

WITNESS INFORMATION FORM

MSU Office of Institutional Equity

OIE ROLE

- We are neutral. OIE's role is to conduct an impartial, fair, and unbiased investigation into allegations of violations of the University's Policy on Relationship Violence & Sexual Misconduct ("Policy").
- OIE investigators cannot provide advice, suggestions, or support, but can provide referrals to the resources listed on the Respondent Resource Guide.
- At the conclusion of the investigation, OIE's role is to determine whether or not the Policy was violated. Where OIE concludes a Policy violation occurred, OIE will refer the case to the appropriate office for sanctioning/disciplinary action. If OIE determines that the Policy was not violated, it means that the standard under the Policy was not met or there was insufficient information to establish that the Policy was violated. This should not be mistaken for OIE concluding that an individual did/did not experience an incident.

WITNESS ROLE

- A witness is a person believed to have information regarding an investigation, including, but not limited to, someone present when the incident occurred, someone the claimant or respondent communicated with about the incident, and/or someone who may have information relevant to the investigation.
- Witness participation in the OIE investigatory process is voluntary. While MSU encourages witnesses to cooperate with the investigative process, MSU cannot compel or require witnesses to participate. Participating witnesses meet or speak with an OIE investigator to provide relevant information and evidence.
- In general, OIE will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait, including honesty or chastity.
- Where OIE identifies multiple witnesses with the same information, OIE may determine that it is not necessary to interview all witnesses identified by the parties if information was sufficiently corroborated by others or if a witness does not have information relevant to the investigation (e.g. character witness).
- Both the claimant and the respondent may suggest witnesses; however, OIE may identify additional witnesses throughout the course of the investigation. The number of witnesses presented by a party is not determinative of the outcome.
- MSU's RVSM Policy prohibits retaliation against individuals participating in the investigation process, including witnesses. Witnesses should notify OIE of any retaliation concerns as soon as possible.

COLLECTION AND SHARING OF INFORMATION

Both the claimant and the respondent will have the opportunity to provide a statement, submit evidence, and identify potential witnesses. **All information must be submitted by the deadline for review of the preliminary investigation report. Information provided is not confidential, and may be disclosed to the other party and included in the investigation report. Information provided by the parties may also be disclosed in response to subpoenas by law enforcement agencies and Freedom of Information Act Requests received by the University.**

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SUMMARY OF INVESTIGATION PROCESS

An investigation typically involves the following:

- Interviews of the claimant (the individual bringing the complaint), the respondent (the individual responding to the complaint), and any relevant witnesses;
- Collection of any relevant documentary evidence;
- Preparation of a preliminary investigation report that describes all of the evidence collected. The claimant and respondent will both have an opportunity to review the preliminary investigation report and provide feedback prior to the issuance of the final investigative report; and
- Preparation of a final report that includes a determination of whether there has been a violation of the Policy.
- Every reasonable effort will be made to complete a formal investigation within 60 calendar days; however, delays are often necessary based on a variety of factors including availability of parties, witnesses, and documents, and the occurrence of academic breaks during the year

AMNESTY FOR DRUGS OR ALCOHOL POSSESSION AND CONSUMPTION VIOLATIONS

The University encourages students to report all incidents of relationship violence or sexual misconduct. Therefore, students who report relationship violence or sexual misconduct will not be disciplined by the University for a violation of the University's drug and alcohol possession or consumption policies that may have occurred in connection with the reported incident. Students are also protected by a Michigan law that provides amnesty for alcohol-related crimes if an underage individual, after consuming alcohol, presents (or accompanies an underage person presenting) at a health facility or agency for treatment or observation as a result of sexual assault.

PROHIBITION ON RETALIATION

Michigan State University's Relationship Violence and Sexual Misconduct Policy prohibits retaliation against individuals who provide information to the University, bring forth a complaint, or who are asked to cooperate in an investigation. Whether or not you choose to participate in the University's investigation process, you have a right to be protected from retaliation related to the information you share with the University.

If you are experiencing retaliation, please contact OIE at (517) 353-3922 immediately so that we may address it promptly.

Additionally, federal civil rights laws, including Title IX, make it unlawful for the University to retaliate against an individual who brings concerns about possible civil rights violations to its attention. It is also unlawful for the University to retaliate against an individual (such as a witness) for participating in the complaint or investigation process.

If the University is made aware of retaliation against a claimant, witness, or respondent by other students, employees, or third parties, the University will immediately investigate to determine what has occurred. MSU will take strong responsive action if retaliation occurs.

REASONABLE ACCOMMODATION

If you are an individual with a disability and need accommodation to fully participate in the complaint, investigation, or student conduct process, please contact the Resource Center for Persons with Disabilities at (517) 884-7273.

Updated 6/9/2021