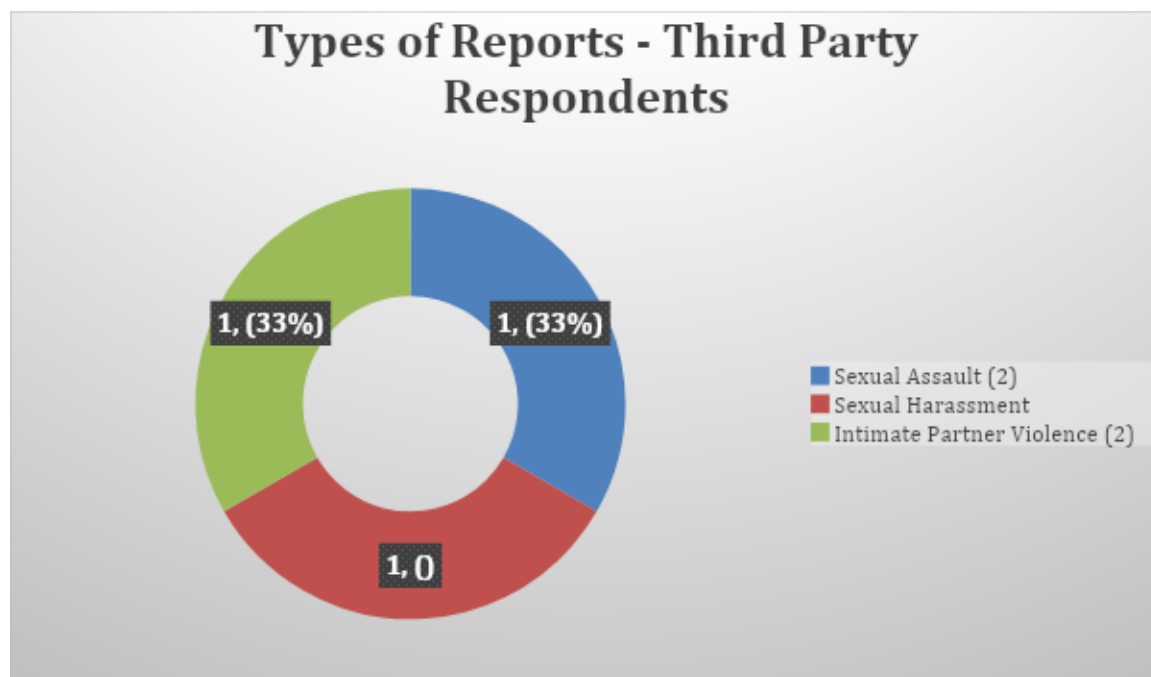


c. Reports with Third Party Respondents

Six of the ten reports received this past fiscal year involved a third party respondent. A third party may be a vendor on campus, a visitor to campus or somebody who has no connection to the University (e.g., a student reporting concerns about an experience they had off campus with a person who has never attended or been employed by the University). The report represents the following possible policy violations:

- 2 reports of sexual assault
- 0 reports of sexual exploitation
- 2 reports of sexual harassment
- 0 reports of gender-based harassment
- 0 report of stalking
- 2 reports of intimate partner violence
- 0 reports of sex and gender-based discrimination
- 0 reports of retaliation

