

**PROTOCOL FOR THE COORDINATION OF REPORTED VIOLATIONS OF THE RVSM AND ADP  
BETWEEN OIE, AHR, OER, OCR AND UNIT LEADERSHIP**

The purpose of this protocol is to coordinate and define the roles and responsibilities of the Office of Institutional Equity (OIE), Academic Human Resources (AHR), the Office of Employee Relations (OER), the Office for Civil Rights and Title IX Education and Compliance (OCR), and unit leadership, concerning reported violations of the Relationship Violence and Sexual Misconduct Policy (RVSMP) and the Anti-Discrimination Policy (ADP) involving employees who are not classified as a “student employee,” and graduate students who are employed as Research Assistants or Teaching Assistants. Unique circumstances of individual cases may give rise to issues not addressed by this protocol, which may necessitate further discussion and agreement.

**NOTIFICATION OF REPORTED INCIDENTS**

1. OIE will notify AHR/OER and unit leadership of all reported incidents of possible violations of the ADP/RVSMP involving employees.
2. The notification will occur by email, unless circumstances warrant more immediate action. The notification will generally occur within two business days of the report to OIE, absent necessary information or exigent circumstances.
3. The notification will include information about the involved employees, the alleged policy violations, and any relevant information currently known to OIE. In many cases, reported information may be limited, and follow-up communication may be necessary.
4. AHR/OER will identify the appropriate supervisors and administrators to notify. For academic units, the Dean and Chairperson and/or School Director will typically be notified. For non-academic units, the immediate supervisor, major administrative unit head and, if applicable, unit HR will typically be notified. AHR/OER will inform OIE if an employee holds multiple assignments/appointments, and identify unit leaders or other internal administrators that should be notified.
5. To maintain privacy and facilitate the preservation of information for an investigation, unit leadership will limit the sharing of information about a reported incident to those who need to know.

**INTERIM EMPLOYMENT ACTIONS**

1. Upon receipt of OIE’s notification of a reported incident, unit leadership, in consultation with OER/AHR, will determine whether interim employment actions are warranted pending the outcome of OIE’s review or investigation of a matter.
2. OCR/OIE will also notify OER/AHR and unit leadership of a request by a person involved in the OIE process for an interim employment action. Unit leadership, in consultation with OER/AHR, will determine if interim employment action is warranted and OIE will be informed of that decision.
3. Interim employment actions may include the following: leaves of absence, reassignment and/or removal of duties, delayed performance evaluations, deferred consideration of continuing status or promotion, no contact directive, etc.

4. Unless already informed by OIE or by the MSU Police Department, AHR/OER and/or unit leadership will consult with OIE to ensure that a planned action does not interfere with its investigation. This consultation should occur before implementing an interim employment action, unless doing so is not practical or would undermine the effectiveness of the interim employment action. When aware of an ongoing criminal investigation, AHR/OER and/or unit leadership should also consult with the MSU Police Department to ensure that a contemplated action does not interfere with the criminal investigation.
5. AHR/OER will seek advice from the Office of the General Counsel where appropriate.
6. AHR/OER will notify OIE when interim employment actions are taken in response to reported incidents, and OIE will document those actions in the OIE case file.

### **OTHER EMPLOYMENT ACTIONS**

1. Unit leadership, in consultation with OER/AHR, may take action, including conducting an investigation, to address conduct that implicates policies, protocols, or standards of conduct other than the ADP/RVSMP, even where the allegations arise from the same underlying facts as the ADP/RVSMP complaint.
2. Unit leadership, in consultation with OER/AHR, need not wait until the conclusion of OIE's investigation to address conduct that appears to violate other policies or rules and which does not directly implicate the ADP/RVSMP. OIE should be consulted if questions arise about whether conduct directly implicates the ADP/RVSMP, such as actions/conduct that may be deemed retaliatory.
3. Unit leadership and OER/AHR will notify OIE if action is taken to address conduct that does not directly implicate the ADP/RVSMP. Such notification will typically be in writing so that OIE may include a copy in its records.
4. Unit leadership will comply with all relevant policies and labor contracts pertaining to faculty and support staff. The Support Staff Disciplinary Policy & Procedure establishes requirements for contact with OER concerning certain types of discipline for support staff and establishes requirements concerning suspension pending investigation for support staff.

