

## MSU Employee Program



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### **Introduction**

Welcome to the Not Any More sexual violence prevention and response program for employees. You're being asked to take this program because you've been identified as someone who is vital to the effective response and prevention of sexual violence on campus.

Your campus believes this program will help you feel more knowledgeable, confident and prepared to respond in a compassionate and informed way to disclosure of sexual violence.

Due to the subject matter of this program it's possible you may find yourself feeling upset or overwhelmed. After learning the relevant laws and policies you may realize you or someone close to you has experienced sexual violence. Or it may activate old and potentially traumatic experiences and memories.

If that occurs, please know that you are not alone and that your campus has resources to help you . You'll find them listed in the resources tab above. Know also that you can always stop for bit and come back to the program where you left off.



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-Please take the time to be as present as possible with this program. Close your door, turn off your phone. Eliminate distractions because the response of the person or survivor first discloses to sets the path for their healing journey Your attention to this program is critical.

[Male] This program will teach you the prevalence of these crimes on campus. Why people perpetrate. Federal requirements. Primary prevention. How to be an active bystander. Reporting obligations. Trauma-informed response. Campus policies and resources. And what you can do to increase reports on campus.

### **Prevalance**

As you watch this program, it's important you understand what's likely happening on your campus. Even if you don't have many reports at your school, this violence is still occurring. Survivors are just not coming forward.

One in five college women will be sexually assaulted during their college years.

3.5% of undergraduate women reported experiencing rape or attempted rape during a six to seven month academic year.

6.4% of college men perpetrate rape. 90% of campus rapes are committed by repeat offenders.

43% of dating college women report experiencing some violent and abusive dating behaviors, including physical, sexual, technological, verbal or controlling abuse.

75% of LGBT-identified students reported experiencing sexual harassment in the last year.

### **Legal Foundation**

In 2011, the Department of Education issued a Dear Colleague letter, which served as a reminder to campuses that under Title IX, they must be proactive in ensuring that the campus is free of sex discrimination. Title IV is another related law enforced by the Department of Justice and the Department of Education, which says, "If you receive Federal Funding, "you must comply with additional laws."

### **Definitions & The Law**

Sexual violence will be the common language used in this program. Please keep in mind that unless specified, the term includes dating and domestic violence, sexual harassment and discrimination, as well as stalking. All forms of sexual violence can happen to, and be perpetrated by anyone.

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As a result, this program will intentionally use gender neutral language whenever possible.

The following is information you're required to know.

### **MSU Policies**

[Narrator] MSU's Relationship Violence and Sexual Misconduct Policy applies to all members of the University community, faculty, staff, and students, regardless of gender, sexual orientation, or gender identity.

MSU's Relationship Violence and Sexual Misconduct Policy prohibits all forms of relationship violence, stalking, and sexual misconduct committed by or against a member of the University community when the conduct occurs on campus, the conduct occurs off campus in the context of University employment, education, or research programs or activities. Including, but not limited to, MSU sponsored study abroad, internships, graduate or professional programs, intercollegiate athletics, or other affiliated programs and or the conduct occurs off campus outside the context of a University program or activity, but has continuing adverse effects on campus, or in any university program or activity.

The university prohibits retaliation including retaliatory harassment against individuals who report relationship violence or sexual misconduct, or who participate in the university's investigation and handling of such reports.

The Office of Institutional Equity, OIE, is responsible for the university's compliance with federal and state laws and university policies and procedures regarding discrimination, harassment, relationship violence, stalking, and sexual misconduct. The office is responsible for investigation all allegations of prohibited discrimination and harassment and provides training to recognize and prevent such incidents. The office also collaborates with other campus offices to encourage best practices to promote a culture of inclusion.

The director of the office is designated as the Deputy Title IX Coordinator for Investigations. The Deputy Title IX Coordinator for Investigations is available to advise any individual including the claimant, respondent, or a third party about university and community resources and reporting options and is available to provide assistance to any university employee regarding how to respond appropriately to a report of relationship violence, sexual misconduct, or stalking.

