

RESOLUTION AGREEMENT
University of Michigan
OCR Complaint Number 15-24-2066 and 15-24-2128

The University of Michigan (the University) enters into this Resolution Agreement (Agreement) pursuant to Section 302 of OCR's Case Processing Manual prior to the conclusion of OCR's investigation. This Agreement does not constitute an admission of liability, non-compliance or wrongdoing by the University. The University assures OCR that it will take the following actions to resolve the above-referenced complaints and to ensure compliance with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, and national origin, including shared ancestry or ethnic characteristics, by recipients of Federal financial assistance. This Resolution Agreement resolves OCR Complaint Numbers 15-24-2066 and 15-24-2128.

Action Item I – Review of Policies and Procedures

The University will review all of its policies and procedures to ensure that they adequately address the Title VI prohibition on discrimination based on race, color, and national origin, including discrimination based on a student's actual or perceived shared ancestry or ethnic characteristics. During its review, the University will identify the relevant policies and procedures currently in effect to ensure that they consistently provide that the University must assess whether incidents of reported shared ancestry discrimination or harassment have created a hostile environment within the University's program or activity, acknowledging that conduct that occurs off campus or on social media is within the scope if it creates, based upon the totality of the circumstances, a hostile environment within a University program or activity.

The College will ensure its Policies and Procedures include the following provisions:

1. A statement setting forth the University's commitment to having an environment free from discrimination, including harassment, on the basis of race, color or national origin, including actual or perceived shared ancestry or ethnic characteristics, and a commitment to take appropriate action to address and ameliorate such discrimination, including when it involves student organizations, flyers or posters on campus, or social media postings that create a hostile environment in a University program or activity, acknowledging the obligations and limitations that the University, as a public institution, has under the First Amendment of the U.S. Constitution.
2. A statement clarifying that the University's prohibition of, and commitment to having an environment free from, discrimination, including harassment, on the basis of race, color or national origin, including shared ancestry or ethnic characteristics, extends to all the University's programs and activities, including all academic, extracurricular and University-sponsored activities.
3. A statement addressing University law enforcement responses related to protests and demonstrations and ensuring that such responses are applied equitably and in a manner that complies with the Title VI prohibition on discrimination based on national origin, including actual or perceived shared ancestry or ethnic characteristics. The University will ensure these

policies and procedures include a description of the nondiscriminatory factor(s) the University will consider prior to making each decision:

- a. requesting that the University's law enforcement respond to a protest or demonstration, whether ongoing or anticipated;
 - b. inviting members of non-University law enforcement onto University property in response to a protest or demonstration, whether ongoing or anticipated; and
 - c. submitting to the prosecutor's office a request to review for charges.
4. A description of the forms of discrimination based on national origin, including discrimination based on actual or perceived shared ancestry or ethnic characteristics, such as students of Jewish, Palestinian, Muslim, Arab, and/or South Asian descent or citizenship or residency in a country with a dominant religion or distinct religious identity, or their association with this national origin/ancestry that can manifest in the University environment and provide examples of discrimination on the bases of shared ancestry and ethnic characteristics.
 5. A statement that the University must assess whether each reported incident has created a hostile environment, acknowledging that conduct that occurs off campus or on social media is within the scope if it creates, based upon the totality of the circumstances, a hostile environment within a University program or activity.
 6. The name or title, office and email address, and telephone number for the University employee(s) or department(s) responsible for receiving and responding to reports of discrimination and retaliation regarding race, color, and national origin, including shared ancestry or ethnic characteristics.
 7. A description of the procedures that will be used to receive, evaluate, investigate, and resolve complaints, including how to make reports or file complaints, the availability of resources to parties and others involved or affected, the steps that will be taken as part of the complaint investigation, and notice of the report or complaint outcome. The description of the procedures shall include the following:
 - a. Any immediate safety concerns must be reported to the University Police Department.
 - b. All discrimination or harassment reports must be reported to and responses overseen by the University's Equity, Compliance and Title IX Office (ECRT):
 - i. If another campus unit or partner (e.g., medical school, law school, school of business) receives a report of discrimination, harassment or retaliation on the basis of race, color or national origin to include shared ancestry, it will forward the report to ECRT to oversee the University's response;
 - ii. If another campus unit or partner (e.g., conduct, University Police, graduate assistants, housing, etc.) learns of discrimination, harassment or retaliation during the course of addressing a matter within their jurisdiction and learns of a discrimination or harassment allegation or report, that report will be forwarded to ECRT to oversee the University's response;
 - iii. ECRT must determine whether, when and how to involve other campus departments, offices, units, or partners;
 - iv. ECRT will search University websites and publications at least annually to ensure that information on policies and procedures regarding discrimination or retaliation, or links to such policies, procedures and forms, is correct;
 - v. ECRT will review all University training and information materials of all campus units and partners (e.g., Dean of Student's Office, Housing, Campus Climate Support, Office of Student Conflict Resolution) that include

information on equity, inclusion, discrimination, harassment, retaliation or climate to ensure that those materials include correct information, including content, definitions and reporting information.

