

Michigan State University Notice of Non-Discrimination, Anti-Harassment and Non-Retaliation

Michigan State University (“MSU” or the “University”) prohibits discrimination and harassment on the basis of race, ethnicity, color, national origin, sex, disability, religion, age, gender, gender identity, disability, height, marital status, political persuasion, sexual orientation, veteran status, or weight in its programs and activities. MSU also prohibits retaliation against those who report discrimination or harassment, or who participate in the University’s investigation and handling of such reports. MSU independently investigates allegations of retaliation and will take strong responsive actions if retaliation occurs.

Any student, employee, patient or third party who believes he or she has been discriminated against or harassed is encouraged to report the incident(s) to the University’s [Office of Institutional Equity](#) (“OIE”). The University will respond promptly, including by offering supportive measures, informing parties about the available complaint and investigation processes, and taking reasonable care to prevent and promptly correct discrimination or harassment.

The University’s Relationship Violence and Sexual Misconduct and Title IX Policy provides the grievance process for complaints alleging sexual harassment as defined by Title IX, as well as prohibited relationship violence, sexual misconduct, stalking and retaliation. The Anti-Discrimination Policy and the Anti-Discrimination Policy User’s Manual provide the grievance procedure for complaints alleging all other forms of discrimination, harassment, and retaliation. OIE is responsible for receiving reports of discrimination, harassment or retaliation, and facilitating the filing of complaints under these policies, connecting affected individuals with supportive measures, accommodations, interim measures and other assistive resources, and for conducting investigations of alleged violations of both policies.

MSU is committed to conducting prompt and equitable investigations and will appropriately address violations of University policy. Upon completion of an investigation, students and employees found to have engaged in acts of harassment, discrimination or retaliation will be promptly disciplined. If circumstances warrant, discipline may include suspension, expulsion, or termination.

Any person may report discrimination, harassment or retaliation in person, by mail, by telephone, or by electronic mail, using the links and contact information listed below. Reports may be made at any time (including during non-business hours) by using the telephone number, email, online reporting form, or by mail to the OIE address, listed below. Reports may be submitted in person at the OIE Office during business hours or by appointment if after business hours. University community members may report allegations of harassment, discrimination or retaliation to OIE via the [Public Incident Reporting Form](#) or by calling OIE at (517) 353-3922.

Office of Institutional Equity
408 W. Circle Dr., Suite 4, Olds Hall
East Lansing MI 48824
(517) 353-3922
oie@msu.edu
Reporting Form: <https://oie.msu.edu/file-a-report/index.html>

The Director of MSU’s Office of Institutional Equity and Deputy Title IX Coordinator is:

Melody Werner, Ed.D
(517) 884-0610
OIE.melodywerner@msu.edu

The University's Title IX Coordinator is responsible for oversight and implementation of the University's Title IX policies and grievance procedures, monitoring the campus climate, and coordination of Title IX compliance efforts across the University. MSU's Title IX Coordinator is:

Tanya Jachimiak, JD
408 W Circle Dr, Suite 105 Olds Hall
East Lansing MI 48824
(517) 355-3960
OCR.tanyajachimiak@msu.edu

Supportive, interim, and protective measures are available to those reportedly subjected to prohibited conduct (claimants) and accused parties (respondents). Supportive, interim, and protective measures are support services, accommodations, and other assistance the University puts in place after receiving notice of incidents of harassment, discrimination or retaliation. These measures can be implemented before any final outcomes (investigatory, disciplinary, or remedial) have been determined and are available even if an individual chooses not to report to law enforcement or participate in a University or criminal investigation.

MSU will implement reasonably available supportive or interim measures to protect a claimant and facilitate the claimant's continued access to University employment or education programs and activities.¹ Supportive or interim measures may include referrals to counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; mutual no contact directives; ASMSU Safe Ride services; changes in work or housing locations; leaves of absence; increased security and monitoring of certain areas of the campus; and other similar measures. Additional protective measures may include student removal or restriction from campus or a program or activity following an individualized assessment under an appropriate process based on the circumstances; or placing an employee on administrative leave or interim suspension consistent with the University's rights as an employer.

