

Committee on Oversight of Administrative Action (COAA)  
11:00a-1:00p  
10/23/20

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**Attending:** John Pasquale(Chair), Kenneth Adams, Thomas Braun, Gabriela Hristova, Ella Kazerooni, Donald Likosky, Karen Staller, Chuanwu (Wu) Xi, Annalisa Manera (SACUA Liaison)

**Absent:** Hani Bawardi, Ella Kazerooni, Carolyn Swenson, Christina Young

**Guest:** Tami Strickman, Associate Vice President for Institutional Equity

11:05 Meeting called to order.

11:05 Chair Pasquale introduced AVP Tami Strickman

[AVP Strickman Slides](#)

AVP Strickman spoke about the current structure of OIE and she provided contact information for the leadership team at OIE including Elizabeth Seney, Christina Kline, and Tanesia White.

She said that staff are available after hours if needed as well.

AVP Strickman described recent changes to OIE, including:

- Increased staffing
- 3 Associate directors
- 9 full time investigators are being cross-trained
- Digital accessibility specialist
- Data specialist
- Grievance management system is being used – cases and referrals are logged and categorized
- It is possible to ask how many reports have been made by unit or school
- 2 support staff

Additional positions may be needed in the next year.

AVP Strickman described additional changes OIE is pursuing.

There are efforts to provide more frequent communications and updates – every 30 days or so, and they are communicating even more remotely. Increased in-person education/outreach is planned when available.

Advisory groups are being established for faculty, students, and staff. They are working with APG.

To expedite investigations, transcriptions are being prepared for formal investigations to cut down on time.

They are working to establish locations where OIE staff can meet with members of the community and be accessible.

A committee member stated that nonverbal communication is important. Aside from the transcript, the investigator is still summarizing the transcript for the parties to review. A recommendation was made for transcripts to be videotaped rather than audiotaped.

Investigators are assigned randomly without regard to cultural issues.

A committee member stated that OIE offices in Flint and Dearborn are handled slightly differently, and she asked whether the three offices were all following the same protocols. AVP Strickman indicated that Flint and Dearborn don't transcribe. This is new for Ann Arbor.

AVP Strickman indicated that feedback has been received. She aspires for the office to be a helpful and neutral fact-finding office, ensuring that people feel supported, and that investigations are equitable. There is not currently a formal mission statement. OIE hopes to do this winter term.

While OIE handles sexual and gender-based misconduct, they handle other areas as well such as race, religion, and disability. Faculty and staff are covered.

AVP Strickman addressed the Interim Umbrella Policy.

The University was working on the interim policy, and the University waited for revised regulations. Significant changes were made that needed to incorporate Title IX requirements. For this reason the policy is still interim.

Broad changes:

Department of Education narrowed the type of behavior that falls under Title IX

If behavior falls under narrow Title IX definition, the live hearing model is followed.

If outside of Title IX, then the investigator model will apply.

For students a live hearing model is used. An investigator handles everything, puts it into a report, and then forwards it to a hearing officer who will preside over a live hearing. The hearing officer makes the determination about whether there has been a violation.

If a case involves a staff member and a student and is sexual based or gender based, then OIE will handle it.

If behavior involves faculty or staff and falls under the narrow Title IX definition, it will follow the live hearing model

If outside of Title IX, it will fall under the investigator model

AVP Strickman acknowledged that there could be changes to some of these regulations if there is change in the US administration, but this would likely take some time.

Chair Pasquale requested to shift to the advisor role.

AVP Strickman went through brief information in her slides that that people can refer to later.

She referenced those responsible for reporting and touched on supportive measures. She offered to share her slides.

AVP Strickman explained that the Department of Education does not want parties to ask questions of one another. Each party must have an advisor to ask questions. This should not be a legal proceeding. The University is calling on university employees to serve in this role. This mirrors the best practices at peer institutions for employment matters and grievances. They are training on processes and procedures but not on cross-examination. The part provides the questions to the advisor to ask.

AVP Strickman explained that the effort is to keep this non-judicial. Parties have the right to bring in an attorney, but they can use an advisor.

The vetting process for those who volunteer to serve in the advisor role is handled by HR.

AVP Strickman explained that even if an investigator is not comfortable with the questions, the advisor still asks the questions. It's really the parties who are asking the questions, but through an advisor. The hearing officer is there to make decisions about whether questions are appropriate.

Committee members expressed concerns about power differentials, liability for advisors, implications for tenure and promotion, and potential retaliation by students.

AVP Strickman indicated that advisors can opt out. If this happens with short notice, if someone feels disadvantaged, this can be raised with the hearing officer.

Chair Pasquale suggested bringing AVP Strickman back after the planned afternoon conversation with about the use of advisors with the Provost's office.

When asked about the grievance process and sanctions, AVP Strickman clarified that OIE does not have a role with grievances or in the sanction process.

A committee member expressed concern about appeals, which have been an issue for a number of years. AVP Strickman stated that while appeals are helpful in some circumstances, they prolong the process. If an appeal is available it will be available to both parties. This will cause everyone to appeal every finding.

A committee member indicated that there is not a thirty party review presence for OIE which could provide a mechanism to assess and reaffirm the independence and lack of unintended bias within OIE and its practices.

When asked about issues that are reported that are not part of an investigation, AVP Strickman stated that OIE has data available through a grievance management system.

AVP Strickman stated that the respondent determines whether the student or staff process applies.

12:00 AVP Strickman left the meeting.

A committee member questions whether an office of inspector general could be considered to ensure that there is not bias.

Committee members continued conversation about their charge. Currently, data is being collected and issues are being heard.

Statements were made concerning liability of advisors, which is still unclear. It was acknowledged that it is strange that HR is handling the advisor process.

The process for sanctions was described as having limited fairness because a decision is handed to the dean who can implement sanctions – grievances are filed, but you can't go back to the case.

It was acknowledged that sanctions alone may be a good topic for next term, and that more clarity is needed in this area.

There is a concern that there is a priority is to handle cases quickly.

Concerning volunteer advisors, it was stated that people likely don't know what they're signing up for. There is thought that this should be handled by an external party.

12:11 Chair Pasquale introduced the Faculty Guest – Executive Session

12:31 Faculty Guest Left the Meeting

Debriefing

Chair Pasquale summarized the recent change to Bylaw 5.09. This change was started due to Daniels in SMTD. The Regents put a lot of pressure on administration to approve changes to 5.09 so a faculty member could be terminated more quickly. Some of the changes were problematic.

Future potential action items were discussed.

What is the role of the committee, and what can it do moving forward?

Targeted intervention for positive change – 360 of OIE? Not about person but about structures of the institution, are the structures accountable, is there objectivity?

A roadmap could be developed of how the pieces work together. The year can be spent thinking about how we go about doing this. A roadmap could systematically address different areas – such as president involved, provost involved, dean, etc. This can help with the perception that OIE is aligned with General Counsel's office.

Committee members agreed that working collaboratively would be most useful.

Upcoming Meetings:

- November 13, 2020 – University Ombuds
- December 18, 2020 – Administrative Assessment (AEC)