

# Frequently Asked Questions about Michigan State University’s RVSM and Title IX Policy which prohibits acts of relationship violence, sexual misconduct, and stalking.

1. What do the terms RVSM and Title IX mean?

RVSM stands for relationship violence and sexual misconduct and is a broader set of definitions and procedures than what Title IX covers. Title IX is an important federal legal protection that prohibits sexual harassment and gender discrimination in educational settings. The Title IX regulations have certain definitions and procedural requirements that the University must follow. Even when Title IX does not apply, the University will still evaluate the conduct under the RVSM definitions. What are the stages in the RVSM and Title IX process?

1. What are the five stages in the RVSM and Title IX process?

The five stages are intake, investigation, hearing, decision, and appeal:

* + The process begins with a report and an initial review by OCR’s Support and Intake team.
  + Once a formal complaint is signed, an investigator is assigned to the case, and the formal grievance process begins.
  + At the conclusion of the investigation, a virtual hearing is convened by a Resolution Officer to clarify the information in the report and determine if the policy has been violated.
  + A written decision is issued and there is an opportunity to appeal the decision to the Equity Review Officer (ERO). Once the appeal is complete, the decision becomes final. If there is no appeal, the decision is final after the issuance of the Resolution Officer’s decision.

1. Who are the individuals involved in the process?

The claimant is a person who is reported to have been subject to prohibited conduct. The respondent is an person who is reported to have engaged in the prohibited conduct. A witness is a person believed to have information regarding an incident which may violate the Policy, including but not limited to someone present when the incident occurred, someone the claimant or respondent communicated with about the incident, and/or someone who may have information relevant to the incident. Advisors provide assistance through the process and conduct cross-examination during the hearing.

1. What happens when a report is made to the Office for Civil Rights (OCR)?

Once a report is made, Office for Civil Rights reviews the report, provides support and resources, and initially assesses the report to determine if the conduct might be covered under the RVSM and Title IX Policy, and other policies administered by OCR. If OCR’s policies cover the reported prohibited conduct, OCR will contact the impacted person(s) to provide an opportunity to discuss their options.

1. What supports and resources are available throughout the process ?

OCR staff will be in communication with claimants, respondents, and witnesses to help determine their needs. To assist them with meetings and the hearing, the claimant(s) and respondent(s) each may have a support person and an advisor of their choice. The University will provide an OCR Advisor at no cost. However, the claimant(s) and respondent(s) are not required to use an OCR Advisor and can choose their own advisor. In addition to advising the person through the process, advisors conduct cross-examination on behalf of the claimant(s) or respondent(s) during the hearing.

Campus resources and services are also available at any time. For a list of resources and services please visit poe.msu.edu/resources

1. Can I remain anonymous?

No. The identities of those involved will be included in the formal complaint which will be issued to the claimant(s) and the respondent(s). OCR will maintain privacy for the claimant(s), respondent(s), witnesses, and information gathered.

1. To what extent is the process confidential?

The process is private but not confidential. The University will keep private the identities of any persons involved in the process. There are limited exceptions where disclosures may be permitted by law or are necessary to carry out the purposes of this Policy. Reports, including the identities of the persons and the reported conduct, may be referred to other campus entities for consideration under additional University policies. The claimant(s) and respondent(s) are not prohibited from sharing their experience or discussing the investigation or hearing process to the extent that it does not constitute retaliation.

1. What is included in an investigation?

The investigator issues the formal complaint and notice of investigation, gathers evidence including by conducting interviews, writes a draft investigation report and allows the claimant(s) and respondent(s) to review and respond to the evidence. Evidence gathering may include statements from the claimant, respondent, witnesses, and documents and/or other materials. The investigator makes determinations about the relevancy of evidence but is not the decision maker, and the final investigation report does not contain findings of fact, or a decision regarding responsibility under the Policy.  The Resolution Officer will make final determinations of the relevancy of evidence, findings of facts, and whether there has been a violation of the Policy.

1. Why is there a hearing?

The purpose of the hearing is to clarify the evidence gathered throughout the investigation process. The hearing is a proceeding to ask clarifying questions of the claimant(s), the respondent(s) and any witnesses before a neutral Resolution Officer. This includes cross-examination through an advisor.

1. What happens if people don’t participate in a hearing?

Participation in the hearing is voluntary. The claimant(s), respondent(s), and witnesses may choose to answer some, all, or none of the questions asked of them. If a party or witness chooses not to participate, it will not prohibit the Resolution Officer from considering the evidence and making a decision. No inferences or assumptions will be drawn with regard to a the decision not to provide a statement, be interviewed, or submit to cross-examination. However, failure to answer questions at the hearing will impact the information the Resolution Officer may consider. If a claimaint, respondent, and/or witness whose credibility has been challenged does not submit to cross-examination at the hearing, the Resolution Officer will weigh any statement of that claimant, respondent, and/or witness appropriately in reaching a determination of responsibility.

1. What are the timeframes for the process?

The RVSM and Title IX Policy provides 90 days to complete the investigation, 60 days to complete the hearing, and 38 days to resolve the appeal process. Each of these timeframes can be extended for good cause based on the the circumstance of each case*.*

1. When is a decision final?

The decision is final when the case is fully closed, which includes the appeal process. Following the hearing, the Resolution Officer will issue a written decision and the claimant(s) and respondent(s) will have the opportunity to appeal. If an appeal is filed, the decision is considered final at the conclusion of the appeal process. If no appeal is filed, the decision is considered final at the close of the appeal window as mentioned in the timeframes section of this FAQ.