

APPENDIX B

UNIVERSITY POLICY ON RELATIONSHIP VIOLENCE & SEXUAL MISCONDUCT: FREQUENTLY ASKED QUESTIONS

Reporting Questions (General)

- 1. 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 both offices will know the student's desired outcome even if that is no investigation from either the police or the university.

- 2. 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?**

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.

- 3. 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?**

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.

- 4. Do I have reporting obligations if a student discloses to me a past sexual assault that occurred before the student was enrolled at MSU?**

It depends. If the reported incident does not involve a member of the University community, did not occur on University property or at a University event, and does not involve ongoing sexual abuse of a child, then the incident does not need to be reported. 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. If the incident involves a member of the University community, occurred on University property or at a University event, or involves ongoing sexual abuse of a child, then the incident must be reported.

5. Do I have reporting obligations if I learn about sexual assault or other relationship violence or sexual misconduct in my personal capacity and not as an employee?

Generally, no. If a family member, friend, or other individual discloses a sexual assault or other potential violation of this policy to you outside of the employment context, you are not required to report to OIE or the MSU Police unless that disclosure involves suspected child abuse and you are a mandatory reporter. If the individual who made the disclosure to you is a member of the University community, you are strongly encouraged to provide them with information about available campus resources and encourage them to report the matter to the MSU Police and OIE. Information on campus resources can be found at www.titleix.msu.edu.

6. Do I have a reporting obligation if I suspect a student may have been sexually assaulted?

Technically no, not unless you received sufficient information to believe that an assault occurred. Employees are strongly encouraged, however, to report the available information to OIE so that the individual student (if known) can receive information about campus resources and reporting options. If the information is provided by a third party, the employee should also encourage the person relaying the information to provide the student with information 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.

7. Do I have a reporting obligation if I observe bruises on a student and I suspect the student is being physically abused, but the student has not shared any information with me about the cause of the bruises?

No, this is a situation where there is no reporting obligation but the employee is strongly encouraged to ask the student if the student is ok and to encourage the student to contact the Counseling Center or MSU Safe Place for any counseling or victim advocacy services needed.

If the employee knows the student is a minor and suspects the student may be the victim of child abuse, the faculty member should follow the *University Reporting Protocols: Child Abuse, Sexual Assault, and Child Pornography* located at https://www.hr.msu.edu/policies-procedures/university-wide/reporting_protocols.html.

8. 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?

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.

9. What campus resources are available to survivors of sexual assault? Where can survivors of sexual assault receive confidential counseling that will not trigger a report to the police or OIE?

The University has a comprehensive set of counseling and victim advocacy services for survivors of sexual assault. Confidential counseling is available from the following offices:

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

For more information about campus resources, see www.titleix.msu.edu

10. Does sexual harassment need to be reported to the police?

Typically, sexual harassment only needs to be reported to OIE. However, sexual harassment can escalate in to relationship violence and/or stalking. When sexual harassment involves stalking, physical contact, or threats of violence, this must be reported to the police. Sexual harassment that does not involve stalking, physical contact, or threats of violence only needs to be reported to OIE. Examples of conduct that does not need to be reported to the police include sexually explicit jokes, sexually explicit statements, or comments about sexual prowess.

11. What forms of dating or domestic violence need to be reported to the police and what forms do not?

All dating violence or domestic violence (regardless of the genders or sexual orientation of the individuals involved) must be reported to the police if the conduct involves a member of the University community or occurred at a University event or on University property.

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

Yes. MSU Police will report all incidents of relationship violence, stalking, sexual harassment, and sexual misconduct to OIE. It is then the victim's decision whether or not to pursue a university investigation with OIE.

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

The Title IX Coordinator and OIE investigators 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. **Although OIE staff are mandatory reporters, faculty and staff are responsible for reporting incidents directly to MSU Police.**

14. Does the university review reported incidents of relationship violence or sexual misconduct that occurred off campus?

