

RELATIONSHIP VIOLENCE AND SEXUAL MISCONDUCT: MANDATORY REPORTING GUIDE

INTRODUCTION

If you are an employee and a student or colleague has disclosed that they were a victim of sexual assault or relationship violence, your response and support can make a big difference. MSU recognizes the complexities associated with fulfilling your mandatory reporting obligations as an employee while offering support and maintaining the relationship you have built with the student or colleague. To that end, the university has created the Employee Mandatory Reporting Guide in order to provide employees with information about the mandatory reporting process, including what happens when a report is made, as well as tips for responding and supporting students and colleagues.

Unless identified as a confidential source below, all University employees are obligated to promptly report incidents of **sexual harassment, sexual violence, sexual misconduct, 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.

WHAT TO REPORT

STATUS OF PERSON VICTIMIZED	STATUS OF MANDATORY REPORTER	WHERE TO FILE REPORT
REPORTING: SEXUAL MISCONDUCT AND RELATIONSHIP VIOLENCE (INCLUDING: SEXUAL VIOLENCE, SEXUAL EXPLOITATION, AND STALKING)		
<ul style="list-style-type: none"> • Student • Employee • Third Party 	Undergraduate Student	Undergraduate Student's Supervisor. Supervisor will report to Office of Institutional Equity AND MSU Police.
	Employees	
	All Other Employees	Office of Institutional Equity (OIE) AND MSU Police
REPORTING: SEXUAL HARASSMENT		
<ul style="list-style-type: none"> • Employee • Third Party 	Undergraduate Student	Undergraduate Student's Supervisor. Supervisor will report to Office of Institutional Equity.
	Employees	
	Supervisory Employees	
	Non-supervisory Employees	Although non-supervisory employees are not required to report, they are encouraged to report sexual harassment to OIE.
<ul style="list-style-type: none"> • Student 	Undergraduate Student	Undergraduate Student's Supervisor. Supervisor will report to Office of Institutional Equity.
	Employees	
	All Employees	Must report to OIE

HOW TO REPORT

In an emergency or when there is **immediate** risk of harm Dial **9-1-1**; in a non-emergency setting call **(517) 355-2221**.

Please Note: REHS staff should follow their internal reporting protocols.

REPORTING SEXUAL VIOLENCE AND RELATIONSHIP VIOLENCE:

- ✓ OPTION ONE: **PREFERRED REPORTING METHOD**
 - Complete the university's online Public Incident Report Form available on the Office of Institutional Equity (OIE) website: www.oie.msu.edu.
 - Completing the online Public Incident Report fulfills your obligation to notify both OIE and MSU Police.
 - **Please note:** A Public Incident Report Form is **NOT** a police report. To file a police report directly, please contact the MSU Police at (517) 355-2221.

- ✓ OPTION TWO: CALL OIE **AND** MSUPD. EMPLOYEES MUST CALL **BOTH** OFFICES.

- Call OIE at (517) 353-3922
- Call MSUPD at (517) 355-2221

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CONFIDENTIAL SOURCES

Disclosure to individuals who work or volunteer in the following campus offices, including peer educators, do not constitute a report or notification to the university.

- MSU Sexual Assault Program & 24-hour Sexual Assault Crisis Line
- MSU Counseling Center
- MSU Safe Place
- MSU Psychological Clinic
- MSU Couple and Family Therapy Clinic
- MSU Olin Psychiatry
- MSU Employee Assistance Program

PRIVATE SOURCES

These offices will periodically report non-personally identifiable information about relationship violence and sexual misconduct incidents to the Title IX Coordinator.

- MSU Sexual Assault & Relationship Violence (SARV) Prevention Program
- MSU Sexual Assault Crisis Intervention (SACI) Team
- Every 5 Minutes (E5M) Team
- University Ombudsperson
- Olin Health Center

WHAT IS THE DIFFERENCE?

Individuals who seek assistance from confidential sources in a legally privileged setting, such as with a licensed counselor at the MSU Counseling Center, are assured that their conversations will remain privileged and confidential unless the law compels disclosure.

Private sources, such as the University Ombudsperson, might not have a legally protected privilege. The university considers conversations in those settings to be “private” and expects that information disclosed in such settings will not be voluntarily disclosed to others. Nevertheless, it is important to recognize that individuals outside the university (such as a prosecutor or other attorney) could obtain a legal order to require the contents of such conversations to be disclosed.