MSU encourages students and staff to work together to prevent acts of sex discrimination of any kind. Information regarding resources available for those affected by harassment, discrimination and retaliation can be found at <https://civilrights.msu.edu/resources/index.html>.

¹ For conduct that is prohibited by Title IX as sexual harassment, supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge.

Following are the applicable federal and state Civil Rights laws, regulations, and University policies that prohibit discrimination, harassment, and retaliation:

Title I of the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008 prohibits employment discrimination against qualified individuals with disabilities by employers with 15 or more employees. The U.S. Equal Employment Opportunity Commission and the Office for Civil Rights (U.S. Department of Education) are the agencies assigned to enforce Title I of the ADA.

Title II of the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008 prohibits disability discrimination by public entities, including public colleges and universities whether or not they receive Federal financial assistance. The Office for Civil Rights (U.S. Department of Education) is the law enforcement agency charged with enforcing Title II of the ADA.

Title III of the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008 prohibits discrimination on the basis of disability in the activities of places of public accommodation. The U.S. Department of Justice is the law enforcement agency charged with enforcing Title III of the ADA.

Section 503 of the Rehabilitation Act of 1973 prohibits federal contractors and subcontractors from discriminating in employment against individuals with disabilities and requires employers to take affirmative action to recruit, hire, promote, and retain these individuals. The U.S. Department of Labor is the law enforcement agency charged with enforcing Section 503 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act of 1973 protects people from discrimination in admission, employment, treatment or access based on disability in programs or activities receiving Federal financial assistance. The Office for Civil Rights (U.S. Department of Education) is the law enforcement agency charged with enforcing Section 504. Any inquiries regarding the application of Section 504 may be referred to the University ADA/Section 504 Coordinator or the Office for Civil Rights. The University ADA/Section 504 Coordinator is:

Tracy Leahy
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East Lansing, MI 48824
(517) 355-3960
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Web Content Accessibility Guidelines (WCAG) 2.0 AA recommendations for making Web content more accessible to a wider range of people with disabilities, including blindness and low vision, deafness and hearing loss, learning disabilities, cognitive limitations, limited movement, speech disabilities, photosensitivity and combinations of these.

Section 1557 of the Affordable Care Act prohibits discrimination on the basis of race, color, sex, national origin, age or disability in MSU's health programs and activities. The U.S. Department of Health and Human Services, Office for Civil Rights (HHS OCR) is the law enforcement agency charged with enforcing Section 1557. Any inquiries regarding the application of 1557 may be referred to the Office of Institutional Equity (OIE), the Title IX Coordinator, the Health Care Civil Rights Specialist, or HHS OCR:

OIE
Olds Hall
408 W. Circle Drive, Suite
4 East Lansing, MI 48824
(517) 353-3922

Tanya Jachimiak – Title IX Coordinator
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105 East Lansing, MI 48824
(517) 355-3960

Tracy Leahy - Health Care Civil
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OCR.tracyleahy@msu.edu

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance. Programs and activities that receive Federal financial assistance from the United States Department of Education are covered by Title VI. The Office for Civil Rights (U.S. Department of Education) is the law enforcement agency charged with enforcing Title VI.

Title VII of the Civil Rights Act of 1964 protects individuals against unlawful employment practices based on race, color, religion, sex, and national origin. The Civil Rights Act of 1991 significantly extended plaintiffs' rights under Title VII. The U.S. Equal Employment Opportunity Commission is the law enforcement agency charged with enforcing Title VII.

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs or activities that receive Federal financial assistance, and the University is required by Title IX and 34 C.F.R. Part 106 not to discriminate in such a manner. The requirement not to discriminate extends to employment and admission to institutions. Title IX also prohibits retaliation against reporters of sex discrimination, including but not limited to reports of sex discrimination against administrators and other employees. Michigan State University will independently investigate alleged retaliation for participation in the process of reporting/investigating conduct prohibited by Title IX. The Office for Civil Rights (U.S. Department of Education) is the law enforcement agency charged with enforcing Title IX. The University's Title IX Coordinator is responsible for University compliance with Title IX and will coordinate investigation of any complaint alleging non-compliance with Title IX or any actions prohibited by Title IX.