- 0 reports of violation of interim measures



Handling of Reports with Faculty and Staff Respondents

a. Initial Response and Supportive Measures

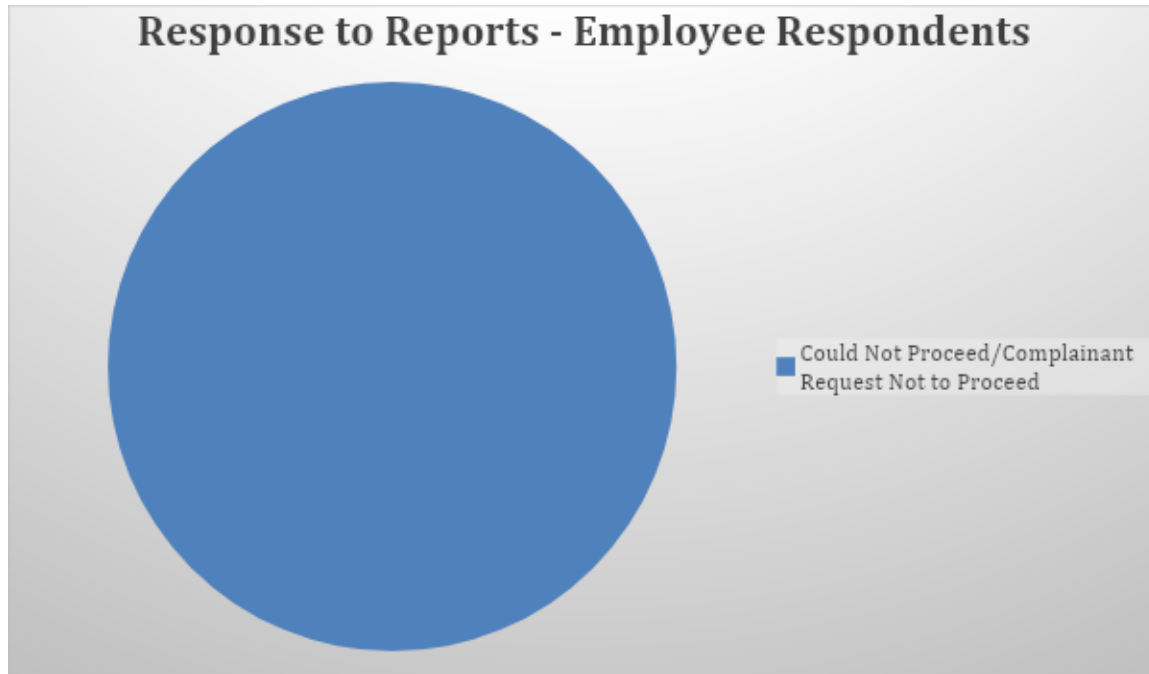
One of the first steps ECRT takes when a sexual or gender-based misconduct concern is raised is to offer the complainant and respondent resources and support, including [information about confidential resources and other support](#). The [Department of Public Safety](#) (“DPS”) is also informed of sexual and gender-based misconduct reports that are criminal in nature. As part of its response, the University also offers supportive measures, regardless of whether the individual participates in a University process to address the reported misconduct. 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 educational environment, and/or deter sexual and gender-based misconduct, without being punitive or disciplinary in nature or unreasonably burdening the other party. Supportive measures can include a variety of actions taken by numerous offices on campus. When supportive measures are arranged, no assumptions are made as to whether the respondent violated the *SGBM Policy*.

This year, no individuals requested supportive measures through ECRT.⁴

⁴ Confidential resources may also arrange for supportive measures. This report does not account for those supportive measures unless the party elected to inform ECRT of the arrangements.

b. Matters Closed Because the University Could Not Proceed Further

The one report that was received this year regarding an employee did not involve circumstances in which the *SGBM Policy* would apply and no campus-related safety concerns were identified. Resources and support were offered to the complainant and all available processes, including law enforcement, were identified for them.



c. Pre-Investigation Reviews

The one report involving the faculty or staff member did not undergo a “pre-investigation review.” Pre-investigation reviews are undertaken when the information available to the University is insufficient to determine an appropriate response. For example, sometimes more information is needed to understand if the behavior at issue could constitute a policy violation. If the pre-investigation review indicates that relevant evidence of a possible policy violation is likely available to the investigator, the matter generally proceeds to investigation. If that does not occur, a different action may be taken or the matter may be closed pending receipt of additional information.

d. Investigations, Hearings, Findings and Corrective Action

As, stated before, the one report involving the faculty or staff member did not proceed. Therefore, it did not result in an investigation or hearing.

Regarding investigations and hearings in general, under the *SGBM Policy*, reports about employees are either addressed as Sexual and Gender-Based Misconduct or Title IX Misconduct. In the case of Sexual and Gender-Based Misconduct, an investigation occurs and the finding is made by the investigator. In the case of Title IX Misconduct, an investigation occurs, and the investigation report is providing to a hearing officer who holds a hearing and makes a finding. The possible findings are:

- A policy violation
- A finding of inappropriate behavior – unwelcome conduct of a sexual nature occurred and was inappropriate, but did not meet the elements necessary to constitute a policy violation
- No policy violation – Either there was insufficient evidence to conclude the behavior occurred, the behavior was not sexual in nature or the behavior was not otherwise inappropriate when looking at the totality of the circumstances
- The behavior did not occur as reported

