Preventing and Responding to Incidents of Harassment and Discrimination

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Learning Objectives

As a result of attending this interactive session, administrators will learn:

• Techniques for responding to disclosures from students and colleagues and identify ways to build capacity with unit faculty and staff to respond to incidents

• Incident notification protocols and steps that can be taken at the unit level to respond to a reported incident and during an investigation

• Options available to administrators and supervisors after the conclusion of the OIE investigation process, including restorative options

• Approaches for preventing incidents and fostering an inclusive environment

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Please....

• Discussing Relationship Violence and Sexual Misconduct can be difficult and stressful topics
• If you need to leave and take care of yourself, please step out at any time
• Do not hesitate to follow up with OCR with additional questions after the presentation
Case Studies
Agenda

• Mandatory reporting reminder
• Responding to disclosures
• Roles during/after an investigation
• Case study exercise
• Preventing harassment and discrimination
• Resources for leaders
Do you feel confident about...

- What steps would you take when you are notified of an incident?
- What steps would you take during an investigation?
- What steps would you take at the conclusion of an investigation or closure of a case?
- Thinking about some of the differences in the units represented at your table and the type of positions/responsibilities in your units, how might these systems and supports look differently based on these considerations?
What to Report

• Incidents of harassment and discrimination as outlined in the Anti-Discrimination Policy

• Members of the University community shall not:
  • Discriminate against any member of the University community on the basis of a protected category
  • Harass any member of the University community on the basis of a protected category
Protected Categories

- age
- color
- gender
- gender identity
- disability status
- height
- marital status
  - national origin
  - political persuasion
  - race
  - religion
  - sexual orientation
  - veteran status
  - weight
What to Report

• Incidents of Relationship Violence and Sexual Misconduct
  • Sexual harassment
  • Sexual misconduct
  • Relationship violence
  • Stalking

That are observed or learned about in your professional capacity and
• Involve a member of the university community or
• Occurred at a university-sponsored event or on university property

• WHEN IN DOUBT, REPORT!!
How to Report

1. Complete online report at [www.oie.msu.edu](http://www.oie.msu.edu)
   - Online reports automatically sent to OIE and MSUPD

2. Call
   - MSU Police at (517) 355-2221 and
   - OIE at (517) 353-3922
How to Report

- Mandatory report must include the name of the parties and your name as the reporter
- OIE accepts anonymous reports from individuals who are not ready to disclose their name
- Failure to report results in a formal notification to AHR/HR and potential disciplinary action
Best Practices for responding to disclosures

• It takes strength to disclose
• You may be the first person they have told
• Your reaction is critical to the healing process
  • “I am listening”
  • “I believe you”
  • “I support you”
  • “It’s not your fault”
• Know your resources
How should I respond to a disclosure?

- Listen and offer help and support
- Encourage to seek medical attention if necessary and access confidential support resources
- Explain what happens when a mandatory report is submitted
- Availability of accommodations during the process
- Respect privacy
- Don’t alter responsibilities or remove claimant from the working or learning environment
- Give them choices
What is the role of AHR/HR during an investigation?

• Review all incident notifications against employment records
• Advise OIE on appropriate unit leaders to be informed of allegations
• Assess, determine and advise unit leaders of any interim employment actions that need to be taken
• Consult with OGC as needed
What is my role during an investigation?

• Maintain privacy
• Assess if there are any other policy violations, which need to be addressed through AHR.
• Assess the environment to determine if there are adjustments that need to be made and partner with AHR/OIE to discuss
• Identify if any affiliated entities need to be notified and discuss with AHR/OGC
• Work with OIE and AHR to identify and implement interim and protective measures
Interim and Protective Measures

• MSU will implement reasonably available interim measures to protect a Claimant and facilitate the Claimant’s continued access to university employment or education programs and activities.

• MSU offers reasonably available interim measures to Respondents.

• Interim measures may be both remedial, which are designed to address a Claimant’s safety and well-being and continued access to education opportunities, or protective, which involve action against a Respondent.

• These measures can be implemented before any final outcomes (investigatory, disciplinary, or remedial) have been determined.

• Interim measures are available even if an individual chooses not to report to law enforcement or participate in a university or criminal investigation.
What is my role during an investigation?