- c. A requirement for all documentation generated during the course of the University's evaluation and response to discrimination or harassment reports to be maintained, including, as applicable: attempts to determine the identity(ies) of parties involved in reported incidents if not known by the reporter; interview notes of parties or persons who may have information; documentary evidence collected; documentation of any supports offered or granted to parties or third parties; investigation reports; outcome notices; appeal documentation; and final sanctions and remediation measures for parties or others impacted.
 - d. An expressed commitment that after a finding of discrimination, the University will take appropriate remedial action to redress the discriminatory conduct.
8. A statement that retaliation is prohibited against persons who report discrimination or participate in related proceedings and how to report retaliation.
 9. A definition of discriminatory harassment under Title VI in the student process and procedures that complies with the definition of discriminatory harassment under Title VI.
 10. A statement that only ECRT-approved definitions, policies and procedures may be used to process discrimination, harassment and retaliation complaints or reports.
 11. A requirement that ECRT looks back at available data at least annually, including reports received whether investigated or substantiated and findings of discrimination, to see if any patterns, recidivism, or collective incidents exist that may warrant additional inquiry or response campuswide or in specific programs or activities, including when the conduct occurs off campus or on social media, to ensure no hostile environment is created in a University program or activity.

Reporting Requirements:

- a) Within 30 calendar days of the signing of this Agreement, the University will submit to OCR, for review and approval, a copy of its policies and procedures drafted and/or revised in accordance with Action Item I above.
- b) Within 60 calendar days of OCR's approval of the policies and procedures, the University will provide documentation to OCR demonstrating that it adopted the revised policies and procedures and published the revised policies and procedures to University students and employees through its website and any other means the University deems effective to ensure that the information is widely disseminated.

Action Item II – Annual Training for Students and Employees

The University will develop a comprehensive annual training program on discrimination and harassment based on race, color, and national origin, including shared ancestry, provide training to students and employees, including but not limited to, ECRT, Dean of Students (including Campus Climate Support), housing administrators, resident advisors, university law enforcement, student conduct employees, members of student government, human resources, graduate assistants, and any other classes of employees. The University may provide this training through a web-based platform. The University training program will ensure that employees are educated regarding the University's obligations under Title VI to respond to alleged discrimination based on race, color, and national origin, including

discrimination based on a student's actual or perceived shared ancestry or ethnic characteristics. These trainings will include, at a minimum:

1. The University's policies and procedures drafted and/or revised in accordance with Action Item I above, or further revised in accordance with legal developments (in subsequent years), including how to report discrimination and harassment based on race, color, and national origin;
2. Examples of the type of harassing conduct and behavior that is covered by the University's antiharassment policies and procedures;
3. A description of the steps the University must take in response to the alleged discrimination, including harassment, about which it has actual or constructive notice, such as the offer of support for students who are subjected to harassment and the alleged harasser, where appropriate, and remedial measures to ensure that any hostile environment created by the harassment is eliminated and steps are taken to prevent its recurrence;
4. A description of the steps the University will take when investigation is appropriate, including keeping documentation of all phases of the investigation and response, the scope of the investigation, how to assess if a hostile environment exists, and informing the parties of the outcome of the investigation and appeal rights, if applicable;
5. How to identify whether a complainant or other witness may be experiencing retaliation and how to respond; and
6. The University and ECRT's obligation to oversee all reports and responses to each individual incident as well as view incidents cumulatively to determine if a hostile environment may exist in the University's programs and activities.
7. The University will provide detailed training to its law enforcement on the revised policies and procedures referenced in Action Item I above, and the obligation under Title VI to not treat individuals differently on the basis of national origin, including shared ancestry, without a legitimate nondiscriminatory reason for the disparate treatment, including, but not limited to, in the conduct of law enforcement activities at the University.

Reporting Requirements:

- a) By no later than November 1, 2024, the University will provide a copy of its student and employee training plan and content incorporating the requirements of Action Item II above to OCR for approval.
- b) By February 1, 2025, the University will demonstrate that it provided training to employees in accordance with the plan approved for Action Item II above, including the date(s) of the trainings; the name(s) and title of the trainer(s); copies of any training materials used or distributed; the agenda and/or a summary of the material covered. By August 15, 2025, the University will demonstrate that it made training available to all incoming first year graduate and undergraduate students as part of the annual summer student onboarding process in accordance with the plan approved for Action Item II above, including the date(s) of the trainings; the name(s) and title of the trainer(s); copies of any training materials used or distributed; the agenda and/or a summary of the material covered.

Action Item III – Climate Assessment

- A. The University will develop and administer a climate assessment for students and employees to evaluate the climate, including with respect to shared ancestry and the extent to which students and/or employees are subjected to or witness discrimination, including harassment, based on race, color, and national origin, including discrimination based on a student’s actual or perceived shared ancestry or ethnic characteristics. Any assessment used will contain questions about the employee or student’s knowledge of discrimination based on shared ancestry, any experiences with such discrimination while attending the University or performing duties related to their employment, and the employee’s or student’s awareness of the University’s complaint procedures for reporting such discrimination. The climate assessment may be accomplished through a written hard copy or electronic survey, and through student focus groups, provided that employees and students receiving the survey also are notified of a contact person, such as a counselor, should they wish to discuss the survey in person.