The university's Title IX Coordinator oversees the university's gender equity work to ensure compliance with Title IX including its grievance procedure, education prevention efforts, and training.

The Title IX Coordinator reviews information about relationship violence and sexual misconduct complaints to identify and address any patterns or systemic problems that arise during the review of

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such complaints.

The Title IX Coordinator is available to meet with any member of the university community or campus organization that would like to discuss the university's Title IX compliance or work involving matters of sex discrimination including sexual and gender based harassment, assault, or violence.

For complete definitions of relationship violence, stalking, sexual misconduct, and other terms in the RVSM Policy, click on the Definitions tab. Links to the Title IX website and other important MSU resources including MSU Policies, Mandatory Reporting Guide, and Sample Syllabus Language can be found in the resources tab of this course and on the Title IX website.

### **Sexual Discrimination**

The Office for Civil Rights enforces Title IX, which prohibits discrimination based on a student's sex in schools and colleges receiving Federal funds.

Prohibited discrimination occurs when the recipient's employees treat students differently on the basis of their sex, or engage in quid pro quo harassment, or when the recipient is aware of a sexually hostile environment, and condones, tolerates, or allows that environment to exist.

### **Sexual Harassment**

According to the Office for Civil Rights sexual harassment can take two forms, quid pro quo and hostile environment.

Quid pro quo harassment occurs when a school employee causes a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity.

It can also occur when an employee causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct.

For example, when a teacher threatens to fail a student unless the student agrees to date the teacher, it's quid pro quo harassment.

Hostile environment harassment occurs when an unwelcome conduct of a sexual nature is sufficiently serious that it affects a student's ability to participate in or benefit from an education program or activity or creates an intimidating, threatening, or abusive educational environment.

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A hostile environment can be created by a school employee, another student, or even someone visiting the school, such as a student or employee from another school.

For example, the advisor of a student group comments on certain group members' bodies at every weekly meeting.

Regardless of which type of harassment occurs, a school must take immediate and appropriate steps to stop it and prevent it from happening again. The judgment and common sense of teachers and administrators are important elements of any response.

However, the school is responsible for taking all reasonable steps to ensure a safe, and non discriminatory learning environment.

[Narrator] MSU's policy applies not only to students and employees, but also to contractors, vendors, and other campus visitors.

[Text Screen] Greg

It really threw me for a loop that day. I, I get called in to my supervisor's office because of these emails that I sent to a coworker, Patty, and I thought Patty and I were friends, I thought we were just flirting a little bit, and I guess she got really upset by what I sent her, she said that my emails creeped her out, and, so there I sit, I've got my boss and my union rep, and I thought those emails were gonna stay private, I didn't have any idea, I was so embarrassed, my face was red. I mean, I'm a married guy, what would my wife think if I got fired for sexual harassment.

[Text Screen] Selena.

We met at work. We went on like three dates, but I could tell very quickly that it wasn't gonna work. Now that we've broken up, he stares at me. It's disgusting. Sometimes I have to call in sick to work just because I don't think that I can face him that day.

[Text Screen] Alan.

Last Friday night I went to this retirement party for one of my coworkers. It was at my boss's house. My boss got really drunk and he touched me, and then I just walked out. I wouldn't want any of my coworkers to find out, none of them would believe me. I would quit my job, but the economy being what it is right now, it's just not an option for me. I feel trapped.

In this case, Alan has been sexually assaulted by his supervisor off campus, but that doesn't matter. It was by someone he worked with, not to mention by someone who has authority over him, so the location is irrelevant, but Alan is nervous to report. If his fellow coworkers are aware of the ongoing sexual harassment or become aware of the sexual assault, should they stay out of it and leave it up to Alan to report? Let's hear from one of Alan's coworkers.

