**MSU Statement Regarding Sexual Assault as a form of Sexual Harassment**

Michigan State University is committed to maintaining an environment that is safe and that supports educational and career advancement on the basis of job and academic performance. Sexual assault, relationship violence and stalking subvert the mission of the University and offend the integrity of the University community. Sexual assault is not only an act of physical violence, but an attack on one’s sense of safety, well-being and dignity. It is not tolerated at Michigan State University.

Sexual assault is a form of sexual harassment. The MSU Sexual Harassment Policy prohibits all forms of sexual harassment, including sexual assault. The MSU Sexual Harassment Policy applies to all members of the University community – faculty, staff, and students. The Policy also prohibits sexual harassment by third parties toward members of the University community.

**Reporting Sexual Assault**

Complaints of sexual assault are investigated and handled pursuant to the University’s Sexual Harassment Policy.

A. How to Report Sexual Assault as a form of Sexual Harassment

- If the alleged harasser is a faculty or staff member, the complaint should be made, orally or in writing, to the **alleged harasser's unit administrator** or to the **University’s Title IX Coordinator**.

- If the alleged harasser is the unit administrator, the complaint should be made, orally or in writing, to the **unit administrator's superior** or to the **University’s Title IX Coordinator**.

- If the alleged harasser is a student, the complaint should be made to the **Department of Student Life** or to the **University’s Title IX Coordinator**.

- If the alleged harasser is a third party, the complaint should be made to the **University’s Title IX Coordinator**.

**Sexual assault** should also be reported to the MSU Police Department.
B. Contact Information

- Title IX Coordinator:
  Paulette Granberry Russell
  Director
  Office for Inclusion and Intercultural Initiatives
  101 Olds Hall
  East Lansing MI 48824
  (517) 353-3922
  inclusion@msu.edu.

- Department of Student Life:
  101 Student Services Building
  East Lansing, MI  48824
  (517) 355-8286

- MSU Police Department:
  87 Red Cedar Road
  East Lansing, MI  48824
  (517) 355-2221
  Emergencies: 911

C. What to Expect

**Title IX Coordinator**

The office of the Title IX Coordinator investigates allegations of sexual assault to determine whether the University’s Sexual Harassment policy has been violated. The investigation will usually include interviews of the person bringing the allegations of sexual assault (complainant), witnesses and the responding party (respondent), as well as analysis of documents and other relevant evidence. If the investigation involves allegations of student-on-student sexual assault, and it results in a finding that sexual harassment has occurred, the Title IX Coordinator will file a complaint with the Department of Student Life and the complaint will be processed under the student disciplinary code. In those cases, the Title IX Coordinator will be identified as the Complainant and it will be the prerogative of the victim to determine in what capacity he/she will participate (i.e., co-complainant, witness, or no participation).

The University may take interim measures it deems necessary during an investigation. Interim measures will be taken within the context of University policies and can include changes to class or housing assignments for students or work assignments for employees.
Department of Student Life

Complaints involving student conduct filed directly with the Department of Student Life will be referred to the Title IX Coordinator for investigation before any judicial proceedings are initiated. If, after the complaint is investigated, student judicial proceedings are initiated, the Department of Student Life will administer the judicial process in accordance with the procedures outlined in the Academic Freedom for Students at Michigan State University (“AFR”) document.

MSU Police Department

The MSU Police Department investigates any reported sexual assault. Unlike the Title IX Coordinator, the MSU Police look to criminal statutes and make a decision about whether there is sufficient evidence to refer a matter to the County Prosecutor for prosecution.

The MSU Police Department has developed a Sexual Assault Response Guarantee, which includes a promise to meet with the person who believes that h/she has been sexually assaulted privately, not to prejudge, to assist in arranging for counseling and hospital treatment and to keep the individual up to date on the process, as well as a number of other guarantees to ensure that these cases are handled fairly, but sensitively. To read more about the guarantee, see: http://police.msu.edu/cscresponseguarantee.asp.

Definitions Related to Sexual Assault:

The following definitions are used by the Office for Inclusion when investigating complaints of sexual assault.

**Sexual assault:** Actual, attempted or threatened sexual contact with another person without that person’s consent. Sexual assault can be a violation of MSU’s Sexual Harassment Policy. It can also be a crime under the Michigan penal code.

**Consent:** An agreement to engage in sexual activity that is reasonably understood to be mutual and freely given. The agreement can be revoked at any time. There is no consent to sexual activity with another who one knows, or should reasonably know, to be mentally or physically incapacitated. Likewise, there can be no consent to sexual activity with another who one should reasonably know has not given full and free agreement.