GATHERING AND REPORTING INFORMATION

Employees and faculty members must report all incidents of relationship violence and sexual misconduct. Employees are not responsible for determining if the reported activity is a crime or violation of university policy.

- ✓ Report basic information that was shared with you. If disclosed, report:
 - What happened?
 - Who was involved? (victim, accused, witnesses)
 - When did the incident occur?
 - Where did the incident occur?
- ✓ Follow the MSU mandatory reporting protocol by reporting to OIE and MSU Police by:
 - Completing the online public incident report form or
 - Calling OIE **and** MSU Police.

WHAT HAPPENS WHEN I REPORT TO THE POLICE?

Police will:

1. Contact the reported victim by email and request to meet with them in a private place of their choosing
2. Assist with arranging hospital or other necessary medical care and contacting counseling and advocacy services
3. Notify OIE to initiate a university investigation or arrange for interim measures *unless the victim asks that their information not be shared with OIE.*
4. Seek additional participation by the victim in some circumstances, such as sexual assault cases
5. Conduct a full investigation
6. Forward the investigation to the Ingham County Prosecutor’s Office, which can result in criminal charges
7. Continue to be available to answer questions and explain processes such as court proceedings or university investigations

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WHAT HAPPENS WHEN I REPORT TO OIE?

1. OIE will ask you for information about the incident, including who is involved and what their relationship is to the university.
2. OIE will ask if the MSU Police have been notified and, if not, will reach out to the MSU Police to notify them.
3. Information is provided to the victim/survivor, referred to as the “Claimant” including:
 - ✓ Supportive services and resources
 - ✓ Available interim and protective measures
 - ✓ University policies and procedures
 - ✓ Student/employee rights
 - ✓ Options for filing a university complaint or criminal complaint.
4. OIE may request a meeting with the Claimant.

What happens in the OIE Meeting?

All parties have the right to bring a support person, such as a counselor, advocate, friend, or parent to meetings with OIE.

It is not required, but is highly recommended that Claimants speak to OIE and MSU Police to communicate their desired outcome, even if that is to request no involvement from law enforcement or OIE. During the meeting, OIE will:

- ✓ Review information on supportive services and resources, the investigation process, and claimant rights.
- ✓ Determine the Claimant’s desired outcome and level of participation in the investigation and adjudication process. The claimant can request confidentiality or that the university not investigate. The OIE will review the request and determine if the request can be granted.
- ✓ Identify interim and protective measures that may be appropriate to implement.

What happens in the investigation process?

OIE will begin an investigation when:

- The claimant requests an investigation
 - OIE determines there is an ongoing threat to the health and safety of the MSU community.
1. Gathering information from the claimant, the respondent, and any witnesses.
 2. Determination by OIE if the Relationship Violence and Sexual Misconduct Policy has been violated.
 3. Final report issued to Claimant, Respondent, and appropriate administrative unit (Student Conduct and Conflict Resolutions, Academic Human Resources, Human Resources).
 4. Where a violation of the RVSM Policy has occurred, sanctions, up to and including dismissal for students and discharge for employees, will be imposed.

What Interim and Protective Measures are available?

- Discrete professor notification regarding absences
- Academic assistance such as:
 - Schedule changes
 - Course load reductions
 - Withdrawals
 - Coordinating extensions
- Alternative housing placement
- Protective measures
 - University contact restriction
 - Removal of directory information
 - Removal of parties from campus
- Alternative work schedules/locations
- Transportation information
- Referrals to on- and off-campus services

WHO WILL PUT AN END TO RELATIONSHIP VIOLENCE AND SEXUAL MISCONDUCT?

SPARTANS WILL.

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WHAT IS MY ROLE?

