

POLICY NAME: Mandatory Reporting for Relationship Violence, Sexual Misconduct and Stalking

POLICY NUMBER: UW-02-01

Authority Title and Review Information	Name and Date
Approval Authority:	President
Responsible Executive:	Vice President, Office for Civil Rights and Title IX Education and Compliance
Responsible Office:	Office for Civil Rights and Title IX Education and Compliance
Responsible Officer:	Vice President, Office for Civil Rights and Title IX Education and Compliance
Policy Category	Administration and Operations
Effective Date:	September 8, 2023
Last Review Date:	September 8, 2023
Next Review Date:	September 8, 2026

I. POLICY STATEMENT

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

¹ Title IX of the Educational Amendments of 1972 prohibits discrimination on the basis of sex in education programs or activities, including “sexual harassment” as defined in 34 CFR 106.30. Title IX applies to both

When such misconduct occurs, the University's Title IX Coordinator and Office for Civil Rights (MSU OCR) must be informed so that they can assess for safety, provide supportive measures, provide information about investigation and resolution options, track patterns and otherwise respond in an informed and sensitive manner.

This policy describes the obligation of University employees and volunteers to promptly report incidents or conduct prohibited under the RVSM and Title IX Policy. The University also encourages reporting even when not required.

Reports to OCR made in accordance with this Policy are considered protected activity under the University's Anti-Discrimination Policy and/or Relationship Violence and Sexual Misconduct Policy and are protected from retaliation and retaliatory harassment.

II. SCOPE

This Policy applies to all University employees and volunteers.

If the conduct or disclosure involves a minor, additional safety guidelines and reporting may be required under additional protocols such as: [University Reporting Protocols: Child Abuse and Other Harm to Children](#) and Conducting University Youth Programs: Minimum Operational Requirements.

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

III. DEFINITIONS

Responsible Employees: All persons employed by the University as executive management, faculty, academic staff, support staff (including regular, temporary, and on-call), post-doctoral fellows, graduate student employees (including research assistants, teaching assistants, and lab assistants), leased employees, and contract employees, except when exempt as described in this Policy.

Undergraduate Student Employees: Part-time employees who are active undergraduate students at MSU and whose primary purpose for being at the University is the achievement of a degree or certification.²

Volunteers: All persons performing unpaid services for the University as (i) faculty or academic staff, (ii) a University Extension Gold Volunteer, (iii) an advisor to students, or (iv) a volunteer for a University Youth Program.

education and employment and also prohibits retaliation. The University also prohibits sexual and gender-based harassment and violence, beyond what is prohibited by Title IX. The Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA), provides requirements for institutions of higher education relating to sexual assault, domestic violence, dating violence, and stalking.

² Employees may also be enrolled in undergraduate classes, but if their primary purpose at the University is not achievement of a degree or certification, they are not Undergraduate Student Employees.

Employees Exempted During Provision of Services: Employees and volunteers who work in the following programs and roles, including employees who provide administrative support and/or interns/externs providing services in these offices:

- ❖ MSU Center for Survivors (MSU Sexual Assault Healthcare Program, MSU Safe Place, and MSU Sexual Assault Crisis Intervention Team are all part of Center for Survivors)
- ❖ MSU OCR Advisor Services
- ❖ MSU Counseling and Psychiatric Services (CAPS)
- ❖ MSU Couple and Family Therapy Clinic
- ❖ MSU Employee Assistance Program
- ❖ MSU Health Care Inc.
- ❖ MSU Psychological Clinic
- ❖ MSU Gender and Sexuality Campus Center
- ❖ MSU Prevention, Outreach and Education (POE)
- ❖ MSU Campus Health Services
- ❖ University Ombudsperson

Prohibited Conduct: All conduct listed as Prohibited Conduct in the [RVSM and Title IX Policy](#), including “sexual harassment” and retaliation as defined by Title IX, and relationship violence, sexual misconduct, sexual exploitation, stalking, and retaliation as defined by the University.

Policy Section	RVSM Prohibited Conduct	Title IX Prohibited Conduct
III.A	Sexual Harassment (includes gender-based harassment)	Sexual Harassment
III.B.1	Non-Consensual Sexual Contact	Fondling
III.B.2	Non-Consensual Sexual Penetration	Non-Consensual Sexual Penetration
III.B.3	Incest	Incest
III.B.4	Statutory Rape	Statutory Rape
III.B.5	Sexual Exploitation	
III.C	Relationship Violence	Dating/Domestic Violence
III.D	Stalking	Stalking
III.E	Retaliation	Retaliation

University Community Member: all individuals who have a formalized relationship to the University (or had at the time of the conduct or incident).

IV. POLICY

Responsible Employees and Volunteers must promptly report to OCR, in accordance with reporting procedures below, information about incidents or conduct that may be prohibited by the RVSM and Title IX Policy that:

1. They observe or learn about in their working or professional capacity; and
2. Occurred at a University-sponsored event or on University property or involves a University community member with respect to conduct that may have occurred while they were a University community member.

