

UNIVERSITY REPORTING PROTOCOL: RELATIONSHIP VIOLENCE, SEXUAL MISCONDUCT, AND STALKING

Effective Date: August 14, 2020

I. Values Statement

Michigan State University is committed to providing an environment that fosters the values of mutual respect, dignity, responsibility, and open communication. Sexual misconduct, stalking, and relationship violence are in direct conflict with the institution's values and policies and present barriers to fulfilling the University's mission. To that end, the University prohibits relationship violence, sexual misconduct (including sexual harassment, sexual violence, and sexual exploitation), and stalking under its Relationship Violence and Sexual Misconduct and Title IX Policy (RVSM Policy).¹

When such prohibited conduct occurs, the University's Title IX Coordinator and Office of Institutional Equity (OIE) can assess for safety, provide supportive measures, provide information about investigation and resolution options, track patterns and otherwise respond in an informed and sensitive manner, but only if members of the MSU community report.

Therefore, all University "responsible employees" and volunteers who are not otherwise exempted by this policy and/or applicable law must promptly report incidents of relationship violence, sexual misconduct, stalking, and retaliation that they observe or learn about in their professional capacity or in the context of their work and that involve a member of the University community or which occurred at a University-sponsored event or on University property.

II. Applicability

These protocols apply to all "responsible employees" and volunteers as defined below.

If the conduct or disclosure involves a minor, additional safety guidelines and reporting may be required under additional protocols such as: *University Reporting Protocols: Child Abuse, Sexual Assault, and Child Pornography* and *Conducting University Youth Programs: Minimum Operational Requirements*.

¹ Title IX of the Educational Amendments of 1972 prohibits discrimination on the basis of sex in education programs or activities, including "sexual harassment" as defined in 34 CFR 106.30. Title IX applies to both education and employment and also prohibits retaliation. The University also prohibits sexual and gender-based harassment and violence, beyond what is prohibited by Title IX. The Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA), provides requirements for institutions of higher education relating to sexual assault, domestic violence, dating violence, and stalking.

Employees designated as Campus Security Authorities (CSAs) under the Clery Act may have additional reporting responsibilities.

III. Definitions

- Responsible Employees: Unless otherwise exempt from reporting obligations as described in Section V, all persons employed by the University as executive management, faculty, academic staff, support staff (including regular, temporary, and on-call), post-doctoral fellows, graduate student employees (including research assistants, teaching assistants, and lab assistants), leased employees, and contract employees. Although undergraduate student employees are excluded from this definition, undergraduate student employees must report to their respective supervisors as described below. Undergraduate students who hold support staff positions are obligated to follow the reporting obligation applicable to their support staff assignment.
- Volunteer: All persons performing unpaid services for the University as (i) faculty or academic staff, (ii) a University Extension Gold Volunteer, (iii) an advisor to students, or (iv) a volunteer for a University Youth Program.

IV. Reportable Conduct

All conduct listed as Prohibited Conduct in the RVSM Policy is Reportable Conduct. Brief descriptions are provided below.

- Relationship Violence: An act of physical violence committed by a person who is a current or former spouse or intimate partner of the claimant; shares a child with the claimant; is or has been a resident of the claimant's household (domestic violence) or has otherwise been in a social relationship of a romantic, sexual, or intimate nature with the claimant (dating violence).
- Sexual Misconduct: Unwelcome sexual advances, unwelcome requests for sexual favors or other unwelcome behavior of a sexual nature that is severe, persistent or pervasive (sexual harassment); a physical sexual act perpetrated without consent (may be categorized as sexual contact, sexual assault, or rape); taking or attempting to take non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited (sexual exploitation); incest; or statutory rape.
- Stalking: Engaging in a course of conduct that is directed at a specific person or persons that would cause a reasonable person to feel fear for themselves or for the safety of others, or to suffer substantial emotional distress.

- **Retaliation:** An act or attempted act taken because of a person’s participation (or expectation of participation) in a protected activity that would discourage a reasonable person from engaging in protected activity, including reporting relationship violence, sexual misconduct, or stalking.