DO	DON'T
<ul style="list-style-type: none"> • Listen and offer help and support. • Encourage the person to seek medical attention and talk with a confidential resource for support. Information on medical assistance and confidential resources is available on the Title IX website at www.titleix.msu.edu. • Explain that you cannot promise confidentiality. • Make sure the individual is aware of your duty to report the information to authorized individuals who are trained to respond. • Help the individual understand what happens when a mandatory report is made and how you can continue to support them. Mandatory Reporting Guides are available on the Title IX website at www.titleix.msu.edu. • Encourage the person to preserve evidence including any information related to the incident in case they wish to pursue a criminal investigation either now or in the future. • Inform the person of their right to file a criminal complaint and/or seek an order of protection or other similar lawful order. • Tell the person about supportive services and resources available on campus, including confidential counseling and advocacy services. This information is available on the Title IX website at www.titleix.msu.edu. • Tell the person that MSU offers a variety of interim and protective measures to assist students and employees. More information on interim and protective measures can be found on the Title IX website at www.titleix.msu.edu. • Let students reporting their concerns to you know that OIE and the MSU Police will not notify their parent or guardian unless they are a minor. • Respect privacy and tell only those who need to know for reporting purposes. • If there is an allegation against someone in your department, keep the matter as private as possible. • Keep OIE up to date about any ongoing concerns or new developments. 	<ul style="list-style-type: none"> • Don't try to investigate. • Don't try to determine if a crime or violation of policy occurred. • Don't try to determine if a sexual encounter was/wasn't consensual. • Don't push for information an individual is not comfortable sharing. • Don't alter or remove a student or employee from their work, living, or academic situation. Always contact the OIE if you believe alterations need to be made. <h3 data-bbox="812 743 1557 810">EXERCISING SELF-CARE</h3> <p data-bbox="834 835 1557 940">MSU Employees need to practice self-care when dealing with relationship violence or sexual misconduct issues. These issues can negatively impact employees in many ways:</p> <ul style="list-style-type: none"> • When victimized personally; • When loved ones are victimized; • When other employees or students experience these issues and MSU employees hear about the trauma experienced and are required to report it. <p data-bbox="834 1159 1557 1306">Personal Experiences: If you or a loved one is experiencing issues outlined in the RVSM Policy, seek support from campus or community resources. This information is available on the Title IX website at www.titleix.msu.edu.</p> <p data-bbox="834 1327 1557 1621">Vicarious Trauma: When issues outlined in the RVSM Policy require MSU employees to report relationship violence or sexual misconduct, this can create what is called vicarious trauma. This occurs when persons who hear trauma stories from others experience fear, terror, and trauma. This can occur with MSU employees who hear multiple trauma stories over time, or with single incidences of hearing or bearing witness to someone else's trauma.</p> <p data-bbox="834 1650 1557 1831">What to do: It's important to reach out for help from confidential support services, and/or find ways to create healthy boundaries and strategies to prevent vicarious trauma. For a list of coping tools go to: http://endrape.msu.edu/coping/.</p>

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FREQUENTLY ASKED QUESTIONS

Q: What if I have questions about whether I have to report something?

A: For questions about whether a disclosure must be reported, contact the Office of the General Counsel, Office of Institutional Equity, MSU Police, or University Ombudsperson.

Q: What if I need to report something outside of ordinary business hours?

A: You may complete the online public incident report found at www.oie.msu.edu, email oie@msu.edu or leave a voice message at (517) 353-3922 at any time. State that you need to make a report and an OIE investigator will be in touch with you promptly.

Q: If a report of sexual assault or relationship violence is made to the MSU Police, will it be reported to OIE?

A: Yes. When an individual files a report with the MSU Police, it will be referred to OIE for investigation unless the individual requests that their information not be provided to OIE. In cases where an individual requests that their information is not shared with OIE, this means that the police investigation will proceed but the University will be unable to conduct its own investigation to determine whether the Relationship Violence & Sexual Misconduct Policy has been violated.

Q: If a report of sexual assault or relationship violence is made to OIE, will it be reported to the MSU Police?

A: Yes. All OIE staff are mandatory reporters and refer all reports of sexual assault and relationship violence to the MSU Police. It is then the victim's decision whether or not to pursue a criminal investigation with the police.

Q: How quickly will OIE contact the victim after a report is made?

A: OIE will contact the victim within two business days after receiving the report through the student or employee's university email account.

Q: Will OIE or MSU Police notify the victim's parents?

A: OIE and the MSU Police will not notify their parent or guardian unless they are a minor.

Q: How will OIE contact the victim?

A: OIE contacts students and employees using their university email account; however, upon request, OIE may contact victims through alternate means if there are concerns that contact by email may jeopardize the individual's safety. If you are aware of specific safety concerns, you can ask the individual for information on the best way for OIE to safely contact them and provide this information to OIE at the time of the report.