In making a finding, the investigator or hearing officer uses the “preponderance of the evidence” standard. Under this standard, individuals are presumed not to have engaged in the alleged conduct unless a preponderance of the evidence supports a finding that the conduct occurred. The preponderance of the evidence standard requires that the evidence supporting each finding be greater than the evidence obtained in opposition to it.

e. Referrals/Other Resolution

Some reports may be addressed appropriately without a pre-investigation review or an investigation, by referral to other offices for an appropriate response. For example, a supervisor may contact ECRT about a concern that a long-term employee told a sexual joke in the workplace. If the employee does not have a history of such behavior and no other concerns have been raised, this matter can usually be resolved through action taken by the supervisor and HR, if appropriate to the particular circumstances. In this example, the matter would be documented by ECRT in the event there is a recurrence.

There were no reports regarding employees this year that resulted in such action

Handling of Reports with Student Respondents

During the past year, ECRT received three reports of possible sexual or gender-based misconduct by students.

a. Initial Response and Supportive Measures

The University's initial response when a report is received about a student is the same as when a report is received about an employee or third party: to offer the complainant and respondent resources and support, including [information about confidential resources and other support](#). The [Department of Public Safety](#) ("DPS") is also informed of sexual and gender-based misconduct reports that are criminal in nature.

As part of its response, the University also offers "supportive measures," regardless of whether the individual participates in a University process to address the reported misconduct.

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 sexual and gender-based misconduct, without being punitive or disciplinary in nature or unreasonably burdening the other party. Supportive measures can include a variety of actions taken by numerous offices on campus. When supportive measures are arranged, no assumptions are made as to whether the respondent engaged in sexual misconduct.

This year, no supportive measures were implemented by ECRT.⁵

b. Matters Closed Because the University Could Not Proceed Further or Upon Complainant's Request

This year, all three reports against students were closed pending additional information or further request by the complainant. Cases can be closed pending such information or request because, for example, ECRT did not have necessary relevant information (e.g., the respondent's identity, what behavior occurred, etc.), the complainant requested that the University not take further action, or the behavior did not occur in connection with a University program or activity, or otherwise have a connection to the University community.

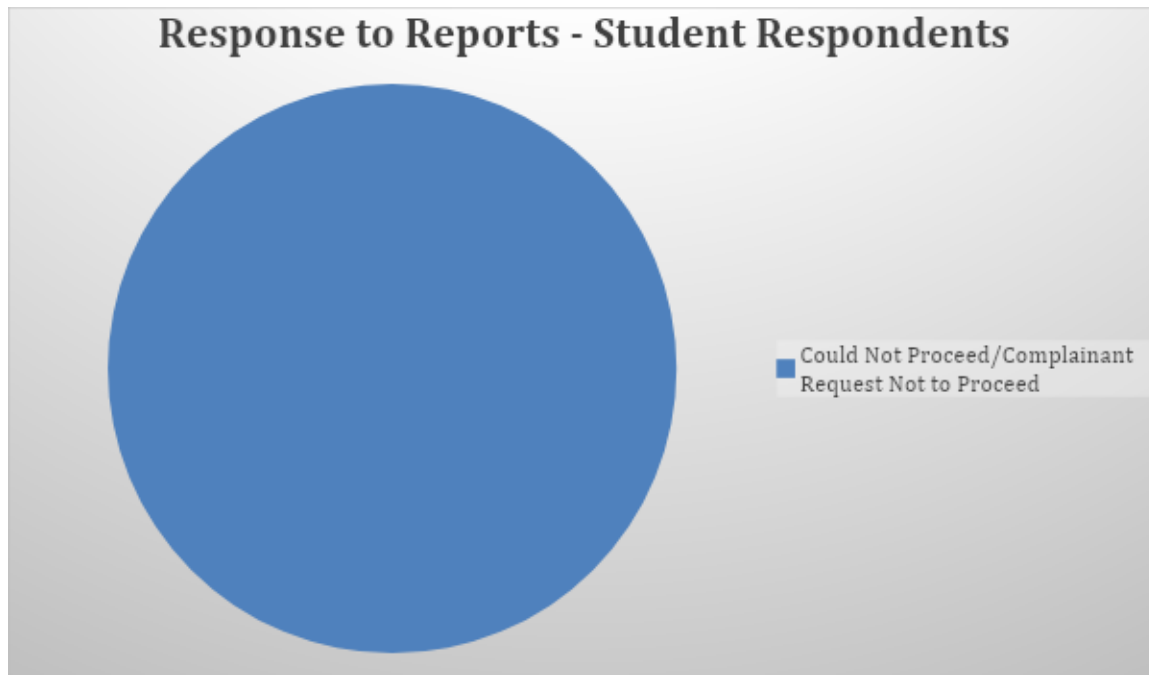
The University recognizes that individuals have varied reasons for choosing whether and how to pursue resolution of their concerns. The University seeks to honor and respect the wishes of each individual complainant, while still meeting its obligations to the campus community as a whole. In those instances in which the complainant requested that the University not take further action, ECRT, in consultation with the Dean of Students and the Department Public Safety, assessed that request by balancing it against the following safety considerations:

- The nature and scope of the alleged conduct, including whether the reported
- The respective ages and roles of the Complainant and the Respondent;
- The risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;

⁵ Confidential resources may also arrange for supportive measures. This report does not account for those supportive measures unless the party elected to inform ECRT of the arrangements

- Whether there have been other reports of Prohibited Conduct or other misconduct by the Respondent;
- Whether the report reveals a pattern of misconduct related to Prohibited Conduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- The Complainant's interest not to pursue an investigation or disciplinary action and the impact of such actions on the Complainant;
- Whether the University possesses other means to obtain relevant evidence;
- Due process considerations for both the Complainant and the Respondent;
- The University's obligation to provide a safe and non-discriminatory environment; and
- Any other available and relevant information.

Even in those instances in which the ultimate decision is not to proceed to investigative or adaptable resolution, the University may take other action, such as providing resources, supportive measures, education and training to the respondent or a particular organization, as noted below in the "Other Response" section. In addition, investigative or adaptable resolution may occur at a later date if more information becomes available or the complainant subsequently decides to participate in such a resolution. Finally, even if no investigative or adaptable resolution ensues, alleged conduct that could be criminal in nature is reported to DPS.



c. Investigative Resolution

Last year, no matters proceeded to investigative resolution.

d. Adaptable Resolution

No parties requested adaptable resolution this year.

Under the *SGBM Policy*, the parties have the option to request adaptable resolution. Adaptable resolution allows the respondent to accept responsibility for their actions and for repairing the harm caused, to the extent possible. Adaptable resolution does not result in formal disciplinary action against the respondent and must be approved as a voluntary resolution option by ECRT. When the parties reach a tentative agreement during the adaptable resolution process, the agreement must be approved by the Title IX Coordinator. The parties may withdraw from the adaptable resolution process and proceed to an investigative resolution at any time before an adaptable resolution agreement is approved.

