

# THE CHRONICLE OF HIGHER EDUCATION

---

## CAMPUS INTEGRITY

# To Fight Misconduct, U. of Michigan Proposes an 'Independent' Ethics Team. Will It Work?

By *Francie Diep*

OCTOBER 26, 2022



GRACE BEAL, THE MICHIGAN DAILY

### **Santa Ono, the U. of Michigan's new president**

After more than two years of successive misconduct scandals involving senior leaders and faculty members, the University of Michigan has announced its latest step to try to prevent future crises: It's creating a new ethics office.

The university's new president, Santa J. Ono, made the plans public last Thursday while speaking to the Board of Regents. The new "independent" office of ethics and compliance will cover Michigan's three campuses, in Ann Arbor, Dearborn, and Flint. It will "examine trends, processes, areas of concern, and overall ethics, integrity, and compliance issues," according to a [written version](#) of Ono's speech.

The ethics unit will be separate from the Ann Arbor campus's Title IX office, which investigates complaints of sexual misconduct under the federal gender-equity law and which the university [restructured last year](#). It will report to Ono and to Timothy G.

Lynch, the vice president and general counsel. In the case of a complaint about the president himself, the ethics office will report to the board.

## FROM THE CHRONICLE STORE

---



ARTICLE COLLECTION

### Student Diversity

What colleges need to do now

[Visit the Store](#)

---

“We want people to be able to feel safe reporting, notwithstanding who the person is,” said Denise Ilitch, a businessperson and Michigan regent who has championed the idea of an ethics office. “I have much more confidence in this process, and solving the problems we face, by having an independent office.”

Most of the 65 members of the Association of American Universities — the top research universities in the United States and Canada — have a separate ethics unit reporting to the board, according to an April [Faculty Senate resolution](#) that urged the university to create one.

Establishing an ethics office was also a major recommendation of one of the consulting firms Michigan hired to help it deal with the aftermath of a series of cases that became public recently, including the revelation that a former provost was the subject of decades of [reports of sexual harassment](#), and a lawsuit involving more than 1,000 students who say a deceased Michigan sports doctor sexually abused them. (Michigan [settled the suit](#).)

Outside experts were more skeptical. At best, they said, the idea could work, but only time would tell whether it could make real change. Many details of the office’s workings are still to be determined, including its budget, how many people it will employ, and staff members’ reporting obligations, but the office won’t have the power

to investigate. In a [statement](#) last Thursday, Ono said, “I need to hear from the community about how best to structure this office. Over the next months, I will be listening to deans, executive officers, faculty, and the broader university community to help inform my decisions.”

At worst, some experts said it would be impossible for such an office to function truly independently and make a difference.

## Proactive Assessments

Independent compliance offices can help colleges assess whether they’re upholding their ethical and legal responsibilities on student safety “in a forward-looking, proactive way,” Bradley Dizik, an executive vice president at Guidepost Solutions, wrote in an email.

Michigan leaders hired Guidepost, a consulting firm, to advise them on preventing misconduct on campus. Dizik was among the staff members who worked with the university, although he was authorized to speak only about what Guidepost recommends to colleges in general.

Guidepost always recommends an ethics office, Dizik said. Such an office is different from a Title IX department that might conduct internal reviews because it’s supposed to look forward and provide an outside perspective, he wrote. And it’s different from the general counsel, a university’s top lawyer. “General Counsel advises you on what you can do,” he wrote. “Ethics and compliance officers advise you on what you should do.”

Elizabeth Abdnour, a lawyer representing survivors of harassment and discrimination at colleges, was one expert who was more optimistic about an ethics office’s prospects.

Before starting her own firm, Abdnour was a Title IX investigator at Michigan State University. Her tenure coincided with investigations of [sexual abuse by the sports doctor Larry Nassar](#), now serving decades in prison. In Abdnour's experience, people in colleges' civil-rights and Title IX divisions don't have the time or the expertise to think about "proactive philosophical or structural changes to procedures and policies," she said. An outside office could help.

To ensure the office is truly independent, she suggested its staff members not be at-will employees, as most college administrators are, which means they can be fired for any reason (except illegal ones, such as discrimination). Greater job protections "could at least help to ensure independence and ensure that someone is not going to be afraid that they're going to lose their job," she said, "if they say something the president or the board doesn't like."

## **'It's a Joke'**

Other experts didn't believe that any college-based office could be independent of the institution's leaders.

"There's a structural problem with discrimination and abuse at this institution. It's deep in the DNA," said Ann Olivarius, a lawyer with expertise in sex-discrimination and sexual-assault cases, referring specifically to Michigan. "So to get one more office to be put in place, unless it's been paid for independently, has access to all books and records of the institution, has access to the student body, and has no fear in it that it's going to be retributed against or penalized because it actually does its job, then it's a joke. It doesn't work."

