

# URGE

## Unlearning Racism in Geoscience

MICHIGAN STATE  
UNIVERSITY

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### URGE Complaints and Reporting Policy for Earth and Environmental Sciences at Michigan State University

This is what was found by MSU EES URGE pod at Michigan State University on policies for handling complaints, the reporting process, resources, and possible outcomes. Some information was public; answers that were only found through follow up with contacts are noted.

- **The link(s) to the reporting policy at our organization are here:**
  - <https://oie.msu.edu/policies/index.html> - MSU Office of Institutional Equity Anti-Discrimination, Relationship Violence and Sexual Misconduct, and Disability Accommodation Policies
  - <https://ombud.msu.edu/resources-self-help/conflict-grievance-systems> - MSU Ombudsperson Conflict and Grievance resources
  - <https://ees.natsci.msu.edu/sites/ees/assets/File/2019-2020-GradGuidebook-VERSION-2018-08-21.pdf> - EES Graduate Handbook, includes Grievance Policy
  - <https://ees.natsci.msu.edu/about/department-of-earth-and-environmental-sciences-bylaws/> - EES bylaws, includes Faculty Grievance Policy
  - <http://geuatmsu.org/about/our-constitution/> - Graduate Employee Union Constitution
  - <https://hr.msu.edu/grievances/> - Grievance and Discipline procedures for MSU Academic and Support Staff
  - <https://civilrights.msu.edu/policies/index.html> - Office for Civil Rights and Title IX Education and Compliance
  - <https://natsci.msu.edu/faculty-staff/resources/sexual-harassment-assault-liaison/> - College of Natural Sciences liaison's office
  - Are reporting policies regularly reviewed? What is the process for changing policy?
  - Are the rates of reporting made publicly available (e.g. # of report each year)?
- **Mechanisms available for reporting complaints, bias, microaggressions, harassment, and overt racism**
  - Reports are filed with the Office of Institutional Equity
  - Designated individuals for reporting incidents include all employees, which are mandatory reporters for RVSM and bias incidents
  - General reports can be made online at <https://msu.publicincidentreporting.com/>  
\_\_\_\_ Anonymous reports can be made at <https://misconduct.msu.edu/>



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- Report access
  - Non-anonymous reports go to the Office for Institutional Equity. Who has access is not publicly listed/unknown (but does specify that police may be notified). Reports can be made to the Police, OIE, or both (<https://oie.msu.edu/resources/reporting-options.html>).
  - For anonymous reports, “A limited number of individuals at MSU have access to the reports. The Chief Audit, Risk and Compliance Officer is one of the recipients. All reports are treated confidentially, as are all investigations to determine the facts related to the allegations. The third party vendor has reporting mechanisms which give both you and MSU opportunities to seek or provide additional information related to your report.”
- Police involvement
  - From public incident reporting: “Reports indicating a potential violation under the Relationship Violence and Sexual Misconduct Policy will also be forwarded to the MSU Police Department to fulfill mandatory reporting requirements. The MSU Police Department will review cases during business hours.”
  - Reporting process does not specify whether an advocate can or will be involved.
- **What are the outcomes or consequences for reported individuals? (Kimber)**
  - Violations of the policy may result in disciplinary action pursuant to the applicable student conduct or employee disciplinary process. Discipline may include, but is not limited to, suspension or dismissal for students or employees ([MSU Anti-Discrimination Policy](#)). For Informal Resolutions referral to the Dean of Students Office, Residence Education and Housing Services, Academic Human Resources, Unit Human Resources Administrators or Office of Employee Relations, the Dean, the Chair, the Director, or the Vice President, Worklife Office, or the OIE Director, Deputy Director, or ADA Coordinator for conflict resolution are also allowable outcomes as well as referral for educational programming or training.
  - There appears to be no rubric for violation and the resulting consequence and it is subjectively decided on a case by case basis by the Dean of Students or HR.
    - Who decides the outcomes/consequences? What is the process?



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- OIE determines if the ADP was violated.
- If an investigation results in a determination that a student violated the ADP, the matter will be referred to the Dean of Students Office to determine the appropriate sanction.
- If an investigation results in a determination that an employee violated the ADP, the matter will be referred to Human Resources/Academic Human Resources to determine the appropriate personnel action.
- A Respondent is presumed not to have violated the ADP unless a preponderance of the evidence establishes a Policy violation. A party's decision not to provide a statement or be interviewed will not be given an adverse inference.
- If Claimant does not respond to OIE's initial outreach communications, or declines to meet with OIE, the Service Coordinator reviews the matter for closure with the OIE Director or the Director's designee.
- If direct evidence for "Disparate Treatment Discrimination" is provided by Claimant, then the OIE enacts reporting procedures/investigation.
- If indirect evidence of "Disparate Treatment Discrimination" is produced Respondent must offer a legitimate, nondiscriminatory reason for the adverse action and then Claimant must prove this reason is false or there is pretext.
- If Claimant can prove that a "Disparate Impact Discrimination" had a substantial adverse impact on a protected category, then Respondent must show that the substantial adverse impact was related to the job or required as a business necessity, then Claimant must show that there were less restrictive alternatives.
- Upon assignment of an incident report, the Investigator determines whether OIE has jurisdiction to investigate the complaint. If OIE does not have jurisdiction – the Investigator notifies Claimant, Human Resources and the college, department or unit, in writing that the file is being closed, and explains the reasons why OIE does not have jurisdiction to investigate the reported conduct.
- Upon assignment of an incident report, the Investigator also determines whether the complaint was timely filed. If the complaint was not timely filed (within 180 days of the alleged discriminatory or harassing conduct), and good cause for waiving the time limitation has not been demonstrated, the Investigator notifies claimant, Human



