

Umbrella Policy Talking Points

A critical concern about the proposed employee procedures under the umbrella policy is that employees are not afforded a full and fair opportunity to respond to allegations of sexual misconduct prior to implementation of sanctions, including sanctions as severe as immediate suspension without pay. The employee procedures also exclude input from relevant unit administrators when interim measures relating to an employee are being considered and implemented.

As expressed in the Report of Review of Sexual Misconduct Policies and Procedures for the University of Michigan, (Report) prepared by Hogan Marren Babbo & Rose (HMBR), employees at the University of Michigan expressed concern about the false reporting of sexual misconduct (Report, page 3).

While the University wishes to encourage reporting of alleged sexual misconduct, and it is agreed that reporting should be encouraged, it is also important to balance potential increased reporting with the possibility that complaints will be received that do not rise to the level of a policy violation or inappropriate conduct. Because of such instances, which are likely to occur, it is especially critical that a respondent be afforded a full and fair opportunity to respond to allegations with involvement of an appropriate administrator prior to implementation of sanctions, particularly when sanctions are as severe as suspension without pay.

The proposed employee procedures should follow HMBR's recommendation that close communication and coordination between OIE and the specific unit at issue occur when interim measures relating to an employee are being considered and implemented (Report, pages 22-23). Notice of findings should also be referred to the appropriate administrator (Report, page 6). Implementation of Interim Measures through the appropriate unit administrator will preserve access to the existing grievance process.

The proposed employee procedures do not include an advance notice requirement prior to implementation of Interim Measures. When a determination is made to implement suspension without pay as an Interim Measure, employees must be provided with adequate notice of implementation so that they may make financial arrangements to manage the loss of pay. The financial impact of such a suspension could be devastating to an employee, which warrants heightened due process and notice procedures.

The employee procedures should include the same consideration and due process rights that are extended to students as articulated in the *November 18, 2019, Faculty Senate Resolution*.