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 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

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

   • 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

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
- <u>Accountability for all</u>
  - 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?