

Relationship Violence & Sexual Misconduct Policy

University Council Presentation:
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Legal & Regulatory Framework

- White House Task Force Report
- U.S. Department of Education, Office for Civil Rights Guidance
- Violence Against Women Act Proposed Rules

Policy Development

- Office for Inclusion & Intercultural Initiatives
- Sexual Assault Program
- Sexual Assault & Relationship Violence Program
- MSU Safe Place
- MSU Police
- REHS
- HR / AHR
- Student Affairs
- Academic Governance
- ASMSU
- Graduate student
- General Counsel

Feedback Solicitation & Next Steps

- ✓ Campus forums
- ✓ On-line survey
- ✓ Submit to OCR
 - Academic Governance consultation
 - Review feedback
 - Revise draft as necessary
 - Goal = completed draft by 12/31/14

Related Initiatives

- Detailed FAQ document (Appendix C)
- Process flow-chart documents
- Update related procedures and documents
- Education & training (students and employees)
- Annual reporting to campus community

Summary of Policy Changes

- Expanded coverage for domestic violence, dating violence, and stalking
 - Definitions taken from federal regulations
 - Policy covers physical aspects of conduct
 - Resources available even if no policy coverage

Summary of Policy Changes

- Updated definitions for sexual violence & consent
 - Sexual violence: A physical sexual act perpetrated against a person's will or where a person is incapable of giving consent. (Includes rape, sexual assault, and sexual coercion.)

Summary of Policy Changes

- Consent:
 - The voluntary, willful, and unambiguous agreement to engage in a specific sexual activity during a sexual encounter.

Summary of Policy Changes

- Consent cannot be given by someone who is:
 - Sleeping
 - Unconscious, unaware, or otherwise mentally or physically helpless because of drugs, alcohol, or other contributing factor (“incapacitated”)
 - Unable to understand the nature of the physical activity due to a mental disease or condition (“mentally incapable”)
 - Under duress, threat, coercion, or force

Summary of Policy Changes

- Consent must be clearly communicated by mutually understandable words or actions.
- Consent cannot be inferred.

Summary of Policy Changes

- Examples of situations that do not imply consent:
 - Silence
 - Absence of a verbal “no” or “stop”
 - Absence of resistance
 - Existence of a prior or current relationship or sexual activity

Summary of Policy Changes

- Expanded confidential reporting options
 - Privileged Communications
 - Confidential Communications

- Clarification of reporting obligations of non-confidential employees
 - Mandatory Reporters

Summary of Policy Changes

- Privileged Communications: licensed counselors are available at:
 - MSU Counseling Center
 - MSU Sexual Assault Program
 - MSU Safe Place
 - MSU Psychological Clinic
 - MSU Couple and Family Therapy Clinic
 - MSU Olin Psychiatry

Summary of Policy Changes

- Confidential Communications
 - MSU Sexual Assault Program & 24-hour Sexual Assault Crisis Line
 - MSU Safe Place
 - MSU Sexual Assault & Relationship Violence (SARV) Prevention Program
 - University Ombudsperson
- Periodically share non-personally identifiable information with Title IX Coordinator

Summary of Policy Changes

- **Mandatory Reporters:**
 - Includes all University employees not in privileged or confidential category
 - Must report relationship violence or sexual misconduct perpetrated by member of U community or occurring at U event or on U property
 - Reporting obligations based on information received as employee, not in personal capacity

Summary of Policy Changes

- Student Victim: SV or RV



- I3
- MSU Police

- Student Victim: SH



- I3
- MSU Police (physical contact or threats of violence)

Summary of Policy Changes

- Employee Victim: SV or RV



- I3
- MSU Police

- Employee Victim: SH



- I3
- MSU Police (physical contact or threats of violence)

NOTE: Supervisors = mandatory;
Colleagues = encouraged

Summary of Policy Changes

- Third Party Victim:
SV or RV



- I3
- MSU Police

- Third Party Victim:
SH



- I3
- MSU Police (physical contact or threats of violence)

Summary of Policy Changes

- Reports from Witnesses:
 - Students / Third Parties: strongly encouraged to report
 - Employees: follow employee reporting protocols
 - Student employees: follow employee reporting protocols (see FAQ document)

Summary of Policy Changes

- Clarification of process for assessing requests for confidentiality
 - Title IX Coordinator weighs request against obligation to provide safe, non-discriminatory environment
 - Factors include risk of additional acts by accused, use of weapon, age of victim, pattern of RV or SM at a specific location or by a particular group.
 - Granting request = ability to investigate incident & pursue discipline (if violation found) is limited

Summary of Policy Changes

- Amnesty provisions for alcohol/drug use and possession violations
 - Michigan law = alcohol only; not all conduct covered by RVSM Policy
 - RVSM policy provides broader amnesty against student conduct actions for violation of University policy.

Summary of Policy Changes

- Links to campus, community, and governmental resources and information
- Detailed information about state criminal laws

Other New Developments

- MSU Police: creation of SVU to handle complaints
- Expanded role for unit liaisons
- Expanded training for employees and students

Things that Have Not Changed

- Sexual harassment portions of policy
- First Amendment protections
- Investigation process
- Student conduct process
- Employee discipline process / CBAs
- Campus resources, including counseling, advocacy, and interim measures

Title IX Coordinator Information

- Paulette Granberry Russell, J.D.
MSU Title IX Coordinator

- Title IX Coordinator
 - 101 Olds Hall
 - 517-353-3922
 - www.inclusion.msu.edu
 - www.inclusion.msu.edu/equity/SexualHarrasmentAssault.html

Providing Feedback

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