



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION XV

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115

FEB 21 2014

REGION XV
MICHIGAN
OHIO

Mary Sue Coleman, Ph.D.
President
University of Michigan
503 Thompson Street
2074 Fleming Administration Building
Ann Arbor, Michigan 48109-1340

Re: OCR Docket #15-14-2111

Dear Dr. Coleman:

On January 16, 2014, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint filed against the University of Michigan (the University). The complaint alleges that the University discriminated on the basis of sex. Specifically, the complaint alleges that the University failed to promptly and equitably respond to complaints, reports and/or incidents of sexual violence of which it had notice, including an August 2012 report of sexual assault made by a female student (the Student), and, as a result, students, including the Student, were subjected to a sexually hostile environment.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in education programs and activities operated by recipients of Federal financial assistance from the Department. As a recipient of such financial assistance, the University is subject to Title IX.

Because OCR has determined that we have jurisdiction over the allegation and that this complaint was filed timely, we are opening the allegation for investigation. Based on the complaint allegation, we will investigate the following legal issues:

1. Whether the University provided prompt and equitable responses to sexual violence complaints, reports, and/or other incidents of which it had notice (knew about or should have known about) as required by the Title IX implementing regulation at 34 C.F.R. §§ 106.8 and 106.31.

- a. Whether the University complied with the requirements of the Title IX regulation at 34 C.F.R. § 106.9 regarding notice of nondiscrimination.
 - b. Whether the University complied with the requirements of the Title IX regulation at 34 C.F.R. §§ 106.8 and 106.9(a) regarding the designation and notice of a Title IX coordinator.
2. Whether any failure by the University to provide a prompt and equitable response allowed a student or students and/or the campus, generally, to continue to be subjected to a sexually hostile environment that denied or limited a student or students' ability to participate in or benefit from the University's programs, in violation of the Title IX implementing regulation at 34 C.F.R. §§ 106.8 and 106.31.

Please note that opening an allegation for investigation in no way implies that OCR has made a determination with regard to its merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources as appropriate. OCR will ensure that the investigation is legally sufficient and is dispositive of the allegation in accordance with the provisions of Article III of OCR's Case Processing Manual.

For your reference, the enclosed document, entitled "OCR Complaint Processing Procedures," includes information about:

- OCR's complaint evaluation and resolution procedures, including the availability of Early Complaint Resolution (ECR);
- regulatory prohibitions against retaliation, intimidation and harassment of persons who file complaints with OCR or participate in an OCR investigation; and
- the application of the Freedom of Information Act and the Privacy Act to OCR investigations.

Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR intends to conduct a prompt investigation of this complaint. The Title VI regulation, at 34 C.F.R. § 100.6, requires that a recipient of Federal financial assistance make available to OCR information that may be pertinent to reaching a compliance determination. The Title IX regulation incorporates those requirements by reference at 34 C.F.R. §106.71. In addition, in accordance with the Title VI regulation at 34 C.F.R. § 100.6(c) and with the regulation implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, at 34 C.F.R. § 99.31(a)(3)(iii), OCR may review personally identifiable records without regard to considerations of privacy or confidentiality.

Accordingly, we are requesting that you forward the following information to us within 15 calendar days of the date stamped at the top of this letter. Wherever possible, please provide the requested information on a CD (and bates-labeled if you have that capability); otherwise please provide the information via hard copy:

1. a copy of any University policies or procedures in effect during the 2011-2012, 2012-2013, and 2013-2014 school years that address discrimination and harassment based on sex, including sexual violence, involving students, employees, and third parties, including sexual violence/misconduct/harassment policies and procedures, Title IX grievances, applicable disciplinary procedures and codes, appeal procedures, and nondiscrimination notices;
2. if any of the above policies or procedures changed over the applicable time period, please provide a copy of all documents that reflect each change and note the date(s) when the new policy or procedure became applicable;
3. the name(s) and title(s) of the University's Title IX coordinator(s), and any deputy or co-coordinator(s). In addition, please note when each individual assumed his or her position, and provide an explanation of how that person or persons' identity and contact information are disseminated to students, faculty, staff, and administrators;
4. the names and titles of any University personnel responsible for investigating incidents of discrimination and harassment based on sex or implementing any part of the University's Title IX grievance process;
5. a description of how the University handles criminal complaints and the effect that criminal complaints have on the University's Title IX investigation process; the names and titles of any University designated contact person for related criminal investigations; and the process used by the University in communicating with local prosecutors about the status of criminal investigations;
6. a description of law enforcement's role in the University's Title IX investigation process, including a copy of any memoranda of understanding with campus and local law enforcement or related protocols;
7. a description of how the University handles requests for confidentiality by those reporting incidents of discrimination and harassment based on sex, including sexual violence;