Yes. The University will review all reports of relationship violence and sexual misconduct involving members of the University community, regardless of where the conduct occurs, to determine if the University has jurisdiction to investigate. The University has jurisdiction to investigate many types of off-campus conduct. For example, the University has jurisdiction to investigate sexual assault that occurs off-campus when that conduct creates a hostile educational or work environment on campus. The University also has jurisdiction to investigate off-campus conduct when the conduct occurred at a University sponsored or registered student organization sponsored event or activity.

15. What constitutes "on campus" for purposes of mandatory reporting and investigating?

All buildings and land owned or controlled by Michigan State University.

16. A student informed me about being in a past abusive relationship but assured me there is no continuing abuse. The last incident of violence occurred on campus over 6 months ago. Does this need to be reported?

Yes, it should be reported to both OIE and the MSU Police.

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

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 https://www.hr.msu.edu/policies-procedures/university-wide/reporting_protocols.html. That document lists mandated reporters who also have a legal obligation to report suspected child abuse to Child Protective Services.

18. What are examples of sexual harassment that must be reported? Do I need to report a dirty joke I overheard in the office?

Employees are required to report all unwelcome behavior of a sexual nature that occurs in the workplace.

19. Do reports made at public events trigger an investigation by the OIE Office?

No, the Policy explicitly states that Public awareness or activism events and other public forums at which students or employees disclose experiences with relationship violence or sexual misconduct are not considered notice to the University for the purposes of the Policy unless the victim also initiates a complaint under the Policy. This includes disclosures made at events like Take Back the Night or during public activism events such as protests.

In contrast, disclosures made in class, office hours, meetings, or other conversations with faculty, staff, or administrators will be referred to OIE and the MSU Police in accordance with the policy reporting requirements.

Students and employees are strongly encouraged to talk with a confidential office (See FAQ #9 above) if they do not wish to have a disclosure referred to OIE and the MSU Police.

20. If I am required to report sexual assault or other policy violations that are disclosed to me as a faculty member, should I advise students of my reporting obligations in advance?

Faculty members are encouraged to include language on their syllabus to notify students about their reporting obligations. The following is sample language that might be included on a syllabus:

***Limits to Confidentiality.** Essays, journals, and other materials submitted for this class are generally considered confidential pursuant to the University's student record policies. However, students should be aware that University employees, including instructors, may not be able to maintain confidentiality when it conflicts with their responsibility to report certain issues based on external legal obligations or that relate to the health and safety of MSU community members and others. As the instructor, I must report the following information to other University offices if you share it with me:*

- *Suspected child abuse/neglect, even if this maltreatment happened when you were a child,*
- *Incidents of sexual assault, relationship violence, or sexual harassment involving members of the University community,, and*
- *Credible threats of harm to oneself or to others.*
- *These reports may trigger contact from a campus official who will want to talk with you about the incident that you have shared.*

In almost all cases, it will be your decision whether you wish to speak with that individual. If you would like to talk about these events in a more confidential setting you are encouraged to make an appointment with the MSU Counseling Center.

21. As a mandatory reporter, what social media comments or posts am I required to report under the RVSM Policy?

Employees are required to report social media disclosures of relationship violence and sexual misconduct when the disclosure is directed to a University social media account and the disclosure:

- Involves a member of the University community (faculty, staff, or student)
- Or occurred at a University-sponsored event or on University property.

University accounts include top-level, public facing MSU accounts (e.g. MSU, MSU Today, MSU Alumni Association, etc.) as well as accounts associated with University departments and programs that are maintained by MSU. This does not include personal social media accounts. A disclosure is characterized by a post or message that includes information about a specific experience or incident. Social media posts or comments making only general reference to public awareness campaigns and events or social protests are not considered a disclosure.

Reporting Questions (Student Employees)

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

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.

