

Relationship Violence & Sexual Misconduct Policy: An Overview

Prepared by the Office of the General Counsel
December 2014

What is the Relationship Violence Sexual Misconduct (RVSM) Policy? Why is it being implemented now?

- The RVSM Policy is another step in furthering MSU's commitment to creating a safe and respectful environment for learning and working.
- It is being implemented now because the federal government recently provided significant guidance that shapes the way MSU is furthering our commitment to address the national problem of relationship violence and sexual assault on college campuses.

What will this PowerPoint address?

- The PowerPoint is a summary of the Policy, but does not supplant education, including e-Learning, that will follow shortly.
- It will cover:
 - Summary of the changes
 - Definitions
 - Reporting options
 - Mandatory reporting obligations of MSU employees
 - Other policy provisions of note
- It will also provide contact information and links to resources

What are some of the laws that govern this Policy?

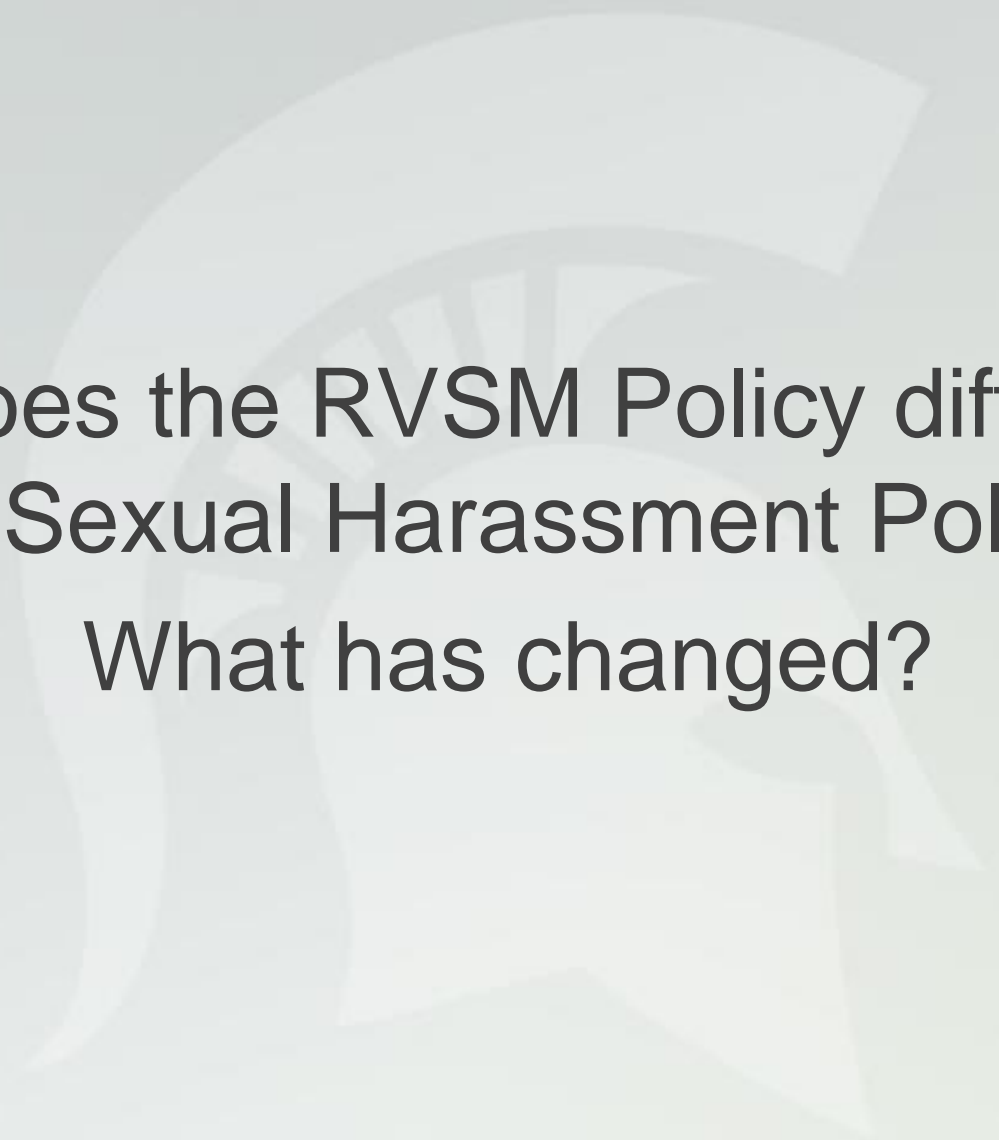
- Title IX of the Educational Amendments Act
- Violence Against Women Act
- Clery Act
- Title VII of the Civil Rights Act of 1964

