

MICHIGAN STATE UNIVERSITY

November 1, 2023

MEMORANDUM

TO: Executive Leadership Team, Deans, Directors and Chairs

FROM: Mike Yankowski, Institutional Ethics and Compliance Assistant
Director
Marilyn K. Tarrant, Associate Vice President and Chief Audit, Risk and Compliance Officer

SUBJECT: Policy Announcement #1

Note the first table is a list of University-wide policies that are new, revised or retired. The second table provides a summary of the changes made to the revised policy or highlights of the new policy. The documents are also available at the [University Policies website](#).

Please contact the MSU OARC Policy Coordinator, Nicole Simi at msupolicylibrary@msu.edu if you have any questions or need further assistance.

The following policies are new, revised or retired from the University Policies website:



Office of Audit, Risk and Compliance

Institutional Ethics and
Compliance
Hannah Administration Building
426 Auditorium Rd., Room 10
East Lansing, MI 48824

Main: (517) 355-5030
Fax: (517) 432-1997
www.oarc.msu.edu

| Academics and Student Life Policies | | | |
|--|---|----------------------|--------------------|
| Policy # | Policy Title / Link | New /Revised/Retired | Effective Date |
| UW-01-01 | Medical Amnesty | NEW | July 29, 2022 |
| UW-01-02 | Student-Athlete Conduct Review Policy | NEW | July 21, 2022 |
| Administration and Operations Policies | | | |
| Policy # | Policy Title / Link | New /Revised/Retired | Effective Date |
| UW-02-01 | Mandatory Reporting for Relationship Violence, Sexual Misconduct and Stalking | NEW | September 8, 2023 |
| | Operational Requirements for Conducting University Youth Programs | REVISED | January 1, 2023 |
| | Relationship Violence and Sexual Misconduct and Title IX Policy | REVISED | September 26, 2023 |

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| Ethics, Integrity and Compliance Policies | | | |
|---|---|----------------------|------------------|
| Policy # | Policy Title / Link | New /Revised/Retired | Effective Date |
| UW-03-01 | Policy Development, Management and Review | NEW | May 16, 2022 |
| UW-03-02 | Clery Act Compliance Policy | NEW | January 1, 2023 |
| UW-03-03 | Name, Gender, Sexual Identity and Pronoun Data Policy | NEW | July 17, 2023 |
| Human Resources Policies | | | |
| Policy # | Policy Title / Link | New /Revised/Retired | Effective Date |
| UW-07-01 | Personnel File Policy | REVISED | October 16, 2023 |

The following is a summary of the revised or new policies:

| Academics and Student Life Policies | | |
|--|---|---|
| Policy # | Policy Title | Comments |
| UW-01-01 | Medical Amnesty | This is a NEW policy that encourages individuals in cases of significant intoxication or injury as a result of alcohol or other substances to seek medical assistance for themselves or others without the fear of possible consequences related to possessing or consuming alcohol or drugs. The University will not pursue disciplinary action through the university student conduct process for students who take such action for themselves or others. |
| UW-01-02 | Student-Athlete Conduct Review Policy | This is a NEW policy that was needed to implement the National Collegiate Athletics Association ("NCAA") Board of Governors Policy on Campus Sexual Violence and explain how information will be considered to determine a student-athlete's participation in intercollegiate athletics. |
| Administration and Operations Policies | | |
| Policy # | Policy Title | Comments |
| UW-02-01 | Mandatory Reporting for Relationship Violence, Sexual Misconduct and Stalking | This is a NEW policy that describes the obligation of University employees and volunteers to promptly report incidents or conduct prohibited under the RVSM and Title IX Policy. The University also encourages reporting even when not required. As of September 8, 2023, mandatory reporting was incorporated into a stand-alone policy, instead of being embedded into other university policies. |



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| | | Previously, mandatory reporting obligations were set forth in: University Reporting Protocol: Relationship Violence, Sexual Misconduct, and Stalking (August 14, 2020 – September 7, 2023); Relationship Violence and Sexual Misconduct Policy (January 1, 2015 – August 13, 2020); University Policy on Sexual Harassment (prior to 2015). |
|---|---|--|
| | Operational Requirements for Conducting University Youth Programs | This is a REVISED policy. These updates bring our policy in line with the University's settlement agreement and document previously developed procedures and practices that advance a culture of safety for University youth program participants. This update includes an expansion of criminal background check requirements for all adult employees, volunteers, and contractors who work with youth programs, regardless of whether they are supervised when interacting with minors in their care. This change brings our policy in line both with expectations from our community for promoting a safe learning environment and with terms of the University's settlement agreement. A full list of all changes to this policy can be reviewed at the user guide for this update. |
| | Relationship Violence and Sexual Misconduct and Title IX Policy | This is a REVISED policy. <i>(See document at the end of the memorandum for all detailed changes)</i> |
| Ethics, Integrity and Compliance Policies | | |
| Policy # | Policy Title | Comments |
| UW-03-01 | Policy Development, Management and Review | This is a NEW policy that establishes the framework and foundation for all university-wide policies. The policy establishes the process in which a policy is developed, approved, revised, retired, and communicated by utilizing a standardized template and supporting documents that assist in policy development. |
| UW-03-02 | Clery Act Compliance Policy | This is a NEW policy which formalized existing procedures and practices which ensure compliance with the Clery Act and the Violence Against Women Act Amendments to the Clery Act. |
| UW-03-03 | Name, Gender, Sexual Identity and Pronoun Data Policy | This is a NEW policy that was established to collect, maintain, and appropriately use identity information for the campus community that is accurate and inclusive. |