- Monitor the environment to ensure there is no ongoing harassment, discrimination, or retaliation
- Report any concerns of ongoing harassment or retaliation
- Continue to provide referrals to resources as needed
- Provide targeted or unit-wide training (Climate and Response Specialist in POE)
- Foster productive, inclusive work environment
What happens if there is a violation of the RVSMP?

• OIE refers matter to AHR/ER for appropriate disciplinary action
• Support will continue to the unit
• Work with the Climate Response Specialist if needed
• Support impacted parties- follow up with ER/AHR with any ongoing concerns
What is the role of AHR/ER after the investigation or if there is a violation?

- Review final report
- Identify if there are any other policy violations outside of the purview of OIE
- Schedule and meet with unit leaders to determine appropriate employment action (e.g., remedial training, discipline or dismissal)
- Consult with OGC as necessary
- Advise unit leaders on policies and procedures
What happens if there is no investigation?

- Administrative resolution through OIE
- Assess if there are any other policy violations, which need to be addressed through ER/AHR.
- Monitor the environment
- Targeted or broad-based training/education
- Revisions to policies or procedures within your unit
What is the role of AHR/ER if there is no investigation?

- Review reported allegations
- Identify if there may be other policy violations outside of the purview of OIE that need to be addressed
- Consult with OGC as necessary
- If needed, meet and/or advise appropriate unit leaders on actions to take
- Advise on policy and procedure
What is the role of AHR/ER if there was an investigation but no violation?

- Review final report
- Identify if there are any other policy violations outside of the purview of OIE
- Where warranted, meet with unit leaders to determine if any employment action is needed (e.g., remedial training, discipline or dismissal)
- Consult with OGC as necessary
- Advise units leaders on policies and procedures
What can I say or do after an investigation?

• How much information can I share with others?
• How should I handle office gossip?
• What steps can I take within the work environment?
• What should I avoid?
Preventing Harassment and Discrimination – Leadership Roles

• Environmental awareness
  • What climate issues exist in the unit?
  • How does my or others leadership approach impact the environment?
  • What are potential risk factors for harassment?
Decreasing risk for harassment and discrimination

• Recruit and develop a diverse workforce
• Clear and repeated messages about workplace values and expectations
• Courageous conversations and trainings around difficult topics
• Empower and support those who report
• Implement structures and protective factors to guard against abuse of power (some units have “high value” employees. This is a risk for abuse of power)
• Clear boundaries for workplace
• Address issues related to physically isolated spaces
• Foster open communication within the organization with defined supervisory responsibility
Holistic Approach to Prevention

• MSU cannot (and should not) rely fully on compliance-related trainings, which tend to be effective at increasing understanding of the type of conduct that is unacceptable, but less likely to have a significant impact on changing attitudes.

• Training that fosters positive work climates include topics like workplace civility, respectful workplace for all, implicit bias, bystander intervention, etc.

• Training should include bottom-up and top-down
Preventing Harassment and Discrimination – Leadership Roles

• Leadership commitment
  • Values alignment
  • Values integration
  • Prioritization
• Awareness
  • Environmental risks
  • Unit-level climate surveys and engagement surveys
  • Effective unit-level policies and procedures
• Modeling behavior
  • Authenticity
  • Recruit diverse workforce
  • Develop faculty/staff
  • Foster an inclusive environment

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Preventing Harassment and Discrimination – Leadership Roles

• Create a culture of reporting
  • Support for those reporting
  • Development for those responding to disclosures
  • Information regarding what happens and available community supports

• Accountability for all
  • Reporting
  • Training
  • Policy violations
  • Violations of work rules/professional standards
  • Performance evaluations
Preventing Harassment and Discrimination – Leadership Roles

• Support investigation process
  • Response to incident
  • Monitor environment
  • Assist with interim measures
  • Communicate with OIE and AHR/ER as needed

• Support institutional awareness, outreach and education efforts
Leadership Support Resources

- Unit/office culture and leadership programs
  - Organizational and Professional Development – Human Resources
  - Faculty Grievance and Dispute Resolution Office
  - Academic Advancement Network
  - POE Department
- Coaching/consultation regarding policies
  - Prevention
  - Academic Human Resources/Human Resources
- WorkLife/AAN Programs:
  - Community Reflect and Connect Sessions
  - Difficult Dialogues Facilitator Training

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Case Studies

• Is there anything you would do differently?
• What have you heard so far that would impact the steps you take?
Visual/Material Supports

• Resource Guide for Faculty and Staff
• Know More Poster
Questions?