



UNIVERSITY OF  
MICHIGAN

Office for Institutional Equity



# OIE Leadership Team

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# Recent changes to OIE

- Increased staffing
  - 3 Associate Directors
  - 9 full time investigators (cross training)
  - Digital Accessibility specialist
  - Data specialist
  - 2 support staff
- Frequent updates/communication on status of case
- Transcription of interviews in formal investigations
- Increased in-person education/outreach

# Mission

- Serve as a resource and partner to the campus community
- Provide thorough, impartial fact finding investigations
- Partner with campus resources to ensure students, faculty and staff are supported

# Types of cases OIE handles

- Discrimination/Discriminatory harassment
  - SGBM/Title IX
  - Discrimination based on protected class
    - Faculty/staff matters are handled by OIE
    - Student matters are handled by the Office for Student Conflict Resolution (OSCR)

# Interim umbrella policy

- May 2020 Final Title IX regulations released from the Department of Education
- Effective date August 14, 2020
- The regulations have been incorporated into the **interim** umbrella policy

# Regulations v. University policy

- The umbrella policy still covers all of the same prohibited behaviors even though the regulations narrowed behavior required to be addressed under Title IX
- The student process is the same: live hearing model
- The employment process depends on the behavior reported
  - If the behavior alleged falls under the narrow Title IX definition, live hearing model
  - If the behavior alleged falls outside of the Title IX definition, investigator model

# Umbrella Policy

## Prohibited Conduct

### Sexual and Gender-Based Misconduct

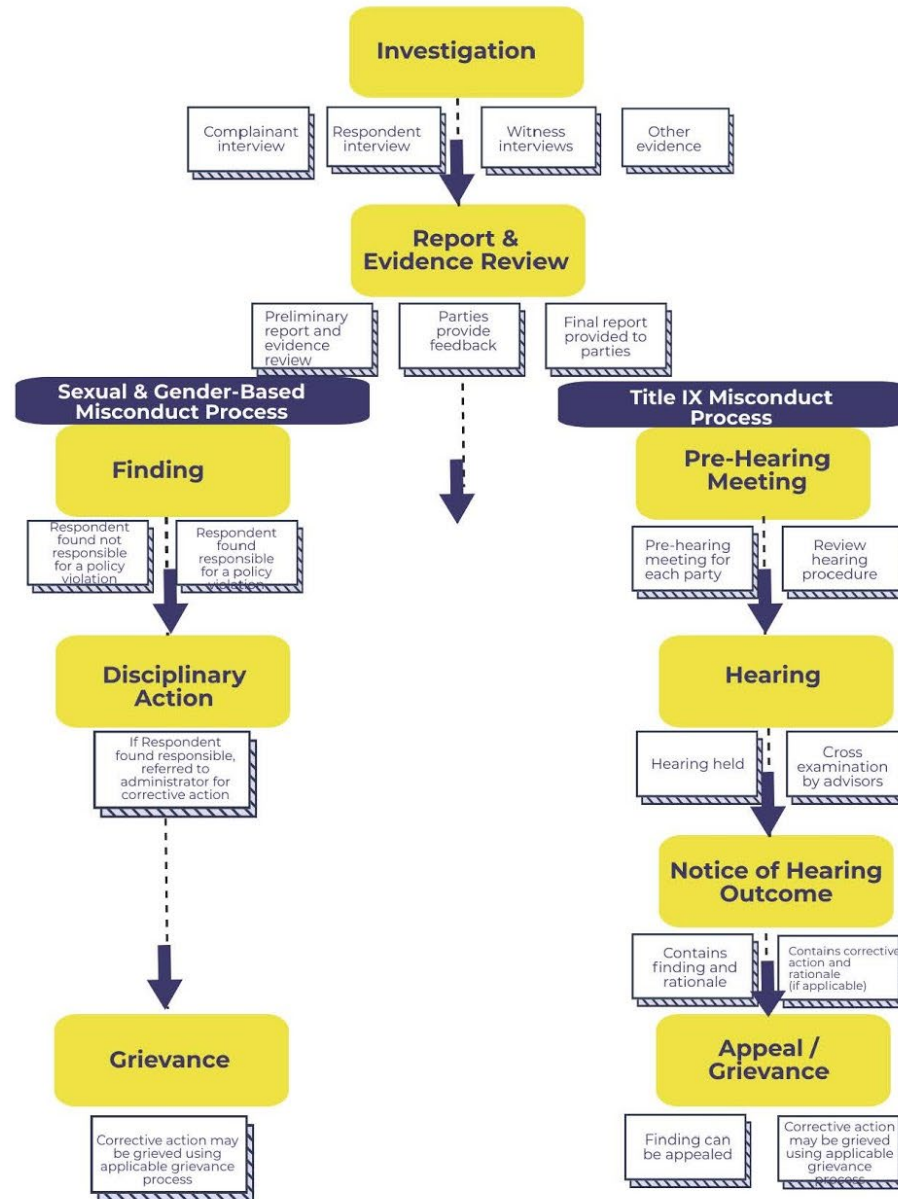
- Sexual Assault
- Sexual Exploitation
- Sexual Harassment
- Gender-Based Harassment
- Sex and/or Gender-Based Stalking
- Intimate Partner Violence
- Sex and Gender-Based Discrimination
- Retaliation
- Violation of Supportive Measures

