

Protocols for coordination between Office of Institutional Equity (“OIE”), Academic Human Resources, the Office of Employee Relations in Human Resources, and Unit Leadership regarding incidents reported to OIE

These protocols are designed to clarify the working relationship among the Michigan State University Office of Institutional Equity (“OIE”), Academic Human Resources (“AHR”), Office of Employee Relations in Human Resources (“OER”), and unit leadership. OIE, AHR, OER, and unit leaders share the goal of preventing harassment, discrimination, relationship violence, and sexual misconduct on campus and in the community, and responding appropriately to students and employees who have experienced harassment, discrimination, relationship violence, and sexual misconduct¹.

Purpose

To enhance safety for students, employees and visitors; ensure that investigations are equitable and comprehensive; provide appropriate support to individuals who have experienced incidents; respect the legal rights of those accused; implement appropriate employment actions and environmental supports to redress harm; take appropriate steps to prevent recurrence; and aid in disciplinary proceedings; these protocols set forth the respective roles and responsibilities of OIE, AHR, OER, and unit leaders related to the University’s response reported violations of MSU’s Anti-Harassment and Non-Discrimination Policy and Relationship Violence and Sexual Misconduct Policy. Unique circumstances of individual cases may give rise to issues not addressed by this document, which may necessitate further discussion and agreement.

Communication and Coordination

1. OIE will attempt to notify AHR/OER within two business days of all incident reports of violations of MSU’s Anti-Discrimination Policy and Relationship Violence and Sexual Misconduct Policy that are reported to OIE involving employee respondents, incidents reported to have occurred in a work environment, and/or incidents impacting a work environment. This notification will generally occur by email, but may occur by telephone or other means when circumstances warrant more immediate attention from AHR/OER. Notification will include information about the employee involved, nature of the allegations, and appropriate details relating to the reported incident. In many cases, information at this stage may be limited and follow-up communication may be necessary as more information is gathered by OIE.
2. OIE will work with AHR/OER to identify the appropriate supervisors and administrators, as set forth below, and attempt to notify them of reported incidents in the manner described above within two business days of receipt.
 - a. For academic units, the Dean and Chairperson/School Director will typically be notified.
 - b. For non-academic units, the immediate supervisor and major administrative unit head will typically be notified. AHR/OER will review employment records to determine if an employee respondent holds multiple assignments/appointments, and provide this information to OIE, and work with OIE to determine which unit leaders should be notified.

¹ As these terms are defined in the Anti-Discrimination Policy and Relationship Violence and Sexual Misconduct Policy.

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- c. AHR/OER will review employment records to determine any other internal administrators that should be notified (e.g. MSU Health Team, etc.)
3. During its initial communication with AHR/OER and unit leaders, OIE will note any reported incidents which may warrant interim employment action or further attention from AHR/OER and unit leadership. However, AHR/OER, and unit leadership should not rely only on OIE to flag incidents as OIE may have insufficient information to properly identify an incident as requiring interim employment action. AHR/OER and unit leadership will review all incident notifications and relevant employment records to determine if a reported incident may require interim employment action.
4. As AHR/OER and the unit leaders review relevant employment records or learn of new information in the work environment, they will share information with OIE to the extent that it may be relevant to the investigation. AHR/OER and unit leadership will consult with one another and OIE in order to determine appropriate employment action and interim measures. AHR/OER will seek advice from the Office of the General Counsel where appropriate.
5. Before implementing interim employment actions or other measures, AHR/OER and/or unit leadership will consult with OIE to ensure that actions taken do not interfere with the OIE investigation. Where there is an ongoing criminal investigation, AHR/OER and/or unit leadership should also consult with MSUPD to ensure that actions taken do not interfere with the criminal investigation.
6. OIE may during the course of the investigation provide additional information to AHR/OER or unit leadership as appropriate to support continued efforts to provide a safe work environment and to address emerging concerns in the work environment. AHR, OER, or the unit leadership may contact OIE to request updates on the investigation and OIE will provide information to the extent appropriate.
7. OIE will notify AHR/OER and unit leadership of the outcome of the OIE investigation, including notification that a formal investigation will not occur.
8. If during the course of an OIE investigation, OIE identifies recommendations relating to unit policies, procedures, protocols, training, or education, or other personnel matters OIE will provide such recommendations to the unit and AHR/OER in the form of a memo. Unit leadership will review and coordinate unit response to the recommendations and where appropriate implement the recommended actions. AHR/OER will follow-up to assist units with their response to OIE recommendations and AHR/OER will maintain documentation of unit responses to recommendations including documentation of implementation and justification for any recommendations which were not implemented.
 - a. For academic units, the Dean and Chair/School Director will typically be notified.
 - b. For non-academic units, the immediate supervisor and major administrative unit head will typically be notified.

Office of Institutional Equity
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Checklist for Unit Response to Reported Incidents

Units are required to comply with all relevant policies and labor contracts pertaining to faculty and support staff. The Support Staff Disciplinary Policy & Procedure establishes requirements for contact with OER concerning certain types of discipline for support staff and establishes requirements concerning suspension pending investigation for support staff.

- All unit employees will follow MSU’s mandatory reporting protocols as outlined in the Relationship Violence and Sexual Misconduct Policy as well as MSU’s Child Abuse Reporting Protocols.
- Unit leaders and AHR/OER will review information provided by OIE and consult with OIE and AHR/OER to identify and implement interim and protective measures.
- In order to maintain the privacy of those involved and facilitate preservation of information for an investigation, unit leaders will limit sharing information about the reported incident to those who have a need to know.
- Unit leaders will determine if the respondent is affiliated with any other internal or external entities through their employment at MSU that should be notified of the reported allegations. Unit leaders will consult with AHR/OER and, as needed, OGC. These organizations may include, but are not limited to licensing boards as well as volunteer, research, and outreach work completed as part of the respondent’s employment responsibilities.
- Where allegations involve minors, unit leaders will determine if the employee has any direct contact with minors through their work and consult with AHR/OIE and, as needed, OGC regarding appropriate interim actions and notifications. Contact with minors in the work environment can include, but is not limited to clubs, outreach, teaching, research, patient care, or other professional duties.
- As appropriate, unit leaders may provide individuals with information on available support resources and services.
- Unit leaders will monitor the work environment to ensure that reported behavior is not continuing and retaliation is not occurring. Units are required to comply with all relevant policies and labor contracts pertaining to faculty and support staff.
- As unit leaders review employment records or learn of new information in the work environment, they will share information with OIE to the extent that it may be relevant to the investigation.
- Unit leaders may consult with AHR/OER or other appropriate offices in HR, as needed for advice on navigating any work environment challenges or concerns during the period of the investigation (e.g. impact of ongoing investigation within the department, office gossip, etc.)

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- In cases where OIE does not undertake a formal investigation, it is recommended that unit leadership consult with AHR/OER and as needed OIE to determine appropriate actions to take in the work environment, which may include disciplinary action for other work rule or policy violations.
- In cases where OIE completes a formal investigation, AHR/OER and unit leadership will review the final report and consult with AHR/OER and as needed the Office of the General Counsel to determine appropriate actions to take based on the outcome of the investigation. Even in cases where there is no violation found, unit leadership may wish to take employment action, including disciplinary action, for other work rule or policy violations.
- Unit leaders may consult with AHR/OER, or other appropriate offices in HR, as needed for advice on navigating any work environment challenges or concerns following the investigation (e.g. restoring the work environment, repairing harm to the work group, etc.)

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