8. a copy of all documentation concerning any formal or informal complaints or reports of sexual harassment made to the University (including, but not limited to those received by University personnel, campus police, the Office of Student Conflict Resolution, University Housing, or those received elsewhere and then referred to the University) or investigated/resolved by the University during the 2011-2012, 2012-2013, and 2013-2014 school years, including:
 - a. a copy of any written complaints or reports, and a detailed description of any verbal complaints;
 - b. a copy of all investigative files, interview memoranda, witness statements, and related documents concerning any University investigation of these complaints or reports;
 - c. a copy of any documents showing the steps of the investigation and the results of the University's investigation, including any correspondence, e-mails, and other documents, as well as how the University notified pertinent parties of the outcome of each investigation;
 - d. a detailed description of any action the University took to stop any harassment or discrimination and to prevent any additional discrimination or harassment based on sex, while each complaint or report identified in response to request 8(c) above was being investigated (interim measures) or after the investigation concluded;
 - e. a copy of any documents, including student discipline records, memoranda, e-mails, notes, or other documents, that discuss or relate to any disciplinary or other remedial action the University took in response to each complaint or report identified in response to request 8(c) above; and
 - f. for each complaint or report of alleged sexual harassment and/or violence responsive to this request, identify (1) whether the University found that the complainant and/or other students were sexually harassed/assaulted; (2) whether the University found that any complaint was part of a larger pattern of similar complaints; and (3) whether the University made any conclusion about whether the complainant and/or other students were subject to a sexually hostile environment;
9. if not included in responses above, copies of all communications, including letters, e-mails, notes, memoranda, reports, notices, or other communications sent or received by University faculty, staff,

administration, and/or Regents during the 2011-2012, 2012-2013 and 2013-2014 school years that discuss, relate or refer to the complaints or reports identified under request 8 above;

10. copies of any notes, agendas, summaries or follow-up communication related to any meetings during the 2011-2012, 2012-2013, and 2013-2014 school years between University staff and the complaining student(s) regarding any allegations of, or remedies for, sexual harassment;
11. a description and copies, if applicable, of any steps the University took during the 2011-2012, 2012-2013, and 2013-2014 school years to make students, faculty, and staff at the University aware of the policies and procedures identified in response to requests 1 or 2 above, such as publications, website statements, and/or training;
12. a description of the ways in which the University communicates with students, staff, and other members of the campus community about its processes for addressing sexual harassment and violence (for example, through its web site, specific publications, specific other electronic means, etc.);
13. a description of any training regarding Title IX as it applies to sexual harassment, including sexual assault and violence, the University provided or offered to (1) University personnel; and (2) University students during 2011-2012, 2012-2013, and 2013-2014 school years. For each training, include the date of the training; the target audience (e.g., coaches, residence hall staff, etc.); copies of any related materials distributed at the trainings; and a description of the background/expertise of the individual who provided training;
14. copies of any and all brochures, pamphlets, or other materials that are disseminated to by the University to students regarding sexual harassment, the rights of complainants and accused individuals, and/or other campus resources available to assist those facing sexual harassment/violence;
15. a description of the University's collaborative efforts with any advocacy groups on and off campus to prevent sexual harassment, misconduct, and violence and to notify students and employees of their rights under Title IX;
16. a list of campus organizations and other resources for students that address students' concerns or issues related to sexual harassment, including contact information for each organization, and how information about these organizations is disseminated to students;

17. a list of any women's organizations on campus, including contact information for each organization, and how information about these organizations is disseminated to students;
18. a list of any lesbian, gay, bisexual, transgender, or alliance organizations on campus including contact information for each organization, and how information about these organizations is disseminated to students;
19. please identify any rape crisis center(s), sexual assault support network, or other similar agency on the University's campus, and provide contact information for any such agency or agencies;
20. a description of how the University has assessed the campus climate regarding sexual harassment issues, conducted self-assessments, collected data, or monitored sexual harassment, misconduct, or violence on campus, if at all, for school years 2011-2012, 2012-2013, and 2013-2014. Please provide any summaries or interim or final reports that describe the outcome of these efforts; and
21. any other information you believe relevant to the complaint allegations.

Thank you for your cooperation in this matter. We also may need to interview individuals at the University with knowledge of the facts of this case. If we determine that an on-site visit is necessary, we will contact you to schedule a mutually convenient time for our visit.

Upon receipt of this letter, please notify OCR of the name, address, and telephone number of the person who will serve as the University's contact person during OCR's investigation. If you have any questions, please contact Gayle Horwitz, the OCR attorney who has been assigned to investigate this complaint, by telephone at (216) 522-2681 or by e-mail at Gayle.Horwitz@ed.gov.

Sincerely,



Donald S. Yarab
Team Leader

Enclosure