

A Report from the *Providing a Safe Environment for Students, Faculty, and Staff* Task Force (October 2023)

DRAFT

Task Force Charge

To provide an educative document that will continue the broad-based systemic improvements needed to create a safe and respectful working and learning environment, Provost Woodruff charged the *Providing a Safe Environment for Students, Faculty, and Staff* to:

- Explore the lingering effect that disciplinary action taken against faculty to address Relationship Violence or Sexual Misconduct (RVSM) or Title IX violations found to not warrant dismissal has on the MSU working and learning environment.
- Determine best methods for administrators to provide a safe environment for students, faculty, and staff following disciplinary action for RVSM or Title IX violations found to not warrant dismissal.

In addition to addressing the two points charged by the Provost, the Task Force chose to provide guidelines that can be used following the conclusion of an Office of Institutional Equity (OIE) case for any faculty and academic staff member in an academic unit.

Background

The Task Force was co-chaired by Ann E. Austin, Interim Vice Provost and Associate Vice President for Faculty and Staff Affairs and Kendra Spence Cheruvelil, Dean, Lyman Briggs College, with leadership collaboration provided by Melissa Sortman, Assistant Provost, Faculty and Academic Staff Affairs. The Task Force is a collaboration between academic governance, academic administrators (chairs and associate deans), the RVSM Expert Advisory Workgroup, student representatives from the Council of Graduate Students (COGS) and the Associated Students of MSU (ASMSU), the Office of Faculty and Academic Staff Affairs (FASA), the MSU Police and Public Safety, the Office of the Provost, the Faculty Excellence Advocates (FEA), the Office for Civil Rights, the Prevention, Outreach, and Education (POE) Department, the Health4U Program, and the Office of General Counsel. The Task Force met on November 18 and December 9, 2022 and on January 13, January 27, April 7, and October 16, 2023. The Task Force leaders also met with personnel from POE during summer 2023.

Note that this document is a reflection of thinking as of fall 2023. The Task Force encourages continuous improvement and review of these guidelines after each situational use. Doing so will help keep current the list of trainings and resources, and better support impacted units.

The Task Force charge was focused on Relationship Violence and Sexual Misconduct and Title IX cases, but may be adapted to other situations including violations of the Anti-Discrimination Policy or other misconduct situations.

Task Force Outcomes

1. Guidelines for unit leaders managing difficult situations after the conclusion of an OIE investigation

Purpose

The purpose of these guidelines is to help University and unit leaders who are responding to the lingering effects on a unit of an OIE investigation to address RVSM or Title IX violations. These guidelines are meant to provide support to leaders who will facilitate empathetic and effective responses following an investigation in an academic unit that ends in: (1) a finding resulting in dismissal; (2) a finding with discipline less than dismissal, (3) no finding with other misconduct addressed; or (4) no finding and no other misconduct.

These guidelines, which are focused on the period after an OIE investigation is concluded, are to help determine and implement best methods for administrators to provide safe, inclusive, and productive working and learning environments for students, faculty, and staff following the completion of an OIE investigation (i.e., after an OIE case is closed and decisions have been rendered). Some units may already be working with the Prevention, Outreach, and Education (POE) Department to address issues or improve unit climate. These guidelines should not interfere with such work; rather they are intended to support it. In other units where leaders are managing post-OIE situations without POE, these guidelines can provide suggestions and resources for moving forward.

Unit leaders are not alone in handling a situation after an OIE investigation has concluded. These guidelines highlight the leaders, units, and resources across the University available for collaboration. All actions should prioritize the people involved, reflect the University's commitment to ensure a safe and respectful working and learning environment, and provide support to the community impacted, all the while adhering to employee privacy rights required by law and University policy. With these guidelines, the University endeavors to support unit leaders while increasing transparency, promoting accountability, and building trust and awareness within the University community.

Applicability

These guidelines will be helpful when a unit leader has an OIE case involving a faculty or academic staff employee that has a negative impact on the unit's working/learning environment. Therefore, the unit requires a proactive and accountable action plan with periodic review to support the needs of the individual stakeholders and the unit as a whole.

Note that if the unit leader is a named claimant or respondent in a case, then that leader's supervisor assumes responsibility for the process described below.

Process

The steps below indicate how academic unit leaders, in collaboration with other institutional leaders, proceed to develop a post-OIE Action Plan at the conclusion of the OIE case.

1. A department, college, or other academic unit leader who is addressing an employee post-OIE case with impacts on multiple stakeholder groups **contacts FASA**.
2. FASA convenes a **Review Team** (see below), which may meet synchronously or asynchronously, as circumstances allow. Note that the unit leader may have already consulted with some of the people on the Review Team while the investigation was on-going.
3. Working collaboratively, the unit leader and FASA draft a **Safe Environment Action Plan** (see below) and share that with the Review Team. The Review Team will be provided guidance to keep confidential the matters discussed, except as necessary to implement the action plan.
4. The Review Team provides timely **feedback** on the Action Plan to the unit leader and FASA.
5. The unit leader and FASA **finalize** the Safe Environment Action Plan.
6. The unit leader and FASA commence **periodic review** of the Safe Environment Action Plan and adjust as needed.

Review Team

A Review Team will typically include representatives of the following units/offices, as needed, working collaboratively to support a coordinated plan for post-OIE action.