V. Reporting Protocol

- Responsible employees and volunteers who are not otherwise exempt must promptly report incidents of relationship violence, sexual misconduct, and stalking that:
 1. They observe or learn about in their working or professional capacity; and
 2. Involve a member of the University community or which occurred at a University-sponsored event or on University property.
- If there is a safety concern, crime occurring, or an emergency medical concern, call 911.
- All incidents of relationship violence, sexual misconduct, stalking, and retaliation must be promptly reported to the Office of Institutional Equity (OIE):

408 W. Circle Drive, Room 5
East Lansing, MI 48824
(517) 353-3922
oie@msu.edu
www.oie.msu.edu
<https://msu.publicincidentreporting.com/>

- Incidents of relationship violence, sexual violence (including sexual assault), stalking, and sexual exploitation must also be reported to the MSU Police Department (MSUPD):

1120 Red Cedar Road
East Lansing, MI 48824
(517) 355-2221

- Responsible employees and volunteers should not investigate or attempt to determine if alleged conduct occurred.² Notwithstanding, responsible employees and volunteers must report all details known to them about the incident, including:

² This Protocol does not restrict the ability of units on campus to investigate and respond to employment or student related issues where appropriate.

what happened, who was involved, when the incident occurred, and where the incident occurred.

- Undergraduate student employees must report incidents that they observe or learn about in their working capacity and that involve a member of the University community or which occurred at a University-sponsored event or on University property to their supervisor. Unless otherwise exempt, their supervisor will then report the incident.

VI. Employees Exempted During Provision of Service

- Certain University employees and volunteers provide important counseling, health, advocacy, and other support services to members of the University community. These employees must be able to assist individuals in receiving medical care, counseling, and support services without the requirement to report conduct to the University.
- Therefore, employees and volunteers who work in the programs and roles designated below are exempt from this Reporting Protocol with regard to incidents disclosed to them during provision of services.

Exempt Service Programs and Roles

- ❖ MSU Center for Survivors**
- ❖ MSU Sexual Assault Crisis Intervention (SACI) Team
- ❖ MSU Claimant and Respondent Representatives
- ❖ MSU Counseling and Psychiatric Services (CAPS)**
- ❖ MSU Couple and Family Therapy Clinic**
- ❖ MSU Employee Assistance Program**
- ❖ MSU Health Care Inc.**
- ❖ MSU Psychological Clinic**
- ❖ MSU Safe Place**
- ❖ MSU Health Promotion
- ❖ MSU Lesbian, Bisexual, Gay and Transgender Resource Center
- ❖ MSU Prevention, Outreach and Education (POE)
- ❖ MSU Sexual Assault Healthcare Program**
- ❖ MSU Student Health Services**
- ❖ University Ombudsperson

**May also employ licensed counselors or medical professionals who are further exempted by virtue of confidentiality/privilege under applicable licensure laws and regulations while working in that capacity.

- Employees and volunteers in exempt service programs and roles are *not* otherwise exempt from reporting incidents they witness or learn of in the workplace. For

example, if an employee of an exempt service program witnesses sexual harassment or assault of a co-worker by another University employee or in the context of a University program or activity, the employee must report the incident.

- Reporting Options and Resources: Exempt service programs are required to provide individuals with information regarding reporting options and available resources whenever possible, including (i) the right to file a complaint with OIE and/or law enforcement; (ii) the University's prohibition of retaliation; and (iii) supportive resources, including counseling, medical, and academic.

VII. Violations

- Individuals who violate this protocol may be subject to corrective or disciplinary action, up to and including dismissal.³
- Potential violations of this policy will be investigated by the Office of Institutional Equity (OIE). OIE will document its findings in a memorandum, which will be sent to the employing unit. Discipline for violations will be handled in accordance with applicable employee disciplinary policies and procedures. OIE will maintain records regarding potential violations of this policy, including any associated discipline or other consequences.

This document was issued by the MSU Office for Civil Rights and Title IX Education and Compliance on: August 14, 2020.

³ Individuals who are subjected to reportable conduct will not be disciplined for failure to report.