### Title IX Misconduct

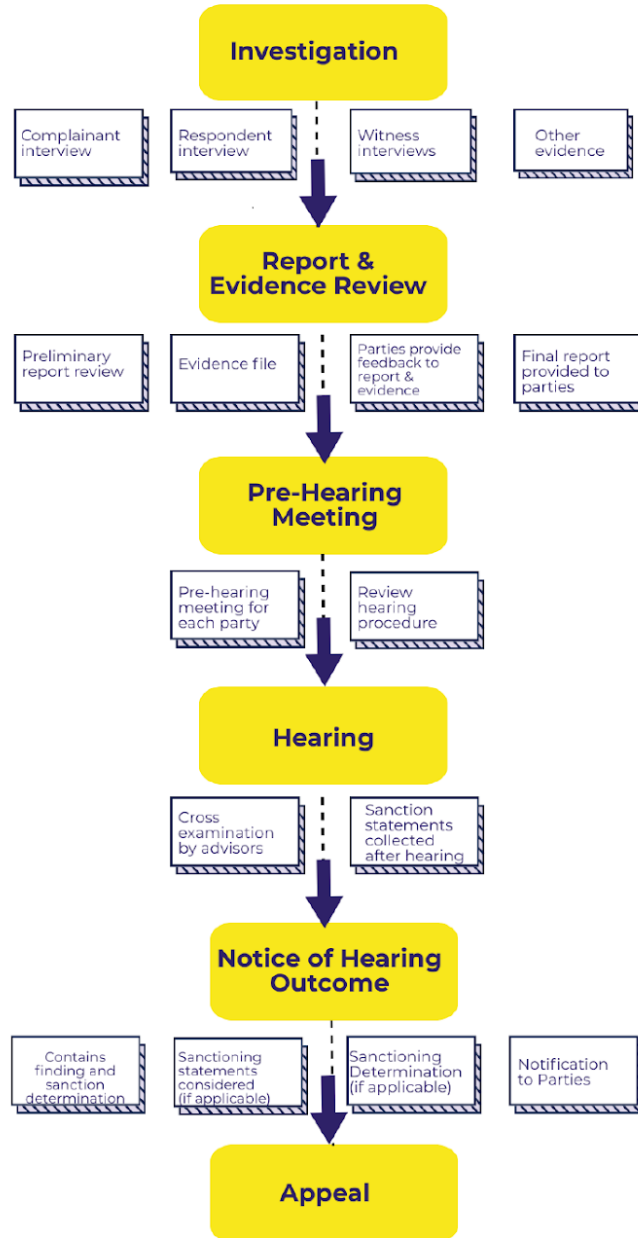
- Sexual Assault
- Sexual Harassment
  - *Quid pro quo* sexual harassment by employee
  - Severe, pervasive and objectively offensive sexual harassment
- Sex-Based Intimate Partner Violence
- Sex-Based Stalking



# Investigation



# Investigative Resolution



# What to expect

- You should be treated fairly and respectfully;
- You should be advised of your options and resources;
- You should feel free to ask questions about the process;
- You should bring a support person of your choosing, if you wish

# Simultaneous police investigation

- OIE and police investigations are separate
- Parties have the option of filing complaints with OIE, police or both
- UMPD and OIE share limited information with each other
  - UMPD does have reporting obligations to OIE
  - OIE does report criminal activity to UMPD
- AAPD and OIE generally do not share information

# Before RE (responsible employee), now IRO

- What is an IRO? Individual with Reporting Obligation
- There are 2 categories:
  1. Officials with Authority to Institute Corrective action: must *ALWAYS* report to OIE
  2. Other IRO: must report **except** when learned outside the scope of employment or in an academic context and other limited circumstance
- Terminology has changed but much remains the same
- IRO's must share conduct with OIE within 48 hours

# Category 1:

## **IROs Who Are Officials With Authority** **include:**

- Board of Regents members, Executive Officers/Chancellor
- Deans
- Department Chairs
- Dean of Students and Student Conduct Advisors
- Athletic Director and Varsity Head Coaches
- OIE Directors and Title IX Coordinator

# Category 2:

- **Other IROs** include:

- Vice, associate and assistant (Chancellor) Dean and Department Chair roles
- 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, Athletics, HR, DPSS and HR staff (in general, clerical, custodial, maintenance, and similar staff are not IROs)

# Other IROs include:

- 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
- Faculty and staff members who accompany students on University-related travel abroad
- Faculty and staff serving as identified advisers to student organizations to Sponsored Student Organizations and Registered Student Organizations
  - NOTE: 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



# Other IROs (cont'd)

- must report information about Prohibited Conduct to OIE within 48 hours unless learned about:
  - Outside the scope of their employment, or
  - When communicated/disclosed during
    - A classroom discussion
    - In an assignment for a class
    - In discussions outside of class time (e.g., during office hours related to the assignment),
    - As part of a research project directly associated with the class
    - at sexual misconduct public awareness events, or
    - unless otherwise provided in the IRB-approved consent, during a non-minor participant's involvement as a subject in an IRB-approved human subjects research protocol

# Supportive Measures

- Available to all parties
- Available with or without formal resolution process
- Examples: counseling, academic accommodations, academic modifications, work modifications, housing modifications, security measures, mutual contact restrictions

# Confidential Resources

- Confidential Resources are identified in Umbrella Policy
- Examples include:
  - Sexual assault advocates (e.g., SAPAC)
  - Counseling offices and services for students, student athletes, and employees (CAPS, FASCCO, Counseling and Workplace Resilience)
  - Health services
  - Ombuds

# Non-Confidential Resources

- Non-Confidential Resources are listed in the Umbrella Policy
- Examples:
  - Dean of Students office
  - Respondent Support Program
  - Academic, Staff and Michigan Medicine Human Resources offices

# Next Steps

Those interested in providing feedback now may do so at:

[https://umich.qualtrics.com/jfe/form/SV\\_5jWcxCmXzzxXdnn](https://umich.qualtrics.com/jfe/form/SV_5jWcxCmXzzxXdnn)