**Incapacitated:** One who is unconscious, unaware or otherwise mentally or physically helpless because of drugs, alcohol or other contributing factor.
**Relationship violence**: Harm or abuse, or threats of harm or abuse, arising out of a personal, intimate relationship. Relationship violence can be a violation of MSU’s Sexual Harassment Policy. Relationship violence can also be a crime under the Michigan penal code.

**Sexual violence**: A term used to refer broadly to a number of different physical sexual acts including rape, sexual assault, sexual battery and sexual coercion. MSU’s definition of sexual assault encompasses all of these acts.

**FAQ’s Regarding University Policy and Sexual Assault:**

Q: Which University policy prohibits sexual assault?
A: The MSU Sexual Harassment Policy.
(www.inclusion.msu.edu/files/Sexual_Harassment_Policy.pdf)

Q: What does sexual assault have to do with the Sexual Harassment Policy?
A: Sexual assault is a form of sexual harassment.

Q: Can I be sexually assaulted by my boyfriend, girlfriend, friend or acquaintance?
A: Yes. The definition is the same regardless of who the perpetrator is – if there was no consent, there is sexual assault.

Q: How can violence that happens during my relationship be sexual assault or sexual harassment?
A: Relationship violence may be sexual assault or sexual harassment under University policy when harm or abuse, or threats of harm or abuse, arising within or from the personal, intimate relationship (or previous relationship) meets the definition of sexual harassment: The conduct is unwelcome, sexual in nature (and so severe, persistent, or pervasive that a reasonable person would find that it altered their educational or work experience. For example, an ex-boyfriend/girlfriend stalking an ex-girlfriend/boyfriend could be a violation of the Sexual Harassment Policy. It could also be a crime.

Q: When does sexual assault violate the Sexual Harassment Policy?
A: The Policy is violated when a reasonable person would find that the assault was so severe or persistent that it had the effect of altering one’s educational or employment experience. Examples might include the victim dropping out of school or a class where the alleged perpetrator is also enrolled, quitting work or moving from one work shift to another.
Q: What is a Title IX Coordinator? I thought Title IX had to do with equity in sports.

A: Title IX of the Educational Amendments Act prohibits sexual harassment at educational institutions, in addition to requiring equity in sports. The Title IX Coordinator, Paulette Granberry Russell, is the individual responsible for ensuring compliance with the law in this area at MSU.

Q: I don’t think I’ve been sexually assaulted, but I’ve been subjected to sexual behavior by another student all semester that has really started to bother me. Could that be a violation of policy?

A: It could. The Sexual Harassment Policy prohibits conduct that is based on a sexual nature, unwelcome and so severe, persistent or pervasive that a reasonable person would find that it altered their educational or work experience. To discuss filing a claim under the policy, please contact the Title IX Coordinator’s office.

What is Consent?

Q: What if two intoxicated people have sex?

A: If there was consent, it is not sexual assault. If one person knew or should have known that the other person was incapacitated (which depends on the level of intoxication), there cannot be consent.

Q: How do I know whether someone is incapacitated?

A: Signs of incapacity include, but are not limited to:
- Slurred speech
- Bloodshot eyes
- Stumbling or difficulty maintaining balance
- Vomiting
- Inability to focus eyes
- Inability to communicate / comprehend situation
- Unconsciousness

Not one of these factors on its own determines incapacity, unless it is the state of being unconscious. It is important to consider each case based on all of the circumstances surrounding the case.

Q: What if someone is incapacitated, but still gives signs of consent?

A: If the other person knew or should have known that the individual was incapacitated, there is no consent, period.
Q: What if I consent to some sexual activity, but then say no to other sexual activity?

A: One must look at the circumstances to determine whether there was consent with respect to each sexual act. If there is consent for one sexual act, but not for another, the act for which there is no evidence of consent will be considered sexual assault and possibly a violation of MSU’s Sexual Harassment Policy.

Q: In order to establish that I have not consented to specific sexual activity, am I required to physically resist the sexual activity?

A: No. If a reasonable person would believe that there was no mutually understood, freely given agreement to the activity, there is no consent and physical resistance is not required.

**What are the Consequences of Sexual Assault?**

Q: What if I am found responsible by the student judicial process for violating the Sexual Harassment Policy?

A: The student judicial process may impose a range of sanctions, including suspension or expulsion from the University.

**What is Involved in Reporting Sexual Assault?**

Victim

Q: What if I don’t want anything done? I don’t think I want to report what happened to me. I’m not sure it’s sexual assault anyway.

A: If you do not want to report it, but want to talk to someone confidentially, please contact the **MSU Sexual Assault Program**. The Sexual Assault Program is available to all MSU students and offers free, confidential counseling. Counselors can help you determine whether what happened to you is sexual assault in a completely confidential environment. You have the option of not reporting the incident and it is certainly understandable to feel this way.