Any inquiries concerning the application of Title IX and its implementing regulations to the University may be referred to the University Title IX Coordinator, the Assistant Secretary for Civil Rights (U.S. Department of Education), or both. The University Title IX Coordinator is:

Tanya Jachimiak, JD
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Age Discrimination Act of 1975 protects people from discrimination based on age in programs or activities receiving Federal financial assistance. The U.S. Equal Employment Opportunity Commission is the law enforcement agency charged with enforcing ADA of 1975.

Age Discrimination in Employment Act of 1967 protects individuals who are 40 years of age or older. The U.S. Equal Employment Opportunity Commission is the law enforcement agency charged with enforcing the ADEA.

Civil Rights Act of 1991 provides monetary damages in cases of intentional employment discrimination. The U.S. Equal Employment Opportunity Commission is the law enforcement agency charged with enforcing the CRA of 1991.

Equal Pay Act of 1963 protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination. The U.S. Equal Employment Opportunity Commission is the law enforcement agency charged with enforcing the EPA.

Executive Orders 11246 and 13665 require certain government contractors to engage in affirmative action and to

not discriminate based on race, sex, gender identity or national origin. The Office of Federal Contract Compliance Programs (U.S. Department of Labor) is the agency charged with enforcing the EO 11246 and Executive Order 13665, ensuring that federal contractors are in compliance. MSU will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by MSU, or is consistent with MSU's legal duty to furnish information.

Genetic Information Nondiscrimination Act of 2008 prohibits discrimination against employees or applicants because of genetic information.

Michigan Constitution (2006) Article I, Section 206 prohibits discrimination or granting preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education or public contracting.

Elliott-Larsen Civil Rights Act (1976) of the State of Michigan prohibits "discrimination practices, policies, and customs in the exercise of those rights based upon religion, race, color, national origin, age, sex, height, weight, or marital status." The Michigan Department of Civil Rights is the agency assigned to handle complaints of discrimination.

Michigan Persons with Disabilities Civil Rights Act of 1976 provides individuals "the opportunity to obtain employment, housing, and other real estate and full and equal utilization of public accommodations, public services, and educational facilities without discrimination because of a disability is guaranteed by this act and is a civil right."

Pregnancy Discrimination Act prohibits discrimination against women because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

MSU Anti-Discrimination Policy prohibits acts of discrimination and harassment against any university community member(s) by inappropriately limiting employment opportunities, access to university residential facilities, or participating in educational, athletic, social, cultural, or other university activities on the basis of age, color, gender, gender identity, disability, height, marital status, national origin, political persuasion, race, religion, sexual orientation, veteran status or weight. Complaints under this policy may be submitted to the MSU Office of Institutional Equity for investigation. The policy prohibits discrimination and harassment against individuals based on characteristics protected under federal and state law, but also includes political persuasion, veteran status, sexual orientation, and gender identity as protected categories.

Federal Citations:

The regulations implementing Title VI, Title IX, Section 504, the Age Discrimination Act, and Title VII contain requirements for recipients to issue notices of nondiscrimination. (See 34 C.F.R. Sections 100.6(d), 106.8, 104.8, 110.25, 41 C.F.R. Sections 60-1.42(a), respectively.) The Title II regulation also contains a notice requirement that applies to all units of government, whether or not they receive federal aid. (See 28 C.F.R. Section 35.106.)

For additional information or assistance, contact:

MSU Office for Civil Rights and Title IX Education and Compliance
105 Olds Hall

Michigan State University
East Lansing, MI 48824
(517) 355-3960
<http://www.civilrights.msu.edu>
OCR@msu.edu

MSU is an affirmative action, equal-opportunity employer