

## **PROTOCOL FOR THE COORDINATION OF REPORTED VIOLATIONS OF THE RVSM AND ADP BETWEEN OIE, AHR, OER 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), and unit leadership, concerning reported violations of the Relationship Violence and Sexual Misconduct Policy (RVSM) 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/RVSM 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. 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 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 to request updates regarding a matter under review or investigation.
2. AHR/OER and unit leadership will share information with OIE to the extent that it may be relevant to the investigation.
3. OIE 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 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**

1. Where the OIE investigation process results in a finding that an employee violated the ADP or RVSMP, unit leadership, in consultation with OER/AHR, will determine appropriate employment actions and inform OIE and the Title IX Coordinator regarding such actions. OIE will document such responsive actions in the OIE case file. OIE 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 RVSMP.<sup>1</sup> The University 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.
3. The MSU OCR & Title IX office is responsible for communicating such notifications to claimants. OER/AHR will work with the MSU OCR & Title IX office to coordinate simultaneous notification of discipline from unit to employee and the MSU OCR & Title IX office 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 the MSU OCR & Title IX office, and the MSU OCR & Title IX office will notify claimant of the change in discipline.

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<sup>1</sup> Notification will occur as soon as reasonably practicable after employee discipline is final.