

**MICHIGAN STATE**  
**UNIVERSITY**

January 18, 2012

**MEMORANDUM**

**TO:** Trustee Policy Committee

**FROM:** Kim Wilcox, Provost *K.W.*

**SUBJECT:** Authorization to Proceed with Interim Changes to the Anti-Discrimination Policy Hearing Procedures

**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 the hearing procedures governing student complaints that allege harassment in violation of the University's Anti-Discrimination Policy.



**BACKGROUND:**

On June 17, 2011, the Board of Trustees authorized the President to make interim changes to conform the University's policies to recent Title IX guidance from the U.S. Department of Education. A copy of the Board action is presented as Attachment A. Interim Title IX Student Disciplinary Hearing Procedures were subsequently implemented and have been in use during this academic year. The Steering Committee of Academic Governance was consulted regarding the interim procedures, and a working group was established to provide input about the interim measures pending a more comprehensive governance review.

The administration reviewed the University's process for handling student complaints of racial harassment, as well as other forms of prohibited harassment under the University's Anti-Discrimination Policy, in response to recent racial incidents on campus. Based on that review, along with guidance from the U.S. Department of Education regarding bullying and unlawful harassment, the administration recommends that the Interim Title IX Student Disciplinary Hearing Procedures be expanded to address all student complaints alleging prohibited harassment in violation of the University's Anti-Discrimination Policy. Consistent with the commitment made at the time of their creation, the interim procedures will remain in place only until further review is conducted by academic governance and final procedures are implemented.

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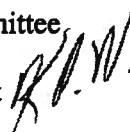
Deputy General Counsel Kristine Zayko and Director of the Office for Inclusion and Intercultural Initiatives Paulette Granberry Russell will be available to meet with the Trustee Policy Committee to answer any questions you may have regarding the new guidance and the interim measures.

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**

June 8, 2011

**MEMORANDUM**

**TO:** Trustee Policy Committee  
**FROM:** Kim Wilcox, Provost   
**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.