

RESPONDENT 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 attached reference 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.

YOUR ROLE

- To arrange for a support person or advisor during meetings with OIE and notify OIE so that appropriate meeting space can be secured.
- To request referrals from OIE for support services.
- To provide witnesses, evidence, and other information to OIE during the investigation.
- To submit questions to be asked of the other party to OIE.
- To review the preliminary investigative report and provide feedback.

ADVISOR/SUPPORT PERSON

You have the right to bring an advisor or support person of your choice to all meetings with OIE staff.

MSU union-represented employees may, at any point in the process, consult their collective bargaining agreements and consult the MSU **Office of Human Resources**, Employee Relations: 1407 S. Harrison, Suite 130, East Lansing, MI 48823, **517-353-5510**.

The attached reference guide contains contact information about and contact information for confidential advisors who have in-depth knowledge of the OIE investigative process and can provide support throughout the process including attending meetings with you.

INTERIM AND PROTECTIVE MEASURES

Interim measures are accommodations and other assistance put in place when OIE receives notice of an incident. Interim measures can include changes to class-work schedules, changes in living arrangements, and other accommodations. Interim measures are instituted immediately upon approval from a University official and remain in place until the investigation and adjudication process is concluded.

NO-CONTACT DIRECTIVE

An investigator may decide to issue a "no-contact" order as a protective measure. A "no-contact" order can be several things. It can be an order prohibiting the respondent from having any contact with the claimant. It can also prohibit the respondent's access to certain areas of campus or require the respondent to move to a different residential location and/or class section, etc. "No-contact" orders are issued on a case-by-case basis and are enforced at the university level. A violation of OIE's no-contact directive could result in disciplinary action. A no-contact directive is different from a court-ordered protection order.

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.

SUPPORT RESOURCES

In an effort to support all individuals engaged in the university review and investigation process, resources are available to students and employees responding to complaints under the *Relationship Violence and Sexual Misconduct Policy*. These resources are provided in the attached reference guide. Most of the resources listed are available at no cost.

Office of Institutional Equity

4 Olds Hall

East Lansing, MI 48824

Phone: (517) 353-3922

Revised 7/27/2017

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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 and any relevant witnesses;
- Collection of any relevant documentary evidence;
- Drafting of a preliminary report that describes all of the evidence collected. You and the Claimant will have an opportunity to review the preliminary investigation report and provide feedback prior to the issuance of the final investigation report; and
- Drafting of the final report that includes a determination of whether there has been a violation of the Policy.

COLLECTION AND SHARING 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 by the parties 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.**

INVESTIGATION TIMELINE

Every reasonable effort will be made to complete a formal investigation within 60 calendar days, recognizing that delays may be necessary based on a variety of factors including availability of parties, witnesses, and documents, and the occurrence of vacations and academic breaks during the year. OIE will provide notice if the investigation timeline is extended beyond 60 calendar days.

INVESTIGATION HEARING

As part of the investigation process, you have the opportunity to meet with the OIE investigator for an investigation hearing. This is your opportunity to be heard and tell your side of the story. Either party may submit questions in writing to be asked of the other party. The investigator will ask the questions during the investigations, provided that the questions are relevant to the investigation and issues of credibility.

Either party may submit questions at any time up to the deadline for review of the preliminary investigation report. The opportunity to ask questions may not be used to harass or intimidate the other party.

PREPONDERANCE OF THE EVIDENCE

The University uses the preponderance of the evidence standard to review allegations of the Policy. This standard means that, in determining whether the Policy has been violated, the OIE staff will assess whether, based on the evidence, it is more likely than not that you engaged in the prohibited conduct.

NOTICE TO POLICE

Claimants may pursue a complaint with the University and police simultaneously. The MSU Police Department and Office of Institutional Equity (OIE) independently investigate complaints of relationship violence and sexual misconduct. The Police investigate to determine whether there has been a violation of criminal laws. The Office of Institutional Equity investigates to determine whether there has been a violation of University policy. The investigations proceed concurrently, and the outcome of one investigation does not determine the outcome of the other investigation.

The MSU Police Department shares information about ongoing investigations with the OIE to the extent that sharing such information will not interfere with law enforcement proceedings.

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. All individuals have a right to be protected from retaliation related to the information shared with the university.

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

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.

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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.

RESPONDENT AFFIRMATION

I affirm that I have received the OIE Respondent Information Form, the MSU Relationship Violence and Sexual Misconduct Policy, and the Resource Guide.

Signature

Date

Printed

OIE USE ONLY

Interim Measures Implemented: _____

No Contact Directives Implemented: _____

OIE Staff Member: _____

Date: _____