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

Reporting Questions

1. A student disclosed to me that she was sexually assaulted by another student after a party off-campus but she doesn’t want to talk to the police. Am I required to disclose 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 Inclusion and Intercultural Initiatives (I3). The student’s request for confidentiality will be assessed by the Title IX Coordinator pursuant to the process outlined in the Relationship Violence & Sexual Misconduct Policy.

2. A student disclosed to me that he was sexually assaulted by a stranger while he was on spring break in Florida. Am I required to disclose this?

No, not unless you have information to suggest that the perpetrator was a member of the University community. The student should be referred to the MSU Sexual Assault Program for counseling and other victim support services.

3. 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?

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.

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

Teaching assistants are required to report allegations of sexual assault involving members of the University community to the MSU Police Department and I3. The TA should then notify his/her faculty of record for the course that a report has been made.

5. 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?

Because the research environment presents a unique set of circumstances, the Institutional Review Board will work with the researcher to develop and approve an appropriate confidentiality statement and reporting procedure that provides for the ethical treatment and protection of human research participants.
6. **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 I3?**

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

For more information about campus resources, see [www.sexualassault.msu.edu](http://www.sexualassault.msu.edu).

7. **What forms of sexual harassment need to be reported to the police and what forms do not?**

Any form of sexual harassment that involves stalking, physical contact, or threats of violence must be reported to the police.

8. **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 is perpetrated by a member of the University community or occurring at a University event or on University property.

9. **Does the relationship violence or sexual misconduct that has to be reported or investigated as defined by this policy affect only incidences that occur on campus?**

No. 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.
10. What constitutes “on campus,” for purposes of mandatory reporting and investigating?

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

11. A student informed me that she was assaulted off campus by another student, but received unwanted texts or phone calls from the alleged perpetrator while she was on campus. Does this need to be reported?

Yes, it should be reported to both I3 and the MSU Police.

12. A student informed me that she is no longer in an abusive relationship and is no longer being hurt. 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 I3 and the MSU Police.

13. 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 I3.

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. That document lists mandated reporters who also have a legal obligation to report suspected child abuse to Child Protective Services.

14. What are my reporting obligations if a student discloses she was the victim of past sexual violence?

The disclosure does not need to be reported unless the conduct was perpetrated by a member of the University community or occurring at a University event or on University property. The student should be referred to the MSU Sexual Assault Program or MSU Safe Place for counseling and other victim support services.

15. 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 encouraged to report all unwelcome behavior of a sexual nature that occurs in the workplace. However, only supervisors are required under the policy to report incidents of sexual harassment. A non-supervisory employee is not required to report overhearing an isolated dirty joke in the office. Nevertheless, if such joking is severe, persistent, or pervasive in the work environment, it should be reported so that the
University can address the behavior and maintain a workplace free from sexual harassment.

**Policy Questions**

1. **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.

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

   Yes. In-person training can be scheduled through I3, MSU Sexual Assault Program, MSU SARV Program, MSU Safe Place, and Office of the General Counsel.

3. **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.

4. **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.

5. **How are investigations conducted when the complainant does not live in East Lansing?**

   Investigators within I3 will work with the complainant 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.

6. **Are support services available to complainants who do not live in East Lansing?**
Resources outside of the East Lansing area include:


- Rape Abuse & Incest National Network: [http://centers.rainn.org/](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?**

   No, due process usually requires that the accused be provided with the name of the person making the specific allegations. The I3 investigator determines on a case by case basis if a request for anonymity can be honored.

2. **The Title IX Coordinator (or designee) can serve as the complainant in the student disciplinary process. Is this also true for the employee discipline process?**

   No. If there is a finding that an employee has violated University policy, the employee’s supervisor will meet with Employee Relations or Academic Human Resources to determine the appropriate discipline. Discipline is imposed only in accordance with existing employee disciplinary policies and applicable collective bargaining agreements.

**Common Questions from Complainants/Victims**

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

   For Sexual Assault:
   MSU Counseling Center Sexual Assault Program
   (517) 355-3551
   24-Hour Sexual Assault Crisis Line (517) 372-6666
   [www.endrape.msu.edu](http://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 Sexual Assault Program (for sexual assaults) and MSU Safe Place (for physical assaults, stalking or threats) provides advocacy services and safety planning. Staff can assist with requests for change in class sections or hall assignments after an assault. The Office for Inclusion also assists students with this issue.

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

   Yes. The Sexual Assault Program (for sexual assaults) and MSU Safe Place (for physical assaults, stalking or threats) provides academic advocacy services and can assist with contacting academic departments and instructors to request for reasonable accommodations regarding class assignments and exams. The Office for Inclusion also assists students with this issue.

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.


5. **Will I have to testify at a student conduct hearing if I decide to file a complaint?**

   No. You do not have to testify at a student conduct hearing if you file a complaint with the Office for Inclusion and Intercultural Initiatives (I3) under this policy. If the I3
investigator determines that a student violated this, a complaint is filed with the student conduct office to determine the appropriate sanction. You can decide what level of participation you feel comfortable with – complainant, co-complainant, witness, or no participation. If you file a complaint with the student conduct office for conduct that does not violate this policy, you may need to testify at the conduct hearing.

6. **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.

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

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

8. **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.

9. **Who can explain the University’s process to me?**

   The Office for Inclusion and Intercultural Initiatives can explain the process to you. You can also contact the MSU Sexual Assault Program or Safe Place for assistance in understanding the MSU reporting process.
Common Questions from Respondents/Accused

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

   The I3 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 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 I3 investigator. A comprehensive summary of the I3 complaint procedures can be found online at [http://www.inclusion.msu.edu/equity/I3%20Complaint%20PROCEDURES%20revised%205-13-14.pdf](http://www.inclusion.msu.edu/equity/I3%20Complaint%20PROCEDURES%20revised%205-13-14.pdf).

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. **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.

4. **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.

5. **Are there any campus resources available to me?**

Yes. All University support services are available to both the complainant 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.