### **STATUS UPDATES AND INFORMATION SHARING**

1. OIE and/or OCR's Resolution Office will provide AHR/OER and unit leadership bi-weekly reports regarding the status of matters under review or investigation. AHR/OER or unit leadership may contact OIE and/or OCR's Resolution Office to request updates regarding a matter under review or investigation.
2. AHR/OER and unit leadership will share information with OIE and/or OCR's Resolution Office to the extent that it may be relevant to the investigation.
3. OIE and/or OCR's Resolution Office may during the course of the investigation provide additional information to AHR/OER or unit leadership, as appropriate, to support continued efforts to provide a safe work environment and to address emerging concerns in the work environment.

4. OIE and/or OCR's Resolution Office will notify AHR/OER and unit leadership of the outcome of its review or investigation of a matter.
5. If during the course of its review or investigation of a matter, OIE identifies recommendations relating to unit policies, procedures, protocols, training, education, or other personnel matters, OIE will provide such information to unit leadership and AHR/OER in the form of a memo. Unit leadership, in consultation with OER/AHR, will review and coordinate a response to the recommendations and, where appropriate, implement the recommended actions. Unit leadership will maintain written documentation of unit responses to recommendations including documentation of implementation and justification for any recommendations which were not implemented, copies of which the unit will provide to OIE.

#### **NOTIFICATION OF EMPLOYMENT ACTIONS FOLLOWING OIE INVESTIGATION<sup>1</sup>**

1. Where the OIE investigation process results in a finding that an employee violated the ADP or RVSM, unit leadership, in consultation with OER/AHR, will determine appropriate employment actions and inform OIE and the Title IX Coordinator regarding such actions. Upon receipt of this information from OER/AHR, OIE will document such responsive actions in the OIE case file. OCR and/or the Title IX Coordinator will advise unit leadership and OER/AHR of any other steps the University should consider to stop the prohibited conduct, eliminate any hostile environment, prevent the recurrence of prohibited conduct, and address any effects on campus or in any University programs and activities.
2. The University will provide simultaneous written notification to claimants and respondents in an OIE case when discipline is imposed on an employee resulting from a finding that the employee violated the ADP or RVSM.<sup>2</sup>
3. OCR is responsible for communicating such notifications to claimants. OER/AHR will work with OCR to coordinate simultaneous notification of discipline from unit to employee and OCR to claimant.
4. If a claimant is not affiliated with MSU, the employee receiving discipline will be notified, along with the written discipline form or letter, that MSU is notifying the claimant in the OIE case of the disciplinary action.
5. If discipline is later altered as a result of an employee grieving the discipline (or for any other reason), OER/AHR will immediately inform OCR, and OCR will notify claimant of the change in discipline.
6. OCR will also inform claimants of any individual remedies it is offering to the claimant and other steps taken to eliminate a hostile environment, if one is found to exist.

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<sup>1</sup> The "OIE investigation" process may include a hearing and decision by a Resolution Officer and/or an appeal.

<sup>2</sup> Notification will occur as soon as reasonably practicable after employee discipline is final.

## PERSONNEL FILES

1. The existence of all final Title IX investigation reports and determinations involving employee respondents (staff, faculty and administrators) must be noted in the employee respondent's personnel file, consistent with state and local laws, University policies, and applicable collective bargaining units.
2. For RVSMP and ADP (gender discrimination only) formal investigations with employee respondents, following the OIE investigation and appeal processes, OCR will provide a summary of the allegations and findings to include in the employee respondent's personnel file. OCR will send the summary to [AVPHR.FileReq@msu.edu](mailto:AVPHR.FileReq@msu.edu) for inclusion in the official personnel file in Human Resources. OCR will also send the summary to appropriate unit leaders to include in any unit personnel file. The summary shall provide sufficient detail for a reasonable reviewer to identify potential patterns of behavior and indicate whether a finding of violation was made.
3. Where the OIE investigation process results in a finding that an employee violated the RVSMP or ADP (gender discrimination), unit leadership will ensure that any discipline imposed is included in the employee's personnel file.

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