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

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 supervisory or duty staff (i.e. an Assistant Community Director, Community Director, Assistant Director, Associate Director or other) . A report will also be completed in the Advocate system to notify OIE.

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

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.

4. Do I have reporting obligations if I learn about sexual assault or other relationship violence or sexual misconduct in my personal capacity and not as an employee?

Generally, no. If a family member, friend, or other individual discloses a sexual assault or other potential violation of this policy to you as a friend and in your personal capacity (i.e., outside of the employment context), you are not required to report to OIE or the MSU Police unless that disclosure involves suspected child abuse and you are a mandatory reporter. If the individual who made the disclosure to you is a member of the University community, you are strongly encouraged to provide them with information about available campus resources and encourage them to report the matter to the appropriate offices.

Reporting Questions (Health Care Professionals)

1. What reporting obligations do health care professionals have under the policy and under state law?

The RVSM Policy does not require health professionals to report sexual assault to OIE when disclosures are made to a health professional within a privileged context. The RVSM Policy does not override the normal confidentiality protections for discussions

between health care providers and their patients. Health care providers who also have other roles (such as faculty or administrators) should be aware that reporting obligations still exist when the individual is acting within their faculty or administrative role, but not within their clinical role.

Michigan law requires physicians to report wounds or injuries inflicted by means of a knife, gun, pistol, other deadly weapon, or by other means of violence, to the police immediately. This means that physicians must report to the MSU Police Department when a patient presents with wounds or injuries inflicted during a sexual assault or relationship violence. A “wound” or “injury” may include pain and/or discomfort resulting from the assault. The statutory requirement is limited to physicians, surgeons, hospitals, and pharmacies. It does not apply directly to nurses, nurse practitioners, or physicians assistants; however, a report would need to be made if a physician is informed of the injury.

Finally, the above obligations relate solely to disclosures involving adults. Disclosures involving minors may implicate child abuse or neglect and are governed by the University Reporting Protocols for Child Abuse, Sexual Assault, and Child Pornography located online at https://www.hr.msu.edu/policies-procedures/university-wide/reporting_protocols.html.

Policy Questions

1. The policy describes “confidential” campus resources. Are there any limits on confidentiality?

Individuals who seek assistance from campus resources 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.

Other campus resources are provided by individuals who might not have a legally protected privilege, such as the University Ombudsperson. 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.

Individuals who have questions or concerns about confidentiality should discuss those questions and concerns directly with the specific campus office providing assistance.

2. The drug and alcohol amnesty provision seems to draw a distinction between campus policy violations and Michigan alcohol statutes. Why is that?

Michigan law provides amnesty to a person under the legal drinking age who has consumed alcohol and seeks assistance from a police officer or other emergency responder, including seeking treatment at a hospital following a sexual assault. The state

amnesty provisions also apply to a person who accompanies an underage friend seeking medical assistance. Since the state law does not provide amnesty for drug law use or possession violations and may not address the full range of conduct covered by the Relationship Violence & Sexual Misconduct Policy, the University provides broader amnesty against student conduct actions for violations of University policy.

3. What does it mean that I am protected from retaliation if I file a complaint under this policy? What are examples of retaliation?

Federal civil rights laws, including Title IX, make it unlawful for the University to retaliate against an individual who brings concerns about possible civil rights violations to its attention. It is also unlawful for the University to retaliate against an individual (such as a witness) for participating in the complaint or investigation process. 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 it occurs.

Retaliation could include intimidation, threats, coercion, harassment, or discrimination. For example, in the employment context it would be retaliation for a supervisor to require an employee to work a less desirable schedule in response to a complaint of sexual harassment. In the student context, it would be retaliation for a group of students to taunt or mock another student for filing a complaint of sexual misconduct or relationship violence.

4. Does the existence of a power differential between two people mean that there cannot be consent for sexual activities?