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[Text Screen] Bill

My coworker Alan has been real uncomfortable at work lately and it has everything to do with our boss being vulgar, I guess, and it's aimed specifically at Alan. I've never heard of a man being sexually harassed, but that's clearly what it is. And I can see how much he hates it, but he never says anything. I feel sorry for the guy. So I went to HR. People are gonna give me a hard time, but I'm glad I did it because it was the right thing to do.

### **Why You're Important**

No matter what your role is on campus, someday, someone may tell you about sexual or interpersonal violence they or someone they know have experienced. Remember, it's not just students who experience violence. Employees do as well.

When survivors consider whom to tell, they seek a trusted, non-judgemental and knowledgeable person. You can make the choice to be a known, caring, and well-informed resource on campus. When survivors feel they have safe resources, they are more likely to report and if they're more likely to report, schools are more likely to hold perpetrators accountable.

90% of campus rapes are committed by repeat offenders. So, if they are held accountable, rates of sexual violence on campus will decrease leading to a safer campus and ultimately, to more successful students and employees.

### **Mandatory Reporting**

[Narrator] Here to talk about the important role that faculty and staff play in responding to and reporting incidents of relationship violence and sexual misconduct is Doctor Rebecca Campbell from MSU's Psychology Department.

It's important for faculty and staff to understand how to respond to a disclosure of sexual assault because we are first responders. We may not think of ourselves that way, we may think of ourselves as, I'm a researcher, I'm a teacher, I'm here to run this program, I'm here in a support capacity, I'm here as part of a broader mission of MSU. But part of our broader mission of MSU is teaching and being with our students, and the students may disclose to us, and that disclosure puts you in the role of first responder, so we need to know how to respond to them, how to help them, how to get them to where they need to be and to do it in a way that is helpful and supportive to them and really minimizes the risk of long term health consequences and really facilitates their recovery process.

[Interviewer] Why would a student disclose to a professor and not the appropriate authorities, and why wouldn't a victim report an assault immediately?



So what we know from research on the neurobiology of trauma is that the way the brain and the body respond to a major trauma can make it difficult for victims to make a decision about what they ought to do. So the circuits in the brain that control complex cognition and decision making, the parts of our brain that make us decide, should I do this, should I do this, often aren't functioning optimally after a major trauma. So we can sit back today and say, oh, well if a victim's sexually assaulted then he or she ought to do this, but for the victim in that moment, they can't do that kind of complex decision making, so take some time, we have to let the trauma pass a little bit and for them to be able to get back to normal a little bit to decide, what should I do, who should I tell, how should I move forward, and by that point many times they do decide, I don't wanna do this. Why would a victim say I don't wanna do this, because they're afraid. They're afraid of how people are gonna respond to them, they're afraid of how people are gonna treat them. We live in a victim blaming society where the questions to the victim are about the victim's behavior, what were you wearing, what were you doing, why were you out that late, how much did you have to drink, why did you do this, why did you do that. Why would anybody put themselves through those kinds of questions. We can change that narrative, we can change the way we treat rape victims and we can change reporting practices. We need to create a society, a culture where when a victim makes a disclosure, the first responder is saying, how can I help you, I'm sorry that this has happened to you, what can I do to be useful to you, how can I help you. That's a very different message than, what were you wearing, what were you doing, why did you drink.

[Interviewer] What if a disclosure is confusing, contradictory, or vague? What if I'm unsure that what they're talking about constitutes a sexual assault?

Sometimes it's not always clear, based on what a student tells you, whether what they're describing is sexual assault, sexual harassment, or whether the policy has even been invoked, you just don't know. There's not enough details, you're not sure, and you might feel the temptation to ask some questions, or feel like you need to ask some questions, or you ought to ask some questions to figure out what you should do. Here's the issue though, here's what we know from our research, is that survivors of sexual assault tell us that when other people start asking them all these questions, it starts to make them feel worse, it starts to increase their stress, it starts to increase their trauma, they feel like they're being grilled before even the grilling began, so one of the key things we've learned from our research is the importance of what we call stay in your lane. What is your job? Is your job to be an investigator? If your job is to be an investigator then you would ask questions, if your job is not an investigator, then you don't need to ask the questions, stay in your lane. Your lane is support, information, and get the victim to where he or she needs to be. It's not to start the investigation, it's not to start asking questions, that can actually be detrimental to the survivor, let the people who are trained in investigation do the investigation.

