

## Confidentiality and Mandatory Reporting of Sexual Misconduct – Syllabus Language

### COGS Campus Sexual Assault Interest Group

Michigan State University is committed to fostering a safe and productive learning environment. Title IX and our school policy prohibit discrimination on the basis of sex, which includes sexual misconduct — including harassment, domestic and dating violence, sexual assault, and stalking. We understand that sexual violence can undermine students' academic success and we encourage students who have experienced some form of sexual misconduct to talk to someone about their experience, so they can get the support they need.

As an instructor, one of my responsibilities is to help create a safe learning environment on our campus. It is my goal that you feel able to share information related to your life experiences in classroom discussions, in your written work, and in our one-on-one meetings. In most cases, I will keep information you share in essays, journals, and other materials submitted for this class private and confidential. However, it is important that you understand that I have a mandatory reporting responsibility related to my role as an instructor (or TA) which imposes limits to the confidentiality I can extend to students.

If, in my capacity as an instructor or TA, I hear from a student that they experienced any form of sexual misconduct, the endangerment of a child, or harm to oneself or others, either on or off campus, during their tenure here at MSU, irrespective of who was involved in the incident(s), I will have to inform the Office of Institutional Equity (OIE) as well as the MSU Police Department. The reason we do this is to ensure that you get all the support and information you need to make an informed decision on whether or not you would like to take further steps. This may prompt 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.

To help you better understand what to expect, I am attaching two documents with flow charts that illustrate what happens when the MSUPD and OIE receive this information. I would be very happy to sit down with any student and help the student better understand these processes. I also want students to know that I am here to assist and walk with them through the reporting process. Further information and frequently asked questions about the RVSM policy can be found here [https://www.hr.msu.edu/documents/uwidepolproc/RVSM\\_Policy.htm](https://www.hr.msu.edu/documents/uwidepolproc/RVSM_Policy.htm)

If you would like to talk about these events in a completely confidential setting, you are encouraged to make an appointment with the MSU Counseling Center (517-355-2870) or the MSU Sexual Assault Program (517-355-3551), call the 24-hour crisis line (517-372-6666), and for support services/shelter for relationship violence and stalking, MSU Safe Place (517-355-1100). More information can be found at <http://endrape.msu.edu/> and <http://safeplace.msu.edu/>. All of these professionals and advocates can help a student without having to report information pertaining to sexual misconduct or relationship violence that students share to any university or

law enforcement units. However, they may still be bound by a duty to report child endangerment or risk of self-harm. Ask your counselor or advocate what their reporting responsibilities are and what the limits to their confidentiality are.

On the other hand, if you would like to report any sexual misconduct in a non-confidential manner, they may call the Office for Institutional Equity (OIE) at 517-353-3922 or the MSU law enforcement (Police) at 517-355-2221.

## **Appendix F: OIE Formal Complaint Process**

### **Submit Complaint to OIE**

OIE may receive a complaint from: 1) Claimant, 2) a mandatory reporter, 3) a third party, or 4) the police with permission from Claimant.

OIE is a mandatory reporter to the police, but Claimant can choose the level of his or her participation in police investigation.



### **OIE Contacts Claimant**

OIE generally contacts Claimant via email highlighting available university resources and inviting Claimant to meet with an OIE investigator.



### **Claimant Meets with OIE Investigator**

Discuss interim measures, investigation procedures, privacy and no-retaliation policies in addition to details of the incident. Claimant is welcome to bring a person of support to the meeting.

If Claimant chooses not to meet with OIE, OIE will not proceed with an investigation unless OIE has enough information to determine there is a safety risk to the campus community.



### **OIE Conducts Investigation**

OIE meets with witnesses and reviews evidence using the preponderance of evidence standard.

OIE also meets with Respondent to discuss interim measures, investigation procedures, privacy, and no-retaliation policies in addition to the details of the incident. Respondent is welcome to bring a person of support to the meeting. OIE will proceed with an investigation based on other information even if Respondent is not cooperative.

Generally takes 60 days to complete an investigation.