A difference in real or perceived “power” or “authority” between two adult individuals does not automatically mean that there cannot be consent for sexual activities between those two people. However, if one individual alleges that there was no consent for sexual activities, the University’s investigation will consider all of the relevant information. Consent cannot be given by someone who has been coerced or is under duress, which could be a factor when one individual has “power” or “authority” over the other individual.

5. Does the University offer in-person training for departments or colleges on these topics?

Yes. In-person training can be scheduled through OIE, MSU Sexual Assault Program, MSU SARV Program, MSU Safe Place, and Office of the General Counsel.

6. Who is a “third party” under the Policy?

A “third party” means any individual who is not a member of the University community (faculty, staff, student, or administrator). For example, a delivery vendor, outside

internship supervisor, or person affiliated with another institution would all be third parties.

7. What does a “reasonable person” mean under the Policy?

The term “reasonable person” is a legal term that the courts have generally defined as a prudent, hypothetical person with ordinary sensitivities who embodies a community ideal of reasonable behavior.

8. Does the term “dating violence” apply when individuals are just “hooking up?”

It can. The use of terms such as “hooking up” or “hanging out” rather than “dating” is not determinative. The relevant question is whether the individuals were in a social relationship of a romantic or intimate nature, taking into account the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

9. Who is included in the definition “a resident or former resident of the victim’s household” in the policy definition of domestic violence?

A child or other relative could be encompassed within the definition of a “resident or former resident of the victim’s household.” A roommate, former roommate, co-tenant, or former co-tenant would not fall within the policy definition for domestic violence.

10. How are investigations conducted when the claimant does not live in East Lansing?

Investigators within OIE will work with the claimant to conduct interviews via other mechanisms if in-person interviews are not feasible. This might entail use of Skype, telephone, or other alternate communication tools.

11. Are support services available to claimants who do not live in East Lansing?

Resources outside of the East Lansing area include:

- Michigan Coalition to End Domestic & Sexual Violence: <http://www.mcedsv.org/help/find-help-in-michigan.html> - Michigan sexual and domestic violence agencies
- Rape Abuse & Incest National Network: <http://centers.rainn.org/> - Can locate agencies within Michigan and throughout the country

Investigation Questions

1. Is it possible for a victim to remain anonymous during the investigation process?

Probably not. Due process usually requires that the accused be provided with the name of the person making the specific allegations. The OIE investigator determines on a case by case basis if a request for anonymity can be honored.

2. If the victim does not want the University to investigate an allegation of relationship violence or sexual misconduct, does that mean nothing more will happen?

No, even when an investigation does not proceed, the University may take other actions.

When the Title IX Coordinator receives a report of sexual assault, the first thing that office does is initiate a process to determine the appropriate next steps and whether a formal investigation must proceed. This means that an OIE investigator will email the victim to gather additional information. If the victim chooses not to go forward with the investigation or the investigation does not proceed for other reasons, such as lack of jurisdiction, the University may still take other actions. Depending on the facts of the specific situation, such actions might include:

- Providing academic, housing, or employment accommodations
- Providing additional training or education
- Making campus or facility safety improvements
- Reviewing policies or procedures
- Reviewing reporting protocols with individual employees

3. Who has the burden of proof to find a policy violation? Does the claimant have to “prove” something happened? Does the respondent have to “prove” something did not happen?

The OIE investigator has the burden to fully investigate the claim and gather relevant information and evidence to make a finding using the preponderance of the evidence standard. The investigator will solicit information and evidence from both the claimant and respondent, but the burden to prove a violation rests with the investigator. Unless the preponderance of the evidence establishes a violation, there is no finding against a respondent.

4. What does it mean to have an investigation hearing with OIE?

An investigation hearing with OIE is an individual meeting with an OIE investigator where each party has the opportunity to be heard and to present their account of the events in-person. During the investigation hearing, parties have the opportunity to present information and evidence, provide the names of relevant witnesses, and submit questions in writing to be asked of the other party.