Some experts considered the fact that Michigan's ethics office won't have the power to investigate to have pros and cons. Olivarius considered it to be useless.

Who would independently fund an ethics office for a public university? Olivarius suggested that, for a big-name college like Michigan, alumni donations could work. To

ensure accountability even beyond the president and board, she suggested public transparency.

John C. Manly, a [lawyer who represented](#) some of the survivors of the Michigan doctor, Robert E. Anderson, as well as more than 300 survivors of Nassar's abuse, said he wanted to see college officials hauled before legislators as a measure of accountability. The combined value of the Anderson and Nassar settlements totals nearly \$1 billion. "It's public money," he said. "Why isn't somebody holding hearings?"

Whether they thought Michigan's ethics office had a chance of working, every expert *The Chronicle* talked to independently brought up their greatest fear: that the office of ethics and compliance would end up as a PR move — something University of Michigan leaders could point to as doing something, without achieving true change.

*We welcome your thoughts and questions about this article. Please [email the editors](#) or [submit a letter](#) for publication.*

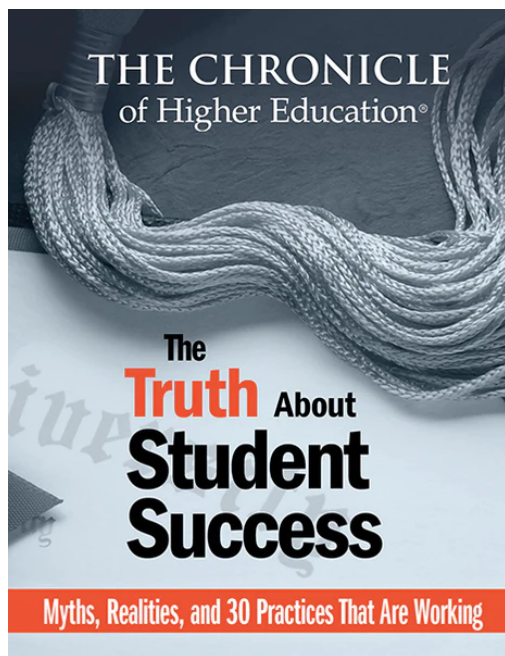
[CAMPUS SAFETY](#)[LEADERSHIP & GOVERNANCE](#)

**Francie Diep**

Francie Diep is a senior reporter covering money in higher education. Email her at [francie.diep@chronicle.com](mailto:francie.diep@chronicle.com).

## IN THE CHRONICLE STORE

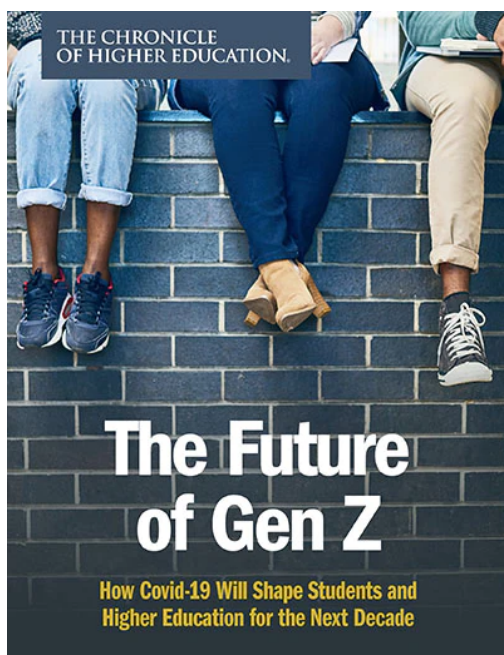




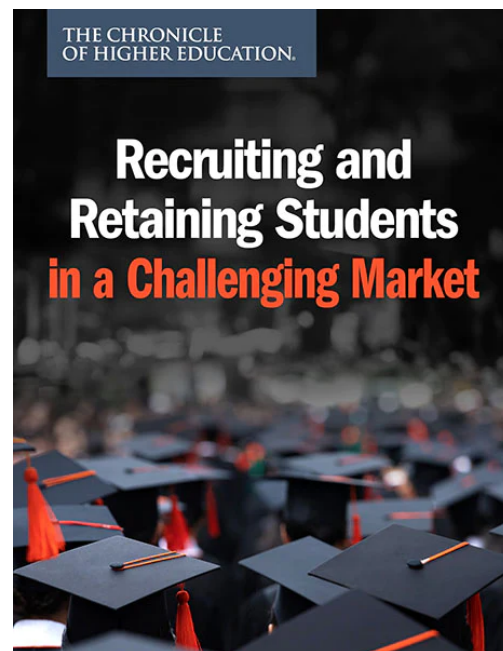
**The Truth About Student Success**



**The Library of the Future**



**The Future of Gen Z**



**Recruiting and Retaining Students in a Challenging Market**



1255 23<sup>rd</sup> Street, N.W. Washington, D.C. 20037

© 2022 The Chronicle of Higher Education