

MICHIGAN STATE UNIVERSITY

May 19, 2014

U.S. Senator Claire McCaskill
Hart Senate Office Building, Ste. 506
Washington, D.C. 20510

Dear Senator McCaskill:

Michigan State University has submitted its response to the online survey as requested by the Subcommittee on Financial and Contracting Oversight. MSU respectfully submits this supplemental response to provide the Subcommittee with an overview of the history and current status of sexual violence policies and procedures at MSU.

Sexual violence on college campuses is a serious national problem. The statistics are sobering and the underreporting of sexual assaults is distressing. Michigan State's record reflects our responsiveness to the concerns of our community and to federal guidance when provided. We are working diligently, but not perfectly, and we are steadily making improvements in a complex learning and human environment, with student safety at the forefront of these efforts.



Office for Inclusion and Intercultural Initiatives

Hannah Administration
Building
426 Auditorium Road
Room 444
East Lansing, MI 48824

517-353-3924
Fax: 517-432-8423
www.inclusion.msu.edu

Sexual assault happens at MSU, and when it does, the impact on the survivor and the community is profound. We have worked for years, and are still working, to provide students—indeed all members of our community—the information they need to report sexual misconduct and provide an environment which reduces barriers to their doing so. We have worked for years, and are still working, to help all survivors feel comfortable reporting and give them access to the full range of campus and community resources available. We have worked for years, and are still working, to ensure our outreach, training, and prevention efforts are effective. Our efforts are guided by technical assistance from the Office of Civil Rights. We are working to integrate that guidance with information contained in the newly issued report from the White House Task Force to Protect Students from Sexual Assault.

Historical Background

MSU has a long history of policies protecting students and employees from discrimination, including prohibited harassment. In 1935, it adopted a strong equal opportunity and non-discrimination policy banning discrimination on the basis of race. That policy was broadened in 1955 to ban discrimination on the basis of sex, religion, or national origin, with subsequent revisions in 1977. The policy references MSU's obligation to adhere to state and federal laws, including Title IX.

In the early 1980s, the Women's Advisory Committee to the Provost and the Women's Advisory Committee to the Vice President for Student Affairs and Services were instrumental in the development of an institutional policy on sexual harassment that served as a model for many other institutions. Also established in the 1980s were special programs on sexual assault and safety education within the Division of Student Affairs and Services.

In August 1992, MSU implemented a strategic diversity plan (MSU IDEA II) which identified 50 diversity initiatives, including the development of a Women's Resource Center. The Center was created to facilitate planning, programming referrals, information dissemination, and advising associated with sexual harassment, violence against women, women's safety and security, and other critical women's issues. The strategic diversity plan also called for the establishment of new guidelines and procedures for identifying and eliminating harassment in the academic community during the next academic year. In implementing the new guidelines, additional attention was given to advising and counseling faculty, staff, and students about harassment due to sexual orientation, race, and ethnicity.

In September 1992, a new Sexual Harassment Policy was implemented that identified examples of behavior, including physical assault, that were encompassed in the definition of sexual harassment. Supervisors and senior administrators were required to participate in training on the new policy, which included a component on reporting and conducting investigations on complaints of sexual harassment and processing those complaints through campus grievance/adjudication mechanisms. The Sexual Harassment Policy was revised in 1999 (after several U.S. Supreme Court opinions on sexual harassment were issued in the 1997-1998 term). Again, MSU required all supervisors to participate in training on the new policy.

In 2004, MSU established a Task Force on Sexual Assault and Relationship Violence, with five charges:

1. Provide a comprehensive literature review on sexual assault and relationship violence.
2. Conduct an environmental scan of MSU and indicate which activities/programs currently in operation reflect best practices for reducing incidents of sexual assault and relationship violence.
3. Comment on how greater synergy could be achieved among existing programs on campus and how these programs could be a part of a strategic initiative to better serve and inform the community regarding sexual assault and relationship violence.
4. Recommend, where applicable, additional cost effective best practices that have a high probability of reducing the occurrence of sexual assault and relationship violence on campus, with particular focus on the areas of prevention, education, communication, and physical environment.