Common Questions from Claimants/Victims

1. Who can I call for help? Are there any campus resources available to me? Are any of the resources confidential?

Counseling and Psychiatric Services:

MSU Counseling Center
3rd Floor Olin Health Center
(517) 355-8270
www.counseling.msu.edu

For Sexual Assault:

MSU Sexual Assault Program
Student Services Building, Room 207
(517) 355-3551
24-Hour Sexual Assault Crisis Line (517) 372-6666
www.endrape.msu.edu

The Sexual Assault Program provides immediate crisis intervention and advocacy services to women and men who have been impacted by rape or sexual assault. Crisis Intervention & Advocacy Services are free and confidential including: the MSU Sexual Assault Crisis Line, 24-hour medical advocacy; and legal advocacy. These services are available to survivors of sexual assault and their non-offending significant others.

The MSU Sexual Assault Program also provides individual therapy and support group services to MSU students who are survivors of adult sexual assault or childhood sexual abuse. They offer groups for men and women.

For Relationship Violence or Stalking:

MSU Safe Place
(517) 355-1100, noabuse@msu.edu
<http://safeplace.msu.edu/>

MSU Safe Place is a program with a mission to address relationship violence and stalking. They are located on the campus of Michigan State University and serve students, faculty, staff and their spouses/partners and non-affiliated members of the surrounding communities. They provide advocacy, emergency shelter, counseling, support groups, safety planning, information and referrals to survivors of violence and their minor children. All services are free and confidential.

2. I am in class/the same residence hall with the person who assaulted me. Can someone help me change that?

Yes. The Office for Institutional Equity assists students with requests for interim and protective measures.

3. I missed a class/exam/assignment because of my assault. Can someone help me change that?

Yes. The Office for Institutional Equity assists students with interim and protective measures.

4. How do I get a Personal Protection Order?

Advocates in the MSU Sexual Assault Program and MSU Safe Place can assist in completing applications for Personal Protection Orders and safety planning.

EVE's Personal Protection Office provides information about and may provide assistance in filling out paperwork to obtain a Personal Protection Order (PPO). Victims of sexual violence are eligible to apply for a sexual assault PPO after one encounter of sexual violence. Below is the link to EVE's PPO Office, including instructions and forms.

<http://www.eveinc.org/>

5. Do I have to file a police report for a sexual assault?

No, you do not need to file a report with the police. If you do not want to report a sexual assault to the police, but want to talk to a counselor or advocate confidentially, please contact the MSU Sexual Assault Program. This program provides counseling and support groups to MSU students. The Sexual Assault Crisis Line and in-person Medical Advocacy services are offered 24 hours a day, 7 days a week, 365 days a year.

If you choose to file a report with the police, the Sexual Assault Program can provide support and advocacy for you during this process.

6. If I file a report, will my parents find out?

The University does not contact your parents when you file a report with OIE or MSU Police. If you are a minor, however, the University may be obligated to contact your parents or legal guardians.

7. If I go to the hospital for a sexual assault examination, will my parents find out?

No. The Sparrow Sexual Assault Nurse Examiner Unit (SANE) will not bill your parents' insurance without your written permission. If you do not give permission to bill an insurance company, the exam is billed to the State Of Michigan SAFE Program and is free of charge. SANE is also a confidential program.

A sexual assault nurse examiner is a registered nurse specially trained to provide care to sexual assault patients. The SANE conducts medical forensic examinations and can serve as an expert witness in a court of law. If you decide to have a SANE exam you can choose whether or not to make a police report.

The MSU Sexual Assault Program has advocates available to support you and provide resources to you at Sparrow SANE. If you go to a Sparrow for a SANE exam the advocacy team will be paged and an advocate will meet you at the hospital.

8. Who can explain the University's process to me?

The OIE can explain the process to you. You can also contact the MSU Sexual Assault Program, MSU Safe Place, or University Ombudsperson for assistance in understanding the MSU reporting process.

