

THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION

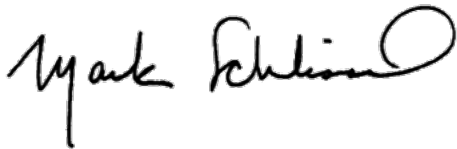
SUBJECT: Equity, Civil Rights and Title IX Office

ACTION REQUESTED: Creation of the Equity, Civil Rights and Title IX Office and
Establishment of a New Administrative Position

EFFECTIVE DATE: August 1, 2021

I am pleased to recommend the creation of the Equity, Civil Rights and Title IX Office, Office of the President and establishment of the position of special advisor to the president and executive director, equity, civil rights and Title IX effective August 1, 2021. The attachment provides additional information about the context, rationale, and initial organizational plans.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Schlissel". The signature is fluid and cursive, with a large loop at the end.

Mark S. Schlissel
President

Attachment

July 2021

Equity, Civil Rights and Title IX Office

I. Context and Rationale

President Schlissel and the Board of Regents have committed to improving how the university prevents, identifies and responds to sexual misconduct through cultural and structural change. As part of this commitment, the Board of Regents and President hired Guidepost Solutions (“Guidepost”), an external consulting firm, to help the University maintain forward momentum in its commitment to promote a safer, more equitable and inclusive campus environment and culture where sexual and gender-based misconduct and retaliation are not tolerated and trust is rebuilt. Guidepost has collaborated with the University community to implement the recommendations regarding policy, culture and process made by WilmerHale in its July 31 report on the investigation into sexual misconduct by former provost Martin Philbert.

The University has done a tremendous amount of work to strengthen its sexual misconduct policies and practices, including engaging the law firm of Hogan Marren Babbo & Rose to examine its sexual misconduct policies, particularly for faculty and staff; launching a 2019 mandatory sexual misconduct training for all faculty and staff at the recommendation of the faculty and staff sexual misconduct working group; implementing one policy for all U-M students, faculty and staff and Michigan Medicine; and changing the reporting structure for the Office for Institutional Equity. Nevertheless the July 31 WilmerHale report as well as the recent WilmerHale report regarding the sexual misconduct of the late Dr. Robert Anderson make clear that more work remains to continue developing a culture where sexual misconduct is not tolerated, reporting of sexual misconduct increases, those who come forward are supported and those found responsible for engaging in sexual misconduct are held accountable. Individuals who have experienced harassment do not always report the misconduct because they fear they will not be properly supported or will experience retaliation and the person who engaged in sexual misconduct will not be held accountable. In addition, University leadership recognizes the need for additional resources for prevention, support and education. As a result of this assessment, the University has decided to completely revamp the way it approaches sexual misconduct by creating a new office, Equity, Civil Rights and Title IX (ECRT), that merges prevention, education, support, investigation and follow-through, and reports directly to the President. We will dedicate significantly more resources to the collective work of preventing, identifying and responding to sexual misconduct and sexual harassment.

Creating this new office directly responds to the WilmerHale report regarding the University’s former provost, which recommends that U-M:

- Enhance its training programs to promote a culture of awareness and reporting;
- Assess how individual departments respond to sexual misconduct issues as well as behavior that does not constitute sexual misconduct but nonetheless is not acceptable in our community to increase their accountability;
- Ensure that ECRT has sufficient resources to carry out its important responsibilities.

II. Organization

A new office, ECRT, will replace and subsume OIE and lead with a focus on care, support, communication, prevention, education and improved investigations. This multidisciplinary unit will engage in collaboration and draw on campus experts to create a culture of support. While much of this work is already occurring across the campus, the new office will coordinate and streamline these efforts. Important highlights of this new office include:

- ECRT will report to the President.
 - The new reporting line for this office reflects the University’s commitment to this work and will allow for more direct access to top leadership.
- ECRT will house many of the critical functions around equity and civil rights work.
 - ECRT will house several departments focusing on specific issues such as Title IX, the Americans with Disabilities Act and other forms of discrimination.
 - ECRT also will create new departments dedicated to support individuals and robust prevention work.
 - ECRT will not only create new positions to fulfill this work but also will partner with others engaged in this work to strengthen collaboration.