However, please know that though difficult, filing claims with the Office for Inclusion can help to prevent sexual assault from happening on the MSU campus.

Also, you should be aware that if you tell someone in residence life, a faculty member or someone else on campus in a position of authority, they will refer the matter to the
Office for Inclusion, which may proceed with a claim based on the obligations it has under law to investigate such conduct, take steps to assure it is addressed and prevent it from happening again. Similarly, some units, like residence life, must report the incident to the police under law.

Q: Why would you investigate if I don’t want you to?

A: Because sexual assault is a form of prohibited sexual harassment, and the University has an obligation under law and policy to address it when it happens to a member of the MSU community. We hope the claimant will understand that being able to address claims helps to improve campus climate and prevent sexual assault.

Q: What if I get the person who assaulted me in trouble? I don’t want that person to get kicked off campus.

A: Individuals are responsible for their own conduct and need to face the consequences, which may, but does not always mean, getting kicked off campus. By coming forward, you are helping to prevent sexual assault in the future.

Q: I don’t want to go through the judicial process. Do I have to?

A: No. The Office for Inclusion acts as a complainant in the judicial process in any case in which there is a finding of violation of the Sexual Harassment Policy. It is the claimant’s prerogative to participate as much or little as he/she wants.

Respondent

Q: What rights do I have if I am accused of sexual assault?

A: ● You have the right to receive notice of the allegations and an opportunity to be heard and present your side and any witnesses that you identify in support of your side.
● You have the right to all protections provided by University policy and that includes a prompt and equitable investigation.
● You have the right to a judicial hearing, during which you may try to establish that the decision by the Title IX Coordinator was arbitrary and capricious or that it resulted from procedural error.

Q: What if I believe that I’ve been falsely accused of sexual assault?

A: You will have the opportunity to fully provide your side to the investigator. If there is evidence to establish that you have been falsely accused, that will be considered in the investigation and the investigator’s analysis of the evidence will be provided in a written report upon completion of the investigation. Further, the Sexual Harassment Policy
states that anyone who knowingly files a false complaint of sexual harassment, or who knowingly provides false information to, or intentionally misleads, University officials is subject to discipline, up to discharge for employees and dismissal for students.

Q: What are the consequences if I refuse, or a witness refuses, to cooperate in the investigation?

A: The Office for Inclusion must generally proceed without the individual’s input. It is in the respondent’s best interest to provide his or her side to the investigator. Since there is an expectation of cooperation contained in the Sexual Harassment Policy, refusing to cooperate could be the basis for a policy violation.

Resources

There are numerous resources on campus designed to provide medical, emotional and other support to a victim of sexual assault. Following is a list of those resources. As a campus, we believe that sexual assault is not only an act of physical violence, but an attack on one’s sense of safety, well-being and dignity. It is extremely important to seek counseling and other resources available to you in order to work toward healing from an attack of this nature.

Sexual Assault Services:

- **MSU Sexual Assault Program - Counseling Center**: (517) 355-3551 (business line), (517) 372-6666 (24-hour crisis line)

The MSU Sexual Assault Program provides counseling and support groups to MSU students. The Program’s 24-hour hotline and advocacy services are offered to anyone in the greater Lansing community.

The Sexual Assault Program also provides immediate crisis intervention and advocacy services to women and men who have been impacted by rape or sexual assault. Crisis Intervention & Advocacy Services available include: a 24-hour hotline; 24-hour medical advocacy; and legal advocacy. These services are available to survivors of sexual assault and their non-offending significant others.

- **Listening Ear**: (517) 337-1728 (business line), (517) 337-1717 (24-hour crisis line)
- **Sparrow Hospital SANE (Sexual Assault Nurse Examiner) Program**: (517) 364-3641
- **Olin Health Center**: (517) 884-6546
  - HIV/STI testing
  - Emergency Contraception
Medical Services:

- **Olin Health Center**: (517) 884-6546
  - 24-hour nurse staffed line (resources and answering medical questions): (517) 353-5557
- **Sparrow Health System**: (517) 364-1000
- **Ingham Regional Medical Center**: (517) 975-6000

Relationship/Domestic Violence Services:

- **MSU Safe Place**: (517) 355-1100, program email: noabuse@msu.edu
  MSU Safe Place is for MSU students, faculty, staff, retirees or their partners, and children who are experiencing an emotionally, physically or sexually abusive relationship. The program also offers services to non-MSU affiliated persons when staffing and shelter space are available. All services are free and confidential.

- **End Violent Encounters (EVE, Inc.)**: (517) 372-5976 (business line), (517) 372-5572 (24-hour crisis line)
- **Personal Protection Order Office**: (517) 483-6545