Handling of Reports with Third Party Respondents

a. Initial Response and Supportive Measures

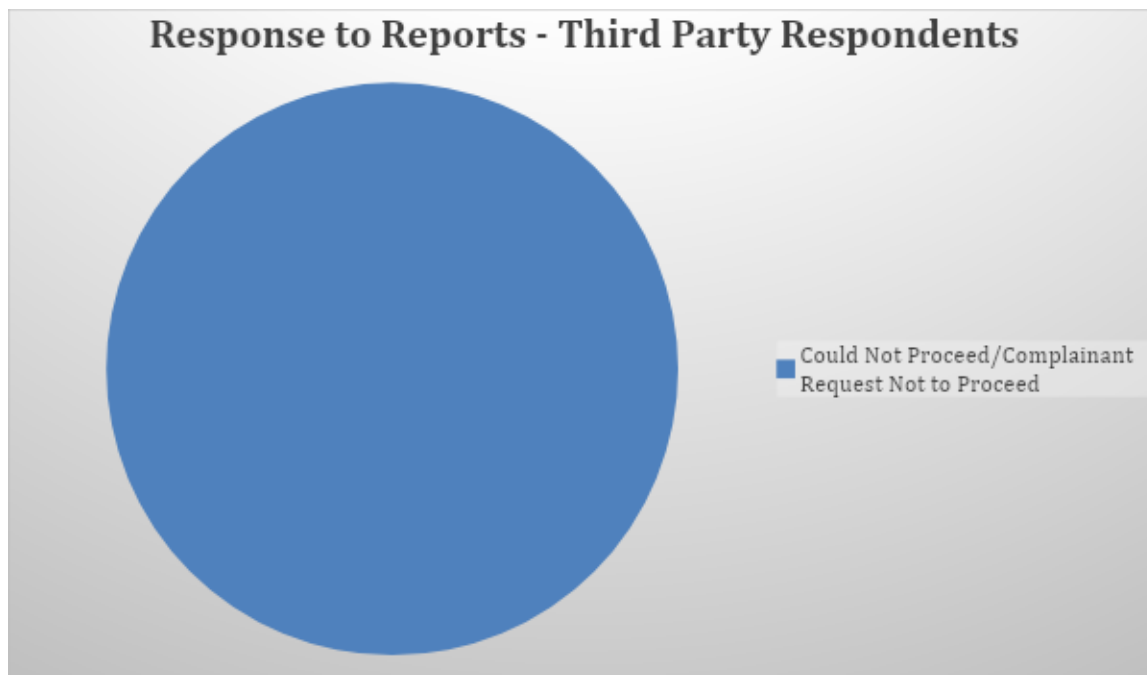
As with reports involving employees and students, one of the first steps ECRT takes when a sexual or gender-based misconduct concern is raised regarding a third party is to offer the complainant and respondent resources and support, including information about confidential resources and other support. The Department of Public Safety (“DPS”) is also informed of sexual or gender-based misconduct reports that are criminal in nature. As part of its response, the University also offers supportive measures, regardless of whether the individual participates in a University process to address the reported misconduct. 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 educational environment, and/or deter sexual and gender-based misconduct, without being punitive or disciplinary in nature or unreasonably burdening the other party. Supportive measures can include a variety of actions taken by numerous offices on campus. When supportive measures are arranged, no assumptions are made as to whether the respondent violated the *SGBM Policy*.

This year, no individuals requested supportive measures through ECRT.⁶

b. Measures Closed Because the University Could Not Proceed Further

In five of the six reports that were received this year regarding a third party respondent, it did not involve circumstances in which the *SGBM Policy* would apply and no campus-related safety concerns were identified. As noted elsewhere in the report, resources and support were offered to the complainant and all available processes, including law enforcement, were identified for them.

⁶ Confidential resources may also arrange for supportive measures. This report does not account for those supportive measures unless the party elected to inform ECRT of the arrangements



c. Pre-Investigation Reviews

There were no reports resulting in pre-investigation reviews of third parties this year. Such reviews are the same as the reviews that may be undertaken for employment matters, as described above.

d. Investigations, Hearings, Findings and Responsive Action

This year, no reports against third parties led to an investigation. The investigation/hearing process is for reports about third parties are the same as those involving employees, as described above.

e. Referrals/Other Measures

One of the reports about a third party received this year was referred to another department to be addressed.

As stated earlier in this report, some reports may be addressed appropriately without a pre-investigation review or an investigation, by referral to other offices for an appropriate response.

Education and Prevention Measures

In addition to the University's commitment to respond promptly and appropriately to reports of sexual and gender-based misconduct, the University continues to focus on educational measures intended to prevent sexual and gender-based misconduct and ensure that those who are experiencing it have information about resources and reporting options.

Over the past four years, ECRT and the Center for Gender and Sexuality (CGS) have partnered to provide sexual violence prevention education to all incoming first year and transfer students. As was the case last year, this year, due to circumstances created by the global pandemic, this training was provided virtually. In addition, all undergraduate and graduate students participate in a comprehensive online educational program on this issue.

Last year, the University introduced an online educational program for faculty and staff entitled *Cultivating a Culture of Respect: Sexual Harassment and Misconduct Awareness*. Faculty and staff were required to complete this program by the end of December 2019.

ECRT, working with campus partners, is engaged in ongoing efforts to increase education and awareness programs for our community and create additional helpful resources, such as the [Our Community Matters](#) resource guide, which provides crucial information to individuals in our community who have experienced sexual misconduct

Conclusion

Sexual and gender-based misconduct happens in every community, including our community. ECRT and other offices across the University are engaged in continued efforts to prevent sexual and gender-based misconduct and respond in a prompt and appropriate manner when it is reported. Additional information about University policies, procedures and resources is available on [ECRT's website](#).

ECRT welcomes feedback on how it might make this document more helpful, easier to understand, or otherwise improve its content.

Please provide any feedback to the Equity, Civil Rights and Title IX Office:

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