### **OIE Issues a Report**

The report determines whether there was a violation of the Relationship Violence and Sexual Misconduct Policy. Both parties are notified in writing of the outcome of the investigation, rationale for the outcome, and process to challenge the findings.

## Appendix G: MSU Police Sexual Assault Investigation Process

### Police Receive Information Related to an Alleged Occurrence of Sexual Assault

MSU Police Department may receive information from the victim, witnesses, family, friend, suspect, OIE, a mandatory reporter, hospital, or another police department.

### Police Contact Victim

If the incident just occurred (emergency response), or if a member of the SVU is not available (non-emergency response), a uniform officer will respond to conduct the initial investigation. The case is then assigned to SVU to complete the investigation.

If the incident is not emergent and a SVU investigator is available, a SVU investigator will contact the victim. If the victim initiates police contact, the police will respond in person. If the police receive information from someone else, the police will contact the victim by email. SVU will also attempt to conduct a joint interview with the Office of Institutional Equity.

Generally, at the time of the initial contact, the police inform the victim about available resources, give the victim police contact information, and determine whether the victim wants to proceed with police investigation.

### If Victim Does Not Want to Proceed with Police

The victim has the option to talk to the police. Police inform the victim about available resources and provide contact information if the victim wishes to contact police later. If evidence from a SANE kit exists, it will still be submitted to the Crime Lab for processing.

### If suspect name given:

Police will follow up with suspect and attempt to obtain the suspect's statement. Additionally, the police will follow up on any other information provided in order to ensure a thorough investigation is completed. The report will be forwarded to the prosecutor's office for review. However the victim's decision not to proceed forward with the process will generally be honored, unless a severe threat to the public requires action.

### If no suspect name given:

Police investigation is closed unless the victim chooses to contact the police later for further investigation.

### If Victim Wants to Proceed with Police

### Interview with Victim

MSU Police will arrange to meet with the victim at his or her residence, the police station, OIE, or any other place where it is reasonably safe to meet.

### Interview with Suspect

The police arrange to meet with and gather information from the suspect, including a statement. The suspect is not generally under arrest at this time and is advised of his or her right to leave. If the suspect refuses to cooperate with the police, then the results of the police investigation will be sent to the prosecutor without the suspect's statement.

### Investigation

Police may gather evidence through witness interviews, crime scene evidence processing, digital forensics, review of surveillance cameras, polygraphs, DNA testing, and searches pursuant to search warrants, and

### Prosecutor's Office

Once the police investigation is complete, the case is sent to the prosecutor's office for review.

# 1

## Where can students talk to someone confidentially?

MSU Counseling Center  
207 Student Services Building  
(517) 355-8270

MSU Sexual Assault Program  
14 Student Services Building  
(517) 355-3551 (office)  
(517) 372-6666 (24 hr crisis line)  
[www.endrape.msu.edu](http://www.endrape.msu.edu)

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

University Ombudsperson  
North Kedzie Hall, Room 129  
(517) 353-8830  
Email: [ombud@msu.edu](mailto:ombud@msu.edu)  
<https://www.msu.edu/unit/ombud/index.html>

**The TOP 4 things Teaching Assistants  
at MSU should know about the  
Relationship Violence and Sexual  
Misconduct Policy**

# 2

## Where do I report?

Office of Institutional Equity:  
4 Olds Hall  
East Lansing, MI 48824  
(517) 353-3922  
[oi@msu.edu](mailto:oi@msu.edu)

MSU Police Department:  
1120 Red Cedar Road  
East Lansing, MI 48824  
(517) 355-2221  
Emergencies: 911

# 3

## What do I need to report?

- Relationship violence or sexual misconduct
- Involving a member of the University community
- Occurring on University property or at a University event (even if off-campus)
- Gathered in employee capacity (as a TA), not personal capacity.

# 4

## What can I do to help a student that discloses?

- Believe them! Listen and offer comfort
- Let the person know that you care.
- Reassure the student that they are not to blame for being sexually or physically assaulted or stalked.
- Direct them to the appropriate campus resources