- Department, college, and/or unit leadership
- Office for Civil Rights and Title IX Education and Compliance (OCR) for RVSM, Title IX, or ADP matters
- Prevention Outreach and Education Department (POE)
- Office of Faculty and Academic Staff Affairs (FASA) and/or Office of Employee Relations (OER)
- Office of General Counsel (OGC)
- College-level and/or University-level Communications

Based on who was involved in the case and the case details, a Review Team may also include:

- Faculty Excellence Advocate(s) (FEA)
- Presidential Advisors and Co-Chairs of the RVSM Expert Advisory Workgroup
- Employee Assistance Program counselor (EAP)
- Organization and Professional Development (OPD) in Human Resources
- Student Leadership (i.e., unit, college, or University student leaders)
- Representation from identity group office(s) that may pertain to the case or individuals involved (e.g., Center for Survivors, Gender and Sexuality Campus Center, and/or Support & Equity Team)

Note that the Review Team will convene or be consulted as appropriate. Some of the people on the team may have already been in consultation with the unit leader during the investigation, and all members of the team should have appropriate training before serving on the team.

Safe Environment Action Plan

The unit leader and FASA will produce a Safe Environment Action Plan with the following components:

1. Overview of the OIE/Title IX case and the conclusion
2. Description of the stakeholders involved (directly & indirectly)
3. Summary of Safe Environment Action Plan **considerations** (see below)
4. Plan for steps to address stakeholder and unit needs, including:
 - a. training/professional development
 - b. culture & climate work
 - c. steps for effective communication, which is informed by and complementary to the MSU Misconduct Communication Review Process
 - d. steps for assessment and follow-up

Safe Environment Action Plan Considerations

When developing a Safe Environment Action Plan, the following questions should be considered:

- What are the sought-after remedies (e.g., to restore or preserve a Claimant's access to educational or employment opportunities)?
- What are the risks/potential negative consequences and the benefits/potential positive consequences of each part of the Plan? For example, how might the action:
 - affect a Claimant?
 - affect someone who has not yet come forward?
 - affect the Respondent?
 - affect witnesses?
 - intersect with legal/regulatory risks or guidelines?
- What sorts of protections are needed (e.g., to protect a Claimant from further discrimination, harassment, or other misconduct)? For RVSM/Title IX matters, consider seeking input of advocates and known Claimants (through *Center for Survivors* for RVSM/Title IX cases).
- What sorts of unit culture and climate work can support interventions and can help address the impact of conduct involved or the investigation?
- How can potential steps prevent repeat behavior by the Respondent or others?
- What kind of requirements should be in place to monitor adherence to sanctions, if present?
- How can we build awareness and skills so as to encourage others to come forward with concerns?
- How can we improve transparency and accountability to demonstrate that MSU has responded to allegations fairly and reliably and that discrimination/harassment/other misconduct is not tolerated?
- What are the best times for each action (e.g., intervention, communication, and support)?
- When and how to best communicate in a way that is time-sensitive? The nature of communication is an important aspect of our ability to be an effective and respectful community; timeliness in communication to faculty, staff, and students impacts perception of value and trust in the institution.
- How can we use education and training to convey expectations about university policy and community standards?

2. Additional actions to promote a safe and respectful environment

The Task Force recommends that further steps be taken by appropriate MSU units as part of ongoing institutional commitment to advance a safe, respectful, and welcoming institutional environment*:

- Develop and implement guidelines that can help prevent “Pass and Catch the Harasser.”
- Analyze data from past OIE cases to identify any identity-based biases that may exist in the application of policies and practices.
- Develop unit leader pro-active training and support networks pertaining to the impact of OIE cases on the unit’s working/learning environment so that they are better prepared *before* they are confronted with an OIE case.
- Cultivate active leadership focused on the climate of the working and learning environment.
- Consider the human resources that are needed to implement these guidelines to avoid a wait list for support from resources such as POE and EAP.
- Create and support a Respondent education and accountability program.
- Continue efforts to shorten OIE investigative times while maintaining due process.

*This Task Force charge was focused on RVSM and Title IX, but a safe and respectful working environment is one free of all forms of negative behavior, including one free of discrimination. Those situations with findings of the Anti-Discrimination Policy should have a similar Response Action Plan with the appropriate resources and supports.

3. List of trainings, resources, and supports to promote a safe and respectful environment

The recommendations and resources below are part of what is envisioned as a dynamic and ongoing approach for creating and publicizing support for all involved in promoting a safe and respectful environment. The resources available are dynamic, with new programs emerging in response to community needs. Non-exhaustive, rather exemplary, recommended Resources, Trainings and Support for University and unit leaders include:

- a. [Spartan Resilience Training Program](#), [Counseling and Psychiatric Services Office](#)
- b. [Effective Mentoring](#), MSU Graduate School
- c. Power dynamics in higher education and its effects on RVSM, [POE](#)
- d. [Climate and Culture Assessment](#), POE
- e. Fostering Healthy Workplace Environments, [POE](#)
- f. Effective Leadership and Accountability, FASA or [Faculty and Academic Staff Development \(FASD\)](#)
- g. [Conflict management](#), OPD
- h. [Creating a Safe and Respectful Workplace Series](#), FASD

- i. Deans' Leadership Series, FASD
- j. [Climate Assessment Toolkit](#), POE