What is Title IX?

- Title IX of the Education Amendments of 1972 (Title IX) makes sexual harassment and sexual assault of students and employees unlawful.
- Title IX is broader than equity in sports.
- Title IX prohibits:
 - sexual harassment of students
 - sexual violence, including rape and sexual assault of students
 - retaliation against students who claim a violation
 - gender discrimination, including within sports, but also within academic and other campus settings

Other laws

- Violence Against Women Act (VAWA)
 - Federal law addressing numerous aspects of violence against women, including sexual assault and relationship violence.
 - Recently amended to include numerous requirements for addressing sexual assault and relationship violence on campus.
- Clery Act
 - Federal law that requires institutions of higher education to report crime statistics annually and issue timely warnings.
 - Recently amended by VAWA to include specific requirements related to addressing sexual assault and relationship violence.
- Title VII of the Civil Rights Act of 1964 (Title VII)
 - Federal law that prohibits gender discrimination in employment.



How does the RVSM Policy differ from
the Sexual Harassment Policy?
What has changed?

Summary of Policy Changes

- Expanded:
 - coverage for domestic violence, dating violence, and stalking
 - definitions for key terms
 - confidential reporting options
- Clarification of:
 - reporting obligations for most employees
 - process for assessing requests for confidentiality
 - amnesty provisions for alcohol/drug use and possession violations

Summary of Policy Changes

Also includes numerous resources:

- Links to campus, community, and governmental resources and information
- Information about annual crime reporting and timely warnings
- Detailed information about state criminal laws

Definitions

A large, faint, light-colored Spartan helmet is centered in the background of the slide. The helmet features a prominent crest with a sunburst or fan-like pattern. The overall aesthetic is clean and academic, with a light green background.

Definitions

- “Sexual misconduct” is a broad term that encompasses sexual harassment and such acts of sexual violence as rape, sexual assault, and sexual coercion.
- “Relationship violence” is a broad term that encompasses domestic violence, dating violence, and stalking.

Definitions

- “Sexual Assault” is defined as actual, attempted, or threatened sexual contact with another person without that person’s consent.
- “Rape” is defined as sexual penetration of another person without that person’s consent. Penetration can be of the mouth, vagina, or anal opening, and can be with a penis, tongue, finger, or foreign object.
- “Sexual coercion” is defined as the act of using pressure, manipulation, or alcohol or drugs to have unwanted sexual contact with someone against his or her will, without the use of physical force. Pressure can mean verbal pressure or emotional pressure.

Domestic violence

- An act of violence committed by any of the following individuals:
 - A current or former spouse or intimate partner of the victim
 - A person with whom the victim shares a child in common
 - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
 - A resident or former resident of the victim's household

- Roommates in University housing are generally not covered by the Policy.

- Criminal statute definition is included in appendix of Policy.

Dating violence

- An act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim that does not fall within the definition of “domestic violence.”
- Criminal statute definition is included in appendix of Policy

Stalking

- Engaging in a course of conduct that is directed at a specific person that would cause a reasonable person to feel fear for herself or himself or for the safety of others, or to suffer substantial emotional distress.
- Criminal statute definition is included in appendix of Policy

Consent

- “Consent” means the voluntary, willful, and unambiguous agreement to engage in a specific sexual activity during a sexual encounter.

