

MICHIGAN STATE
UNIVERSITY

June 8, 2011

MEMORANDUM

TO: Trustee Policy Committee
FROM: Kim Wilcox, Provost *K.W.*
SUBJECT: Authorization to Proceed with Interim Measures to Comply with Recent Title IX Guidance

RECOMMENDATION:

BE IT RESOLVED that the Trustee Policy Committee recommends to the Board of Trustees that it authorize the President to implement interim measures to conform the University's policies to recent Title IX guidance from the U.S. Department of Education.

BACKGROUND:

On April 4, 2011, the U.S. Department of Education, Office for Civil Rights ("OCR") issued a Dear Colleague letter to provide comprehensive guidance regarding compliance with the requirements of Title IX, including the investigation of sexual harassment and sexual violence on college and university campuses.

Recent changes to the University's Sexual Harassment Policy, as well as ongoing training and education efforts, have positioned the University well to respond to the OCR guidance. Nevertheless, the OCR guidance necessitates several changes to University policy and practice. The Executive Committee of Academic Council ("ECAC") was provided with a memorandum summarizing the main changes that need to be made to the student judiciary hearing process for Title IX complaints. A copy of that memo is presented as Attachment A.

Given the timing of the OCR guidance, the need to make changes promptly to bring the University into closer compliance with the law, and the end of the academic year, it is necessary for the President to implement interim measures to conform University policies to the new federal requirements pending a more comprehensive review of affected policies with Academic Governance. ECAC has established a working group to provide input about the interim measures pending a more comprehensive governance review.



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Deputy General Counsel Kristine Zayko and Director of the Office for Inclusion and Intercultural Initiatives Paulette Granberry Russell will be present at the Trustee Policy Committee meeting to answer any questions you may have regarding the new guidance and the interim measures.

Cc: President Simon
Secretary Beekman
Vice President Poston
Vice President Noto
Interim Vice President Maybank
Director Granberry Russell
Deputy General Counsel Zayko

MICHIGAN STATE
UNIVERSITY

April 27, 2011

MEMORANDUM

TO: John Powell, Chair
Executive Committee of Academic Council

FROM: Kristine Zayko, Deputy General Counsel *KUZ*
Office of the General Counsel

Paulette Granberry Russell, Director *PR*
Office for Inclusion and Intercultural Initiatives

On April 4, 2011, the U.S. Department of Education, Office for Civil Rights (“OCR”) issued the attached Dear Colleague letter to provide comprehensive guidance regarding compliance with the requirements of Title IX, including the investigation of sexual harassment and sexual violence on college and university campuses.

Recent changes to the University’s Sexual Harassment Policy, as well as ongoing education and training initiatives, have positioned the University well to respond to the OCR guidance. Nevertheless, some additional changes to University policy and practice are necessary. These changes include the following modifications to the way in which student judicial hearings are conducted for Title IX complaints:

- If a student files a complaint related to off-campus conduct, the school must process the complaint in accordance with its established procedures in order to evaluate whether there is a hostile environment on campus.
- The University must provide the complainant with the same opportunity to a pre-hearing meeting as it provides to the respondent.
- The parties should not be permitted to personally question or cross-examine each other during the hearing.
- If the University provides an appeal of the findings or remedy, it must do so equally for both parties.
- The University must specify the time frame for all major stages of the investigation and hearing procedures.

The OCR expects that colleges and universities will move swiftly to come into compliance with its guidance.



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Given the timing of the guidance, the need to make changes promptly, and the impending close of the academic year, the President intends to ask that the Board of Trustees authorize her Office to implement interim measures to bring the University into compliance with the new regulations pending a more comprehensive review of affected University policies with Academic Governance.

Our Offices will engage with you and other representatives from Academic Governance regarding those interim measures now and throughout the summer.