[Narrator] Unless identified by MSU as a confidential resource, all of university employees are obligated to promptly report incidents of sexual harassment, sexual violence, sexual misconduct, sexual exploitation, stalking, and relationship violence that are observed or learned about in their professional capacity and involve a member of the university community or occurred at a university sponsored event or on university property. The table on this slide can be referenced in MSU's mandatory reporting

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guide, which is linked on the resources tab. Because incidents of relationship violence and sexual misconduct may be a crime and a violation of MSU policy, they must be reported to both MSU police and OIE. Incidents reported using MSU's online form, available on the OIE website, will be forwarded to both MSU police and OIE. Employees may also report an incident by calling both MSU police and OIE. Contact information for both offices can be found in the resources tab. Since incidents of sexual harassment are not considered a crime, they only need to be reported to OIE. If there is ever a safety concern or imminent danger, call 911. Confidentiality. Whether a victim reports an incident directly to OIE, or it is reported through a mandatory reporter, the victim may request confidentiality, anonymity by contacting OIE. This can include requesting that their name not be shared with the respondent, the respondent not being notified of the report, or no investigation occurs. If the individual tells you they want to maintain confidentiality or anonymity, you should advise the individual of your reporting obligation, inform the person that details of the incident will be disclosed only to officials with a legitimate need to know, communicate the request for confidentiality or anonymity to OIE, refer the individual to confidential resources on campus, listed in the resources section. What happens when an incident is reported to the Office of Institutional Equity? A staff member in OIE will contact the individual by email to provide information about resources and supportive services available on campus and in the community, determine if interim measures, such as academic and housing accommodations, or a university contact restriction should be implemented, request a meeting with an OIE investigator to review the investigation process, provide the individual with information about their rights, and request participation in a university investigation. What happens in an Office of Institutional Equity, OIE, investigation? The investigator is a neutral third party. The investigator meets with parties to the investigation, including witnesses, to gather information and evidence. At the conclusion of the investigation, the investigator makes a determination as to whether MSU's policy has been violated. Where a violation is found to have occurred, the OIE investigator will forward that information to the Office of Student Conduct and Conflict Resolution for processing within the student disciplinary system for students, or to human resources, academic human resources for faculty and staff. Individuals may face disciplinary action up to and including dismissal for students and discharge for employees.

### Prevention

Consider the average college male identified person. What do you think he does, if anything, on a daily basis to prevent himself from being raped?

For the vast majority of men in college, the threat of rape on a daily basis is not something they have to think about. For them, the answer to this question is nothing.

Now, consider the average female identified college student. What do you think she does on a daily basis to prevent herself from being raped?

Most likely, many answers came to mind such as watch your drink, use the buddy system, dress

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conservatively, don't put yourself in compromising situations, don't leave with someone you don't know, don't walk alone, take self-defense classes, carry pepper spray, mace, weapons, don't go running too early in the morning, wear date rape drug detecting nail polish, check in with friends and family via text and social media when out on dates.

This means, on a daily basis, women often subconsciously alter their day due to the threat and fear of being raped. Imagine the amount of time they spend making these accommodations throughout their lifetime. This is what living in the rape culture looks like.

Some people see these behaviors by women as potentially reducing their risk. How successful they are is debatable however and to focus on these behaviors definitely has negative affects on our culture.

For instance, most of the behaviors listed are due to the fear of a stranger hurting us but while a stranger rape does occur, for college women, 90% of rapes are committed by someone they know.

Of those rapes, 98.1% of the perpetrators are men yet the responsibility for stopping or preventing rape mainly focuses on what women need to do to prevent it from happening.

