



## MEMORANDUM

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**DATE:** April 24, 2018

**TO:** House Law and Justice Committee

**FROM:** Lee Gonzales  
Legislative Liaison  
Michigan Dept. of Civil Rights

**SUBJECT:** Michigan Department of Civil Rights statement in support of HB-5795

Chair Kesto and Members of the House Law and Justice Committee,

This bill is not intended to create a new entity to investigate allegations of campus sexual assault; such entities exist and are addressed further in other proposed legislation in this package. In point of fact, such agencies existed during the entire time that Nasser was committing his crimes against the women to whom he was obligated to "do no harm."

This bill would create a new entity to investigate allegations that existing entities do not place other concerns above the prevention, investigation or prosecution of campus sexual assault. We did not get to where we are because there were no protections in place, but because those protections were ignored, or at a minimum inadequately implemented.

It does not matter whether campus sexual assaults went unaddressed because of competing institutional interests, deliberate cover up, negligence, or even just a lack of communication of important information. What matters is that it not be allowed to happen again.

The ombudsman's office this bill seeks to create is a watchdog. If someone who complains of campus sexual assault wants to know the procedure for filing a report on their campus, the office would be a resource. If someone who reports campus sexual assault believes their complaint is not being followed up on with appropriate diligence, the ombudsman's office will be an ally and advocate. And, if a college campus or its law enforcement agency is not doing everything the law requires of them, the ombudsman can bring it to the attention of the legislative committees who can hear the concerns, or even consider withholding funds.

To be effective this office will need dedicated funding and considerable independence. It will also need to the power to require information be provided to it, and that any submitted information that was confidential remain confidential. However, the power of the office should not permit it to unilaterally take corrective action, only to bring problems to light so that they can be addressed by an appropriate legislative committee.

The Department of Civil Rights believes HB-5795 in its present form addresses all the above, we support its passage. Because the ombudsman would be responsible for protecting the right of every person who files a complaint of campus sexual assault to have that complaint taken seriously and pursued wherever the facts may lead, the Department believes it is an appropriate agency to oversee the operations of the office while also maintaining its independence.

This bill tackles a serious problem in a way that protects individual rights, and it has the Department's support.