Common Questions from Student Respondents/Accused

1. I have been accused of violating this policy. What happens next?

The OIE investigator will contact you to arrange an investigation hearing where you will discuss the investigation process, review the specific allegations, and provide the opportunity for you to be heard and tell your side of the story in person. You may have an attorney or other support person present during this interview. During the investigation, you will be asked to provide the names of any other individuals you believe might have relevant information. If you have any information to support your side of the story (text messages, diaries, etc.), you will be asked to provide a copy to the OIE investigator. A comprehensive summary of the OIE complaint procedures can be found online at www.oie.msu.edu.

2. Should I hire an attorney?

The decision about hiring an attorney is a personal decision that should be made in consultation with trusted individuals who can help you weigh your options. If you choose to hire an attorney, your attorney may be present during the investigation interviews, although you will be asked to personally answer questions and provide information to the investigator.

3. Can I have an attorney at a student conduct hearing?

Both parties are entitled to be accompanied to any meeting or proceeding (including a student conduct hearing) by an advisor of their choice, including attorneys. The advisor may be present throughout the meeting or proceeding but may not speak for the student. During a student conduct hearing, the advisor may be present throughout the hearing but has no voice unless the hearing board grants the advisor permission to speak in the hearing. If one party's advisor is granted voice, the chair will automatically grant the other party's advisor voice. The parties (and their advisors) will not be permitted to personally question or cross-examine each other during the hearing. An advisor who is disruptive or does not abide by the restrictions will be removed and the proceeding will continue without the advisor.

4. If I do not cooperate with the police will my student or employee status be affected?

No. The law enforcement investigation proceeds independently from the University's internal investigation and any student conduct proceedings. It is important to note, however, that if you choose not to cooperate with the University's internal investigation, the investigation will proceed based on the information available.

5. Why can the University move me from my class or residence hall room before an investigation concludes?

The University has an obligation under Title IX to enact interim measures (such as academic, housing, or work accommodations) during the course of an investigation. Every effort is made to provide interim measures in a way that minimize the burden on the individuals involved.

6. Are there any campus resources available to me?

Yes. All University support services are available to both the claimant and respondent in these matters. The MSU Counseling Center offers a variety of counseling and support group options. ASMSU legal services also provides free and confidential legal support depending on the nature of the specific matter

Common Questions from Staff Respondents/Accused

1. I have been accused of violating this policy. What happens next?

The OIE investigator will contact you to discuss the investigation process. After that discussion, the investigator will explain the specific allegations and give you an opportunity to provide your side of the story. You may have a union representative or if non-union, another support person present during this interview. During the investigation, you will be asked to provide the names of any other individuals you believe might have relevant information. If you have any information to support your side of the story (text messages, diaries, etc.), you will be asked to provide a copy to the OIE investigator. A comprehensive summary of the OIE complaint procedures can be found online at www.oie.msu.edu.

2. Should I hire an attorney?

Both parties are entitled to be accompanied to any meeting or proceeding (including investigation interviews) by an advisor of their choice, including attorneys. The advisor may be present throughout the meeting or proceeding but may not speak for the employee.

If you are a union-represented employee, your union shall serve as that representative during the process. It is, however, your responsibility to arrange for the representative to be present during any investigatory meetings.

3. If I do not cooperate with the police will my employee status be affected?

No. The law enforcement investigation proceeds independently from the University's internal employment investigation. It is important to note, however, that if you choose not to cooperate with the University's internal investigation, the investigation will proceed based on the information available.

4. Why can the University move me from my position before an investigation concludes?

The University has an obligation to conduct a thorough and unbiased investigation free from any interference. If the University feels this cannot be achieved with you in the current position, it may place you on 'Suspension Pending Investigation'.

5. Are there any campus resources available to me?

Yes. All University support services are available to both the claimant and respondent in these matters. The MSU Employee Assistance Program offers counseling services. Your union may have other services available to you.

Revised: April 30, 2018