This is like trying to reduce the dangers of drunk driving by telling pedestrians and other drivers to be more careful and to be ready to get out of the way rather than addressing the behavior of the drunk driver.

We need to change the expectation that men will rape and that it's up to women to prevent it.

This is not only unfair to women but also to the vast majority of men in our culture who choose not to rape. This is not a culture any of us should want to live in.

Also, while this gives us a basic understanding of what the typical male or female identified college student may experience, it doesn't include the various additional layers of threat posed to lesbian, gay, bisexual, queer and trans identified folks, undocumented people or people with different abilities.

Members of these communities may face additional threats and fears as they relate to rape therefore negatively impacting their daily experiences.

Here's another problem. Believing that women should dress conservatively, not be flirtatious and not put themselves in compromising situations allows us to falsely conclude that rape is an act motivated by sex.

This change of focus from reducing the risk of survivors to increasing the accountability of perpetrators is what will ultimately lead to a safer space for us all.

[Narrator] A culture where these kinds of things are tolerated is the problem. This is where sexual violence prevention efforts must be focused.

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Rather than asking survivors what they need to stop doing, it's time to ask, why did that person rape or assault and why didn't anyone do anything to stop it from happening?

As a faculty or staff member on campus, you have a very important role to play here because you can have a very real impact on changing your campus culture.

### **Active Bystander Intervention**

To most successfully prevent or stop sexual violence, we need your help to move rape from being seen as a private or one-on-one situation, to being seen as a cultural problem we're all responsible for stopping.

One key step in this effort is for campus employees, like you, to become active bystanders. We need you to safely intervene when you witness a behavior, in words or actions, that could ultimately lead to an act of sexual violence.

[Student Testimonial] At a concert I went to over the summer, this guy and his girlfriend were in a really bad fight, and he was screaming at her, and like, kind of hitting her. And so the police actually stepped in and, well, I got one of the police officers who was around, 'cause it was, I felt awful for her. And she had no defense against it, so... I would always just say, like, try to think of how you'd want to be addressed in that situation if something was happening to you. And if you see an event out in public, and no one's doing anything, I would say do something. Or if you do know someone close to you, who's going through sexual assault, or harassment, to definitely try to speak up for that person. 'Cause a lot of times they're just too defenseless to do anything.

[Narrator] Just remember to ACT, A-C-T. A: Assess the situation. C: Choose your best action. T: Take the action you can.

When students and coworkers see important adults in their community speaking out against sexist language and abusive behavior, it can create a cultural norm that this behavior is not tolerated, and that intervening is safe, accepted, and encouraged.

Multiple levels of the community, students, staff, administration, et cetera, holding people accountable for harmful language and behaviors can lead to a positive shift in the culture.

More survivors will report, which can lead to more perpetrators being held accountable. Which can ultimately decrease incidents on campus. But only if you and your colleagues choose to become active bystanders at every opportunity.

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### Action

It may seem counter intuitive but high reports of violence on a campus are usually a positive sign. It means community members feel safe and respected enough to come forward. It also means those responsible for filing reports are doing so.

Please take a few moments to consider what you can do to create a safer, more knowledgeable and more open campus environment around sexual violence prevention and response.

Here are some additional ideas. Consider including information about resources, your level of confidentiality, student rights and active bystander tips or statements in your syllabus.

Consider including campus policies as part of your internal employee handbook or binder and review the policies annually with co-workers and colleagues in meetings.

Consider working with students to develop a tailored marketing campaign around campus specific calls to being an active bystander.

Consider linking campus sexual violence resources, policies, protocols and rights to your office/department website.

Seek out an active bystander training for yourself and other co-workers from your campus student group or community rape crisis domestic violence center.

Let your students and co-workers know you are there for them.

Imagine the impact on your campus community if every employee completing this program committed to at least two of these actions. Your voice and your actions do make a difference.

Thank you for working to end sexual violence.

What other actions will you take?

If you want to get more involved in ending sexual violence on your campus, please enter your email or phone number. This information will remain confidential and will only be used to contact you regarding this program.