Undergraduate Student Employees must promptly report **to their supervisor** information about incidents or conduct that may be prohibited by the RVSM and Title IX Policy that:

1. They observe or learn about in the context of their work; and
2. Occurred at a University-sponsored event or on University property or involves a University community member with respect to conduct that may have occurred while they were a University community member.

Exemptions³

1. **Employees Exempted During Provision of Services** are not required to report information disclosed to them in connection with providing services.⁴
 - a. Providing services generally means performing a role that assists individuals in receiving medical care, advocacy, counseling, or other support services.
 - b. Employees exempted during provision of services are required to provide individuals with information regarding reporting options and available resources whenever possible, including (i) the right to file a complaint with OCR and/or law enforcement; (ii) the University's prohibition of retaliation; and (iii) supportive resources, including counseling, medical, and academic.
2. Individuals that have experienced or are experiencing potential Prohibited Conduct (potential claimants) are not required to report. Potential claimants are encouraged to seek assistance from Employees Exempted During Provision of Services, who can provide resources and information about resolution options.
3. Reporting is not required when the information about potential Prohibited Conduct is learned from or simultaneously with MSU OCR. For example, when an employee receives notification from OCR of an investigation within their unit

³ Employees exempted under this Policy may still have other reporting obligations under federal and state law, and other University policies.

⁴ Please review the FAQs for more information on when employees in exempt programs are required to report.

or has discussions regarding potential interim or supportive measures, threat assessment, or emergency removal related to an OCR matter.

4. Reporting is not required when an incident is disclosed at a public awareness event on campus or attended by an employee in the context of their work (e.g. Take Back the Night, protests, survivor events, town hall meetings, open forums, candlelight vigils).
5. Researchers are not required to report information received while conducting research projects that are determined to be exempt from reporting as part of the IRB approval process.

V. POLICY PROCEDURES

****If there is a safety or emergency medical concern, or a crime is occurring or has just occurred, call 911.**

Information about a potential crime may also be reported to the MSU Department of Police and Public Safety (MSU DPPS) at 1120 Red Cedar Road, East Lansing, MI 48824 or by phone at (517) 355-2221.

How To Report

1. **Responsible Employees and Volunteers:** Report to the Title IX Coordinator / Office for Civil Rights (OCR) anytime via the [Online Reporting Form](#).

Reports can also be made in person or by phone during the hours listed on [OCR's website](#).

408 W. Circle Drive, Suite 5, Olds Hall
East Lansing, MI 48824
(517) 353-3922
oie@msu.edu

2. **Undergraduate Student Employees:** report to your supervisor, who will report the incident as required. If your supervisor is unavailable or the concern relates to the supervisor, you may report to a more senior supervisor or human resources. You may also report directly to OCR in all circumstances. It is recommended that you document any verbal report with a follow-up email.

What To Report

1. Report all details observed or learned about the incident, including: what happened, who was involved, when the incident occurred, and where the incident occurred.
2. Reporting all learned information is required, even when learned from a third party or believed to be a rumor. However, you are not required to have all details

prior to reporting a concern and should not investigate. OCR is responsible for reviewing reports, providing supportive measures, and, where appropriate, investigating and determining whether potential prohibited conduct has occurred.⁵

3. Include your name to fulfill your individual responsibility to report.

When to Report

1. Reporting must be completed promptly, which generally means as soon as practicable based on the circumstances. Swift reporting is especially important where safety is a concern. When information is shared with OCR, the University can provide options for resources and assistance.
2. Reporting is an individual responsibility. You cannot rely on others to report information of which you are aware unless you have coordinated with others to report all relevant information known to you.⁶
3. If you become aware of additional or different information after an initial report, report again.

If you are unsure about whether you are required to report, what information must be reported, or have any other questions, please contact OCR at (517) 353-3922.

VI. VIOLATIONS

Individuals who violate this policy may be subject to corrective or disciplinary action, up to and including dismissal.

Potential violations of this policy should be reported to OCR and will be reviewed by OCR following applicable procedures. Discipline for violations will be handled by units in accordance with applicable disciplinary policies and procedures.

OCR will maintain records regarding potential violations of this policy, including any associated discipline or other consequences.

VII. RELATED INFORMATION AND ATTACHMENTS

- [Relationship Violence and Sexual Misconduct and Title IX Policy](#)
- [Frequently Asked Questions](#)
- [OCR Procedures](#)
- [Anti-Discrimination Policy](#)

⁵ This Policy does not restrict the ability of units on campus to respond to employment or student related issues where appropriate.

⁶ Please see the FAQs for information on how to submit a coordinated report.

VIII. HISTORY

Previously, mandatory reporting obligations were set forth in:

- University Reporting Protocol: Relationship Violence, Sexual Misconduct, and Stalking (August 14, 2020 – September 7, 2023)
- Relationship Violence and Sexual Misconduct Policy (January 1, 2015 – August 13, 2020)
- University Policy on Sexual Harassment (prior to 2015)

Action	Description
Issued:	1. Office of Audit, Risk and Compliance [September 7, 2023]
Approved by:	1. Interim President, Teresa K. Woodruff, Ph.D. [September 7, 2023]
Revised:	N/A