5. Provide ideas on what would be the markers/indicators of a successful campus-wide sexual assault and relationship violence program.

The Task Force, in issuing its final report, acknowledged that sexual and relationship violence occurs in same sex relationships and is also perpetrated by women against men. The University's Sexual Assault Program (SAP) was highlighted in the Report. The Task Force encouraged the enhancement of student training and peer education through the development of a program that required incoming undergraduate students and transfer students participate in a two-hour sexual assault and relationship violence workshop.

The next 10 years saw additional improvements in the following areas: enhanced relationships between campus and local law enforcement agencies; on- and off-campus community-based support services; required training for new supervisors, administrators, and teaching assistants; support for registered student organizations; creation of student organizations to support survivors of sexual violence; effective strategies for bystander intervention; faculty and staff workshops on sexual harassment; understanding confidentiality concerns affecting reports of sexual violence; avoiding and responding to retaliation; and reporting protocols for allegations of sexual harassment/sexual violence.

Current Title IX Efforts

A. Policies and Procedures

Over the last several years, MSU has made significant changes to its policies, procedures, protocols, and education efforts regarding sexual violence. One of the principal changes involves the structure of the University's adjudication process for sexual violence, which now consists of two phases. The Office of the Title IX Coordinator conducts an investigation to determine whether University policies have been violated. During this process, the Title IX Coordinator assures that the survivor receives information about all available campus and community resources and also implements and monitors any necessary interim measures. Information about sexual assault and the Title IX investigation process is located online at www.inclusion.msu.edu.

If a violation is found and the complaint involves a student respondent, the student judicial system takes jurisdiction of the matter to determine the appropriate sanction. If a violation is found and the complaint involves an employee respondent, the matter is referred to the appropriate supervisor and human resources personnel, who impose discipline in accordance with applicable personnel policies and collective bargaining agreements. The student disciplinary hearing procedures used to determine sanctions are located at <http://www.inclusion.msu.edu/equity/Interim%20ADP%20Student%20Disciplinary%20Hearing%20Procedures.pdf> and <http://splife.studentlife.msu.edu/academic->

[freedom-for-students-at-michigan-state-university](#). The special hearing procedures were created in response to the April 2011 OCR Dear Colleague Letter and continue to be reviewed and assessed against additional OCR guidance.

The University developed other policies and procedures in response to the April 2011 OCR Dear Colleague Letter. They include:

- Revisions to the Sexual Harassment Policy
- Creation of a specialized Anti-Discrimination Policy Hearing Board for student disciplinary cases
- Creation of *MSU Resource Guide on Sexual Assault as a Form of Sexual Harassment*
- Creation of *University Reporting Protocols: Child Abuse, Sexual Assault, and Child Pornography*
- Protocol checklists for Residence Education and Housing Services and Department of Intercollegiate Athletics for responding to claims of sexual harassment or sexual assault

B. Title IX Coordinated Response Team (TCRT)

The University created a Title IX Coordinated Response Team (TCRT) at the beginning of the 2011-2012 academic year. The TCRT consists of representatives from campus offices responsible for coordinating MSU's response to student claims of sexual violence. These offices include the Title IX Coordinator, MSU Police Department, Residence Education and Housing Services, and Student Affairs (representing the counseling, student judicial, and sexual assault advocacy offices). The Office of the General Counsel advises the TCRT. The University's Clery report coordinator also attends TCRT meetings.

The TCRT meets every Monday morning during the spring and fall terms and on an "as-needed" basis during the summer. The TCRT discusses all open cases, shares information about each case's progress, discusses necessary interim measures, coordinates support to the survivor, and works to assure a coordinated and timely University response. The TCRT invites members from other campus units to attend meetings as necessary to discuss interim measures or gather information. Such offices might include the Dean of Undergraduate Education, Dean of Graduate Education, Department of Intercollegiate Athletics, or the Resource Center for Persons with Disabilities.

