2018

Summary of Michigan Consortium on Campus Sexual Assault Pilot Project Framework

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SUMMARY OF MICHIGAN CONSORTIUM ON CAMPUS SEXUAL ASSAULT PILOT PROJECT FRAMEWORK

Campus sexual assault is a national problem that has affected many universities and colleges in our state. In May 2018, Governor Rick Snyder and First Lady Sue Snyder appointed subject matter experts to the campus sexual assault workgroup. One of the workgroup's directives was to explore the creation of a new consortium framework through a pilot project. The workgroup understood that its goals included developing a framework that would provide campus sexual assault victims with thorough and comprehensive information about all of their investigatory options, provide for high-quality Title IX investigations by an independent, external entity, enhance coordination between law enforcement and Title IX systems and provide for better outcomes for victims of campus sexual assault while still recognizing all relevant due process protections.

Following months of meetings, research and discussion, the workgroup drafted the Michigan Consortium on Campus Sexual Assault (CCSA) Pilot Project framework. A best practices model for campus sexual assault investigations, the CCSA Pilot Project will incorporate highly-trained personnel and will be rooted in local control and the culture of the region served by the CCSA Pilot.

The CCSA Pilot Project will be led by an attorney, the CCSA Investigator, who will have extensive experience conducting Title IX investigations as well as an extensive understanding of Michigan's criminal justice system. Other pilot project stakeholders who will play a role, either as staff or advisory members include, institutions of higher education, the elected prosecutor within the pilot community, an investigator/detective responsible for handling/supervising the handling of sexual assault cases from each law enforcement agency within the pilot community, a representative from the Michigan Department of Attorney General, school and community based advocacy program representatives, and Title IX Coordinators from each institution that has opted in to the CCSA.

Institutions of higher education will have the choice to opt-in to be members of the CCSA Pilot Project. Once they opt in to be a CCSA member, all Title IX criminal sexual conduct matters, as well as any connected claims, will be handled by the CCSA. The victim will choose whether to participate in the Title IX investigation, the criminal investigation, both, or neither, after being provided with comprehensive and thorough information about all options upon first reporting their assault.

One of the biggest benefits of the consortium model will be found when a victim chooses both a Title IX investigation and a criminal investigation. Under that option, a coordinated investigation will occur with the CCSA Investigator leading the Title IX investigation, and the law enforcement officer leading the criminal investigation. The law enforcement officer and the CCSA Investigator will strive to conduct the interview of the victim, and interviews of witnesses, jointly. Outreach to the accused individual will also be coordinated to the extent possible. Information sharing between the CCSA and the law enforcement officer will be conducted pursuant to a Memorandum of Understanding and in accordance with applicable state and federal law.

A victim may also choose only a Title IX investigation or only a criminal investigation or neither. In that scenario, the CCSA Investigator will continue to play an important role in providing the victim with all of his or her options, conduct an independent and external Title IX investigation or share information as able to with law enforcement consortium stakeholders.

The workgroup has recommended locations for a pilot project based upon important characteristics. The workgroup also recommended two pilot project locations, including one that is more rural but where investigatory resources for law enforcement that may be limited.

The workgroup identified many benefits for an institution that chooses to participate in the pilot consortium. Among the benefits will be better serving students who are involved in investigations and adjudications of claims of campus sexual assault, the appeal of having a Title IX investigation conducted by a high-level external, independent investigator and in turn, the potential for fewer complaints of bias or the appearance of bias, empowering victims of campus sexual assault to make informed decisions, minimizing situations of duplicative (and potentially re-traumatizing) investigative interviews of victims and increasing efficiencies and fairness in the collection of evidence in campus sexual assault investigations.

Responding to campus sexual assault requires collaboration, coordination and communication between all processes and personnel involved. Sexual assault investigations require a balanced, trauma-informed approach that promotes victim choices and healing while also honoring due process rights of offenders and holding those deemed responsible accountable for the assurance of safety for the campus community. This framework provides a roadmap for a pilot project to implement a new approach that can balance all of these requirements.