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| | | It applies to all campus data systems that identify individuals (name, pronoun, honorific, etc.) or collect demographic data (gender, sexual identity). |
|--------------------------|-----------------------|---|
| Human Resources Policies | | |
| Policy # | Policy Title | Comments |
| UW-07-01 | Personnel File Policy | This is a REVISED policy with the following language added under Additions and Deletions to a Personnel File section as follows: A summary of a report or determination under the Relationship Violence and Sexual Misconduct and Title IX Policy or Anti-Discrimination Policy may not be removed or corrected without approval of the Title IX Coordinator. |



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Summary of Recommended Relationship Violence and Sexual Misconduct and Title IX (RVSM and Title IX) Policy Changes (9/21/23)

- The new Title IX regulations from the Department of Education have been pushed back until October 2023. The full policy revision process will take place once those regulations are final, including utilizing the new University Policy template. In the meantime, a minor update to the RVSMTX Policy is needed to clarify the formal grievance process and update office and policy references.
- **Updates to Administrator/Office names:** Office names updated throughout, including, MSU Department of Police and Public Safety (DPPS); changes OIE to OCR; and updates Title IX Coordinator name.
- **Days:** All references to “days” in the Policy were clarified to refer to business days. We will update all accompanying procedures as well.
- **Mandatory Reporting Policy:** Replaces references to Reporting Protocols for RVSM with the new Mandatory Reporting Policy, which was finalized 9/8/23.
- **Privacy of Information:** Clarifies that information will be shared with units and HR.
- **Formal Complaint:** Notes that a claimant or Title IX Coordinator files a formal complaint by completing and signing a formal complaint template (in writing or electronically), and submitting it to OCR, that the formal complaint begins the formal grievance process, and that additional information may be gathered and considered during the formal grievance process.
- **Dismissal Determinations:** Notes that the Title IX Coordinator generally evaluates for dismissal after receipt of a complaint, and, if applicable, upon completion of the investigation and that the notice of dismissal will include the reason for the dismissal and explanation of the right to appeal to the University Equity Review Officer within five (5) business days of the notice.
 - **Title IX Formal Complaint Dismissal:** Clarifies that the Title IX Coordinator may withdraw, rather than dismiss, a Title IX Coordinator signed complaint; notes parties can submit an appeal to the Equity Review Officer within five (5) business days.
- **Experts:** Adds requirement that any party seeking to utilize an expert witness or introduce an expert report into evidence, shall notify the Title IX Coordinator in writing prior to the finalized Investigation Report being sent to the Resolution Office.
- **Notice of Investigation:** Adds that if new evidence is gathered during the investigation phase that changes the date, location or potential Policy violation as communicated in the initial notice of investigation, the notice of investigation will be updated and the parties will be offered an additional opportunity to respond. Also the time period to send out the NOI was extended from 3 to 5 business days.
- **Evidence Gathering:** Adds that OCR determines the relevance of proffered information and evidence and that evidence regarding a party’s character will not generally be considered relevant.

- **Review of Evidence and Draft Investigation Report:** Adds that the investigator will also provide the parties with a draft investigation report and that each party will have ten (10) business days to respond in writing to the evidence and the draft investigation report.
- **Final Investigation Report:** Clarifies that what was previously referred to as the “investigation report” will now be called the “final investigation report” (distinguished from the draft investigation report).
- **Complaints or Grievances to MSU Health Care:** Removes the requirement for a dedicated Health Care Investigator, as this is no longer required by Resolution Agreement. Also updated the Health Team Specialist to the Director of Support and Intake.
- **Notice to the University President and Board of Trustees:** Clarifies that notice is provided in RVSM and Title IX Policy and ADP gender-related matters involving the alleged misconduct (i.e., not limited to sexual misconduct) of an employee of the University.
- ***Potential Additional Changes:** On August 4th, the Department of Education’s Office for Civil Rights requested additional changes, including regarding coordination of discipline, that are subject to ongoing discussion with stakeholders.
- **Conflict of Interest.** In accordance with the University's Resolution Agreement with OCR, any employee who provided legal representation to the University on any matter involving TIX will recuse themselves from any Title IX related matter that was pending at the time they provided legal representation to the University.