C. Strategic Initiatives

MSU has launched several large strategic initiatives to combat sexual violence. The two primary examples are the SAFE program and the "No Excuse" Campaign.

1. SAFE Program

Instituted in the summer of 2011, SAFE, the Sexual Assault First-year Education e-Learning program, is designed to ensure that students understand, before they even arrive on campus, the realities of sexual assault on college campuses, the consequences of sexual assault, how to intervene to prevent a sexual assault, and how to report a sexual assault. All incoming undergraduate students are required to participate in the on-line SAFE program. Ninety-seven percent of all incoming undergraduate students participated in SAFE in 2013. Through SAFE, MSU sends a clear message that sexual violence is not tolerated.

Surveys conducted of SAFE participants show that the program has been effective. The 2013 SAFE annual survey reported that close to a third of all students surveyed indicated that they were able to apply information they learned in SAFE sometime during the academic year. Specifically:

- 6 out of 10 females and 4 out of 10 males indicated they applied basic safety practices outlined in SAFE.
- 1 out of 5 males indicated that they used information learned in SAFE related to consent for sex.

Males who viewed SAFE showed a statistically significant increase in knowledge for preventing sexual assault in two important areas– the importance of bystander intervention in preventing sexual assault and revoking consent for sex.

A national assessment tool shows that SAFE has made a substantial impact on the number of students at MSU who confirm they received information about sexual assault from the University. The National College Health Assessment Survey, administered by the American College Health Association, assesses health issues related to college students. MSU has participated biannually since 2000.

According to the most recent survey at MSU,¹ the number of students at MSU who say they have received information from MSU regarding sexual assault and relationship violence within the last academic year has increased significantly. Nearly three-quarters, 73.8%, reported receiving information from MSU on sexual assault/relationship violence prevention (up from 66.9% in 2010, 45.6% in 2008,

¹ The survey was distributed on February 1, 2012 to 3,704 MSU undergraduates and 1,050 MSU graduate/professional students. The same survey was administered on more than 100 other campuses across the nation, but at different times and using different sampling methodology. At MSU, the online survey was administered by the Office for Survey Research within the Institute for Public Policy and Social Research. A total of 1,213 students responded. The overall response rate was 26%.

and 49.1% in 2006). The significant increase correlates with the implementation of SAFE.

2. “No Excuse” Sexual Assault Awareness Campaign

MSU initiated a sexual assault awareness campaign entitled “*There is No Excuse for Sexual Assault*” at a campus-wide symposium in spring, 2013. MSU has received very positive feedback from OCR regarding the campaign. A packet of campaign materials is included with this letter for your information.

The “No Excuse” campaign is a two-phase education campaign. The goals of the current phase (Phase One) include:

- Define sexual assault
- Debunk common myths
- Provide information on reporting
- Increase recognition of role of Title IX Coordinator
- Take a complex issue (sexual assault definition and reporting) and condense into easily understandable and memorable bite-size pieces of information
- Raise awareness to inspire action to prevent and better respond

Phase two of the campaign will focus on bystander intervention.

Throughout the first phase of the campaign, MSU has distributed posters that provide information about the prevalence of sexual assault and where members of the MSU community can get assistance in reporting incidents of sexual assault. The posters are displayed in residence halls and academic buildings across campus. Other campaign materials (t-shirts, buttons, stickers, etc.) have been distributed widely at campus events, through student groups, and at campus resource fairs. The campaign has also established a Facebook page.

Student surveys demonstrate that the campaign has been effective. The majority of incoming students have seen the posters and are familiar with the campaign, and reporting of sexual assaults has continued to increase significantly.

