



Mark D. West
Dean and Professor of Law
markwest@umich.edu

Hutchins Hall
(734) 764-0514
Fax: (734) 763-1055

July 7, 2016

MEMORANDUM

TO: Law Students

FROM: Mark D. West, Dean

RE: Procedures for Handling Placement Discrimination Complaints

Nondiscrimination Policy Statement

The University of Michigan, as an equal opportunity/affirmative action employer, complies with all applicable federal and state laws regarding nondiscrimination and affirmative action. The University of Michigan is committed to a policy of equal opportunity for all persons and does not discriminate on the basis of race, color, national origin, age, marital status, sex, sexual orientation,* gender identity, gender expression, disability, religion, height, weight, or veteran status in employment, educational programs and activities, and admissions. Inquiries or complaints may be addressed to the Senior Director for Institutional Equity, and Title IX/Section 504/ADA Coordinator, Office of Institutional Equity, 2072 Administrative Services Building, Ann Arbor, Michigan 48109-1432, 734-763-0235, TTY 734-647-1388. For other University of Michigan information call 734-764-1817.

If you believe that an organization has violated this policy, we urge you to notify the Office of Career Planning immediately. Every complaint will be investigated thoroughly. Immediate reporting, however, makes a thorough and fair investigation much easier.

Please note that the Law School is concerned not only about improper behavior towards our students occurring during Early Interview Week or Fall and Winter On-Campus Interviewing but also with such behavior in all stages of the interviewing process, including interviewing visits at the organization. If you are the victim of discrimination during summer employment, the School's investigative resources tend to be more limited and, therefore, so is our capacity to resolve those disputes. But our experience has been that, at the very least, the School can often serve a useful role in mediating such disputes and, as a general matter, we are willing to do so.

Final authority as to whether the School's policy has been violated and as to appropriate sanctions for any violation rests with the Dean of the Law School. Most complaints, however, are

resolved informally by the Office of Career Planning. Ordinarily there is little dispute as to what happened, and little reason to suspect that inappropriate behavior in the interviewing process reflects discriminatory policies of the organization. These complaints present a good opportunity to educate interviewers about proper interviewing behavior. If a satisfactory informal resolution cannot be obtained, more formal investigations are made by the Assistant Dean for Career Planning (Ramji Kaul), the Assistant Dean for Student Affairs (David Baum), the Associate Dean for Academic Programming (Gil Seinfeld) and the Dean. Only a small number of cases prove so difficult as to require formal resolution by the Dean.

The procedures we will follow are informal and flexible. Once we have decided that a prima facie claim of violation has been made, a response from the organization and resolution of the matter will be sought. If a controversy remains, the investigation will continue if the charges are serious and there appears to be a reasonable chance of reaching a final decision on the merits. Interviews with members of the organization, the student, witnesses and other individuals with potentially relevant knowledge will be conducted. Once the School believes that it has sufficient evidence of misconduct, a finding will issue.

In general, complaints will be handled on a confidential basis. The School will not ordinarily comment publicly on such matters unless and until a violation has been found. In some cases, even if a violation has been found, the matter may be resolved without public comment. It is our belief that this approach has the significant benefit of creating an environment in which students will come forward with good faith concerns and organizations, in turn, will respond open-mindedly. The School may also be better able to play a role of making employers aware of the insensitivities even good-hearted people can sometime commit.

The Law School views the imposition of a bar from using the career services facilities as a very serious penalty. It will be imposed only when there is fairly clear evidence of egregious misconduct by an interviewer or where there is equally clear evidence of an organizational policy or practice of improper discrimination (such as a judicial finding of discrimination or a series of incidents of misbehavior). But other sanctions may be used, such as making a public statement about the misbehavior and inclusion of such a statement in the organization's file with the Office of Career Planning.

If you have further questions about our policy or procedures or how to evaluate behavior that may be insensitive or discriminatory, please consult with the Office of Career Planning or with me. I am confident you will find all of us more than willing to help.

* Although the United States Armed Forces have recently revised their employment policies and practices (specifically, through the repeal of Don't Ask, Don't Tell), their policies continue to discriminate on the basis of gender identity and gender expression. Current federal law, however, effectively prevents the Law School from applying its anti-discrimination policy to military recruiters, including those for the Judge Advocate General Corps. The fact that military recruiters are here in no way reflects the Law Schools endorsement of their discriminatory employment practices.