- ECRT will include a new department, called Prevention, Education Assistance and Resources (“PEAR”):
 - For many years SAPAC, the Sexual Assault Prevention and Awareness Center, has been a national leader in the provision of prevention education for students.
 - Our need for similarly high quality and comprehensive prevention education and support for faculty and staff has become increasingly evident.
 - PEAR will work closely with SAPAC and will lead prevention and support work developed specifically for faculty and staff.
 - The addition of PEAR to ECRT will ensure a commitment to prevention, collaborating with campus partners and helping to coordinate and expand work already underway in individual units and colleges.
 - In addition to additional full-time positions, PEAR will create a campuswide liaison program to expand confidential support into schools and colleges and connect individuals with resources.
 - Employees will be identified in a division as a dedicated point of contact for information and resources about issues related to sexual and gender-based discrimination and to serve as a liaison between that division and PEAR, SAPAC and other offices as appropriate. Currently, this is happening informally in many areas.
 - Once these points of contact are identified and trained, regular meetings, ongoing training and collaboration will be ongoing.
 - PEAR will work collaboratively with Organizational Learning and Center for Research on Learning & Teaching (CRLT) to continue and expand existing prevention work.
 - PEAR will enable the creation and evaluation of new and innovative education and training through expanding and collaborating with University research experts.
 - PEAR will track education, training and prevention efforts for the campus, identify patterns and trends to inform prevention, assess departments and programs for specific training needs and help to create and coordinate a variety of climate assessments for individual units.
 - PEAR will set up a continuous learning loop that leverages U-M research on sexual and gender-based misconduct prevention, education and support strategies and approaches.
- PEAR will help address existing issues and will focus on the prevention of recurrence, which will position U-M to be a national leader at a moment when funding agencies and national societies, such as NIH, NSF and the National Academics of Sciences, Engineering, and Medicine (NASEM), are looking to universities to demonstrate commitment to the prevention of sexual harassment.
- Under the new structure, ECRT will create new positions: Support Coordinator and Equity Specialists to lead with a focus on care and support.
 - Currently, when a report is made, an assigned investigator is the first point of outreach. The investigator describes resource and reporting options.
 - Under the new structure, the Equity Specialists who are supervised by a Support Coordinator will initiate the first contact with a reporter.
 - They will engage in a “soft” outreach and ensure parties have accurate and thorough information on resources and reporting options.
 - The Equity Specialist also will coordinate supportive measures for the parties and serve as a resource from intake to resolution of a matter.
 - This will enable parties to have someone separate from the investigator who can assist throughout the investigation.
- ECRT will add a Resolutions Officer who will track outcomes and ensure follow-up on matters to ensure accountability.
 - The Resolutions Officer will monitor for compliance with any sanctions issued.
 - In matters where there is a finding of a policy violation or necessary follow-up, the Resolutions Officer will work with unit leaders to ensure the appropriate sanctions or follow-up has been administered and ultimately completed and the party has successfully complied with any sanctions issued.
 - The Resolutions Officer may also assist units who have questions about appropriate sanctions and are seeking consistency.
 - The Resolutions Officer will develop communications and conduct outreach about the types and tiers of sanctions issued.
 - The Resolutions Officer will develop a plan for transparently sharing sanctions issued whether anonymized or otherwise where appropriate.

- The ECRT will add a staff member with expertise in outreach, engagement and communications to ensure that stakeholders are informed about the work of the ECRT and that information about resources is widely and appropriately disseminated (e.g. through University websites, social media and reports).
 - This will also include informing the community about the annual report which reports statistics on sexual and gender-based misconduct matters.
- The ECRT will have dedicated resources for Michigan Medicine, including a designated Deputy Title IX Coordinator and a designated Prevention Program Manager for Michigan Medicine.
- The ECRT will create a civil rights education liaison who will coordinate and collaborate with PEAR and also coordinate with ODEI and the many education efforts that are already occurring across the campus and at Michigan Medicine. This collaboration has already begun and, with the added position, will continue to expand.
- The Flint and Dearborn campuses will have ECRT offices and the Title IX Coordinators for those campuses will report directly to their respective Chancellors. Additional resources will be provided for the Flint and Dearborn campuses for prevention, education and support.
- The ECRT will formalize a regular coordination and support meeting among the Title IX Coordinators for the Ann Arbor, Flint and Dearborn campuses.
- The ECRT will deliver periodic reports to the Executive Officers on the status of the ECRT program supported by qualitative and statistical data, which will be compiled by a designated ECRT data analyst.
- ECRT operations will be supported by technological enhancements:
 - The iSight system, which tracks all concerns reported to ECRT in a centralized database.
 - U-M IT plans to develop an API search tool to look across U-M's disparate systems and databases to better support fact finding for ECRT reviews and investigations.

The goal of ECRT is to provide leadership on prevention, education and resources and effective responses, including investigations with support and care through a difficult process. While much of this work already exists and continues to expand, with the added resources, we hope to remove some of the existing barriers to reporting that still exist and ensure that parties feel supported through a transparent, fair and respectful process. As our ongoing work continues to expand under the ECRT, we will continuously seek feedback from the campus community, routinely assessing whether units are receiving adequate assistance with prevention efforts and ensuring the campus community feels a difference in how we address and respond to sexual misconduct. Advisory committees have already been developed and will inform our work as we strive to serve the University of Michigan community.



U-M Equity, Civil Rights and Title IX Office (ECRT)

Draft 7/15/2021