THE OFFICE OF INSTITUTIONAL EQUITY

4 Olds Hall
East Lansing, MI 48824
Phone: (517) 353-3922
Fax: (517) 884-8513
Email: oie@msu.edu

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FREQUENTLY ASKED QUESTIONS

Q: I am a faculty member or instructor. Is there any language I can put in my syllabus to notify students that I am a mandatory reporter?

A: Visit the Title IX website at www.titleix.msu.edu for suggested language to include in your syllabus.

Q: I am concerned that reporting will damage my relationship with the victim. How can I meet my obligations while preserving my relationship?

A: While your first priority should be to listen and respond with empathy and compassion, it is important to communicate your obligation to report. Tell the individual that a mandatory report does not automatically initiate a police or university investigation. It only means that these offices will contact them to provide information, resources, and options. You can continue to support the individual by offering to accompany them to meet with OIE or MSU Police, providing referrals to resources and services on campus, and continuing to be a supportive and active listener.

Q: I am a graduate teaching assistant. What are my reporting obligations?

A: Teaching assistants are required to report incidents of relationship violence and sexual misconduct involving members of the University community directly to the MSU Police Department and OIE. The TA should then notify the faculty of record for the course that a report has been made.

Q: I am a Resident Assistant (RA). What are my reporting obligations?

A: Resident Assistants and other Residence Education and Housing Services student employees are required to report allegations of relationship violence and sexual misconduct involving members of the university community to the MSU police and senior staff. A report will also be completed in the Advocate system to notify OIE.

Q: I am a student employee who does not work in Residence Education and Housing Services. What are my reporting obligations?

A: Student employees should report allegations of relationship violence and sexual misconduct involving members of the University community to their supervisor, who will contact the MSU Police Department and refer the incident to OIE.

Q: A student disclosed to me that they were sexually assaulted by another student after a party off-campus, but the student doesn't want to talk to the police. Am I required to report this?

Yes. Employees are required to report allegations of sexual assault involving members of the university community to the MSU Police Department and the Office for Institutional Equity (OIE). Both offices will contact the student to provide resources and information on options for addressing the incident. The student is not required to speak with OIE staff or MSU Police; however, it is suggested so that both offices will know the student's desired outcome even if that is no investigation from either the police or the university.

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FREQUENTLY ASKED QUESTIONS

Q: A student disclosed to me that they were sexually assaulted by a stranger while on spring break in Florida. Am I required to report this?

A: Yes. Although the university may not be able to investigate the incident and hold a perpetrator accountable, the disclosure will permit the University to assure that the student has been provided with information on resources and support services available on campus.

Q: A student disclosed to me that they were sexually assaulted by a stranger on a MSU study abroad program. Am I required to report this?

A: Yes, although the incident occurred off campus, it is considered a university program and reporting is required. Although the university may not be able to investigate the incident and hold a perpetrator accountable, the disclosure will permit the university to assure that the student has been provided with information on resources and support services available on campus. Additionally, MSU may be able to take other actions such as conducting a review of policies and procedures, reviewing safety measures, or providing additional training or education.

Q: Do I have reporting obligations if a student discloses past sexual assault to me that does not involve sexual abuse of a child or a member of the university community?

A: No. In that situation, you do not need to report the prior assault. The student should be encouraged to contact the MSU Sexual Assault Program for any counseling or victim advocacy services needed. Information on campus resources can be found at www.titleix.msu.edu.

Q: I conduct research in the area of sexual assault. How will these reporting obligations affect my research and ability to promise confidentiality to research subjects?

A: Disclosures made by research subjects in the context of the research project do not trigger reporting obligations. If a faculty member believes a research project may elicit personal accounts of sexual misconduct or relationship violence, the researcher should make clear to research participants **in advance** that disclosures made during the research project are not considered notice to the school for the purposes of initiating an investigation. It is recommended that if research is likely to elicit such disclosures, information on campus support resources is made available to participants. Information can be found at www.titleix.msu.edu.

Q: Do the reporting obligations change if a student reporting a violation of this policy is under the age of 18?

A: Yes, relationship violence or sexual assault involving a minor may be child abuse depending on the individuals involved. All such reports should be made immediately to the MSU Police and OIE. Employees should also review the *University Reporting Protocols: Child Abuse, Sexual Assault, and Child Pornography* located at <http://www.hr.msu.edu/documents/uwidepolproc/ReportingProtocols.htm>.

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