Consent

- 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 sexual activity due to a mental disease or condition (“mentally incapable”)
 - under duress, threat, coercion, deception, or force

Sexual Harassment

- Unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome behavior of a sexual nature.
- Such behavior violates the Policy when it rises to a certain level (as defined by the Policy).

Confidentiality & Reporting



Where can I talk to someone confidentially?

- MSU Counseling Center
- MSU Sexual Assault Program & 24 hour crisis line
- MSU Safe Place
- University Ombudsperson

*See the policy for more confidential options

Where can I file a report?

Title IX Coordinator (Paulette Granberry Russell)

Office for Inclusion and Intercultural Initiatives

101 Olds Hall

East Lansing MI 48824

(517) 353-3922

inclusion@msu.edu

MSU Police Department:

1120 Red Cedar Road

East Lansing, MI 48824

(517) 355-2221

Emergencies: 911



Mandatory Reporting Obligations

Employee Reporting Obligations:

- Employees must report Sexual Violence or Relationship Violence:
 - Perpetrated by a member of the MSU community;
 - Occurring on MSU property or at MSU event; or
 - Learned of in employee (not personal) capacity

*The policy contains a list of offices that can receive confidential disclosures and do not need to report.

Employee Reporting Obligations: Relationship Violence or Sexual Violence

CATEGORY OF REPORT: STATUS OF PERSON VICTIMIZED	WHERE TO FILE REPORT
Student	Must report to Title IX Coordinator and MSU Police
Employee	Must report to Title IX Coordinator and MSU Police
Third Party	Must report to Title IX Coordinator and MSU Police

Employee Reporting Obligations: Sexual Harassment (no violence)

CATEGORY OF REPORT: STATUS OF PERSON VICTIMIZED	WHERE TO FILE REPORT
Student	Must report to Title IX Coordinator
Employee	Supervisors must report to Title IX Coordinator All other employees strongly encouraged to report to supervisor or Title IX Coordinator
Third Party	Must report to Title IX Coordinator

Other Policy Provisions



Third parties

- The Policy prohibits relationship violence and sexual misconduct by third parties towards members of the University when:
 - The third party has been brought into contact with the University community member through a University program or activity.
- The University will address acts against third parties committed by a University community member when:
 - The conduct is associated with a University program or activity.