Reporting Requirements:

- a) By June 1, 2025, the University will provide to OCR for review and approval a copy of the proposed climate assessment, along with the University’s description of how it plans to administer the climate assessment.
- b) The University will administer the climate assessment upon OCR’s approval of the climate assessment instrument and no later than December 1, 2025.
- c) Within 30 calendar days of completing the analysis of the climate assessment results, the University will provide a report (the Report) to OCR that includes, at a minimum:
 - 1) Documentation demonstrating that the approved assessment was conducted as planned;
 - 2) The analysis of the assessment responses and any recommended steps the University could take to improve the University’s climate;
 - 3) Conclusions about the climate at the University, separately addressing the climate for students of shared Jewish or Muslim/Arab ancestry among other student groups at the University; and
 - 4) For OCR’s review and approval, the University’s planned reforms, if any, to its policies, practices, employee training, and education programs regarding harassment on the basis of race, color and national origin, including shared Jewish or Muslim/Arab ancestry.
- d) Within 90 days of receiving OCR approval of the recommended reforms, the University will provide OCR with documentation of the steps it has taken. Within 30 days of the end of the 2025-2026 academic year, the University will also provide OCR with documentation of the steps taken and completed since its 90-day report to OCR.

Action Item IV – File Reviews

- A. By December 1, 2024, ECRT will review the University’s response to each report of discrimination and/or harassment on the basis of shared ancestry for the 2023-2024 school year to Campus Climate Support, the Office for Student Conflict Resolution, or the ECRT Office. As part of this review, ECRT will determine, to the extent it hasn’t already, whether the alleged conduct created a hostile environment in a University program or activity. If the University’s review reveals that the alleged conduct did create a hostile environment in a University program or activity and will notify the relevant parties of its determination and offer, in writing, services or support to remedy the effects of any harassment for the impacted individuals.
- B. By June 15, 2025, and June 15, 2026, the University will provide OCR with an electronic sortable spreadsheet or other file of the University’s response to all complaints alleging discrimination, including harassment, on the basis of shared ancestry, during the preceding academic year. At a minimum, the spreadsheet will include separate fields for:
1. The date of receipt of the written complaint;
 2. The name and relationship of the reporter (the reporter) (e.g., self, faculty, employee, friend, colleague) to the injured person (the complainant);
 3. The name of the individual who was allegedly discriminated against/harassed (the complainant) and relationship to the University (e.g., student, faculty, employee, parent, advocate);
 4. The name(s) of the respondent and respondent’s relationship to the University (e.g., student, faculty, staff, third-party);
 5. The particulars of the alleged harassment (e.g., who, what, where, when, how);
 6. Any support resources offered to the complainant, respondent, and/or other person;
 7. The status of the investigation of the complaint (e.g., completed, ongoing);
 8. The outcome of all completed investigations;
 9. The disciplinary sanctions imposed;
 10. Remedial measures taken, including the remedies offered and provided to the complainant and/or other individual(s);
 11. Any additional steps the University took to eliminate and/or prevent the recurrence of a hostile environment created by the incident;
 12. The date the University provided notice of the outcome of the investigation to the parties; and
 13. If an appeal was filed and the outcome.
- C. Upon request, the University will provide to OCR, within 30 calendar days of OCR’s request, a copy of the complete investigative file(s), including applicable University records, student disciplinary records, employee disciplinary records, and human resources/personnel files. The data will be produced electronically in a mutually agreed format and will be organized and labeled as individual files, with all relevant documents for an incident.

Reporting Requirements:

- a) By December 1, 2024, the University will provide to OCR documentation of its review pursuant to Action Item IV.A, including a description of the information relied upon in

making its determination, a summary of its determination and, if applicable, a copy of the notice provided to the parties regarding its determination, and a copy of all communications offering to provide services or support to remedy the effects of a hostile environment, documentation reflecting whether the services were accepted and documentation reflecting whether the services or support were provided.

- b) By June 15, 2025, and June 15, 2026, the University will provide to OCR a copy of the electronic sortable spreadsheet and accompanying documentation as required by Action Item IV.B and C. The University will promptly address OCR’s feedback, if any, until the University receives notice from OCR that no further reporting is required.

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the University understands that during the monitoring of the Agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of the Agreement. The University understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the University is in compliance with the terms of this Agreement and Title VI and its implementing regulation at 34 C.F.R. Part 100, which were at issue in this complaint.

The University understands that OCR may initiate administrative enforcement proceedings or refer the complaint to the U.S. Department of Justice for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the University written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Agreement is effective immediately upon the signature of the University’s representative below.

June 14, 2024
Date

/s/ _____
University designee
University of Michigan