D. Training and Education Initiatives

MSU has engaged in numerous training sessions to educate faculty, staff, and students about its sexual violence policies, reporting protocols, and investigation procedures. In addition to mandatory online training for all incoming undergraduate students, which includes the required participation in the viewing of the SAFE video and a more extensive workshop for incoming students in the residence halls conducted by the Sexual Assault Relationship Violence Program, MSU has conducted over 100 in-person training sessions since January 2011. Those

participating in training sessions have included residence hall staff/residence hall assistants, athletes, coaches, counselors, physical plant/operational employees, supervisory staff, culinary staff, faculty and other instructional staff, sexual assault prevention and advocacy staff, and members of fraternities and sororities.

The University also held a Title IX symposium entitled “Addressing and Preventing Sexual Assault” on campus in spring 2013. National expert, and MSU faculty member, Dr. Rebecca Campbell presented on “Neurobiology of Sexual Assault: Implications for First Responders.” The symposium also included a performance by MSU’s Transforming Theatre Ensemble called “Survivor Impact” – during which student performers read survivor impact statements to the audience. Over 100 students, faculty, and staff attended the event, which received coverage from local media outlets.

E. Law Enforcement

The Michigan State University Police Department is a public law enforcement agency created statutorily by the State of Michigan. It has 77 sworn police officers who must hold at least a bachelor’s degree. As early as 1956, Department policy required that all criminal cases investigated be referred to the Ingham County Prosecutor’s Office for review and determination of criminal charges. The Department was one of the first agencies to report crime statistics to the Federal Uniform Crime Report. In 1992 the MSU Police Department developed the “Sexual Assault Victim Rights and Response Guarantee.” This Guarantee, believed to have been the first in the nation, has been widely copied and used as a model or template for law enforcement agencies across the country.

The MSU Police Department has a specific protocol on how sexual assault reports are investigated, including coordination with the University’s Title IX Coordinator and local law enforcement agencies. The Department employs specially trained detectives and officers who take initial complaints of criminal sexual conduct and child abuse and who are assigned to follow up on those reports. These detectives and officers also serve as a point of contact for faculty, staff, and students for guidance and training about MSU’s reporting protocols. The Department provides a Sexual Assault Reporting Process document to all victims of sexual violence that includes a summary of the law enforcement and Title IX investigation processes, a victim’s rights notice, and information on personal protection orders and community resources.

MSU Police have historically had a close working relationship with local law enforcement agencies near MSU in the capital area of central Michigan. Those relationships have included information sharing and sharing of personnel or specialized investigative services as necessary and appropriate. MSU Police detectives meet regularly with their counterparts at other local law enforcement agencies to discuss ongoing cases of sexual violence. MSU Police Department

detectives and officers attend monthly Capital Area Sexual Assault Response Team meetings, which are hosted on campus and have been co-chaired by a MSUPD detective. Other local area law enforcement officers attend these meetings, along with representatives of the Ingham County Prosecutors Office, Prosecuting Attorneys Association of Michigan, Child Advocacy Center, Sexual Assault Counseling Program, Office for Inclusion, Listening Ear Advocacy, Personal Protection Order Office, local military officials, Sexual Assault Nurse Examiners, and other community partners. Local law enforcement also provides statistics to MSU for inclusion in MSU's annual security report.

MSU is currently memorializing in writing its ongoing coordination of law enforcement efforts between campus law enforcement and local law enforcement agencies for responding to sexual violence cases. MSU intends to finalize the written documents once the model Memorandum of Understanding is issued pursuant to Section III of the First Report of the White House Task Force to Protect Students from Sexual Assault.

Conclusion

MSU has worked hard to create a safer campus community, but we can do more. We will continue to assess and incorporate guidance from the Office of Civil Rights and the White House Task Force to improve our efforts to prevent, educate, and respond to sexual harassment, sexual violence, and sexual assault.

Sincerely,

A handwritten signature in blue ink that reads "Paulette Granberry Russell". The signature is written in a cursive, flowing style.

Paulette Granberry Russell, J.D.
Title IX Coordinator
Director, Office for Inclusion &
Intercultural Initiatives