Amnesty

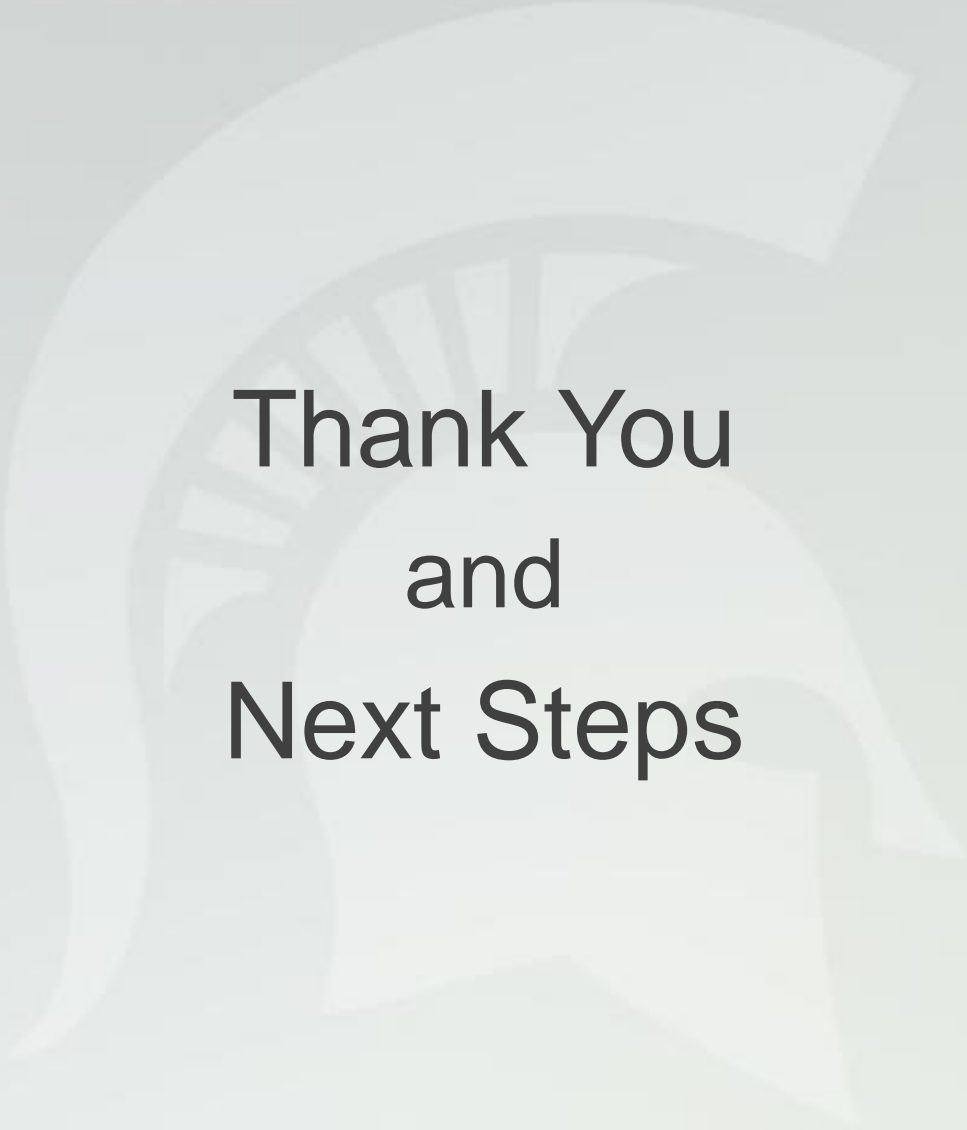
- Students who report under the Policy will not be disciplined by the University for a violation of the University's drug and alcohol possession or consumption policies.
- Students are also protected by Michigan law from criminal prosecution related to underage alcohol use in certain cases (but not drugs).

Investigations

- Conducted under the oversight of the Title IX Coordinator's office (Office for Inclusion).
- There may be a University investigation and a criminal investigation proceeding separately but simultaneously.

Investigations

- If there is a finding of policy violation:
 - Title IX Coordinator's Office files claim with Department of Student Life (if respondent is student)
 - Title IX Coordinator's Office submits report to unit administrator (if respondent is an employee)



Thank You
and
Next Steps

Thank you and next steps

- Thank you for reviewing this important information.
- Please promote awareness about the policy within your unit.
- The University will be providing e-Learning for all employees soon; watch for this to come.
- Many questions can be answered in the FAQ document at
http://www.hr.msu.edu/documents/uwidepolproc/RVSM_Policy.htm

Contact Information

- Contact the following offices for policy related questions:
 - Office for Inclusion (Title IX Coordinator's Office), www.inclusion.msu.edu
 - Office of the General Counsel, www.ogc.msu.edu
 - Sexual Assault Program, www.endrape.msu.edu
 - Safe Place, www.safeplace.msu.edu

MSU's Title IX Coordinator

- Paulette Granberry Russell, J.D., MSU Title IX Coordinator
- Office for Inclusion:
 - Is the office of the Title IX Coordinator and responsible for ensuring compliance with the policy
 - Contact info for office:
 - 101 Olds Hall
 - 517-353-3922
 - www.inclusion.msu.edu
- Web site for relationship violence and sexual assault information:
 - www.sexualassault.msu.edu