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Resources, and the college, department or unit, in writing that the file is being closed, and explains why the complaint was not timely filed.

- The Investigator, with the approval of the Director or Deputy Director, determines whether there is enough evidence to move forward with a formal investigation. OIE will not conduct a formal investigation if the evidence does not substantiate a violation of the ADP. If the evidence does not substantiate a violation the Investigator will notify all involved parties and offices of the reason for closing the report. There is no right to appeal OIE's decision not to conduct a formal investigation when the evidence does not substantiate a violation of the ADP.
- If the investigation proceeds, the Investigator will send an initial outreach communication to Respondent. Alternate methods of communication, such as telephone contact may be utilized as determined by the Investigator and dictated by relevant facts. The initial communication with Respondent contains the following information: the identity of the claimant, the specific section of the policy that respondent is alleged to have violated, the precise conduct allegedly constituting the potential violation, and the date and location of the conduct constituting the policy violation. If after two business days Respondent has not responded to the Investigator's initial outreach communication, the Investigator will send respondent a follow-up email. The Investigator may use alternate means to contact the respondent as that information may be known or available to the Investigator. If Respondent does not respond to the Investigator's follow-up communication[s], the Investigator will move forward with the investigation.
- If an investigation does take place the Investigator will provide the Claimant and the Responder with a Preliminary Investigation Report and they have 2 days to provide feedback or corrections.
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- Both the Claimant and the Respondent will be notified concurrently, in writing, of the outcome, the rationale for the outcome, and the process to appeal the findings of the investigator or the Resolution Officer. Identical final reports will be issued to claimants, respondents, and administration. Divergent reports are prohibited.
  - o Are reports tracked? How are they tracked? By who?
- Repeated complaints are identified by Service Coordinators (often the initial point of contact) who input reports to OIE's Case Management System, gather information from reporters, run conflict checks, identify duplicate reports, identify other OIE matters



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involving the same parties and incident; send initial outreach and resource letters to claimants; send notification letters to Human Resources, college, department and unit leaders, and others of reports involving respondent employees and graduate students; and close cases before assignment to an investigator with the approval of the Deputy Director or Director.

- There is no statement that repeated acts of discrimination by one individual are tracked, instead it states that only duplicate reports or other matters involving the same parties and incident are identified, but OIE should have a record in their Case Management System for all reports that could be queried for individual, repeat offenders.
  - o Are repeated complaints escalated to a disciplinary board? What is the process?
- There is no mention of repeated complaints, escalation, or a disciplinary board.
- Throughout, “Informal Resolution” is repeatedly suggested as an alternative to a formal report, in which the Claimant and Respondent mutually agree on an outcome without invoking an informal investigation.
- Appeals can be made within 10 days of written notice of the findings of OIE and beyond that it seems that the process can involve new evidence, change the outcome or consequences and remains under the jurisdiction of the OIE.

Information in these answers can be found in the [Anti-Discrimination Policy Appeal Procedures](#) unless otherwise noted.

- **What resources are available for individuals reporting?**

The ADP ([Anti-Discrimination Policy](#)) [user manual](#) describes the policies of the Office of Institutional Equity (OIE) with respect to reporting individual's rights as well as the processes that the investigation, interim measures, and possible resolution would follow.

- o An advisor can be supplied by the university and a person for support is allowed to accompany the reporter.
- o University community members are encouraged to report discrimination/harassment based on age, color, gender, gender identity, disability, height, marital status, national origin, political persuasion, race, religion, sexual orientation, veteran status, or weight.



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- ADP violations must be reported within 180 days, in the same manner as stated previously.
  - After an OIE investigation, the reporter, with advisors, have 10 calendar days to respond to the investigation report and evidence with arguments for adjustments, such as evidence that has been left out or interpreted incorrectly. Reviewed by a Equity Review Officer.
  - There is no policy on the OIE website specifically for racism. Unlike other unique problems like RVSM and Disability, racism is lumped in with political persuasion, weight, marital/veteran status, and others under the Anti-Discrimination Policy. Federally protected groups and not are both included in ADP.
  - Automatic or requested investigation of potential impact on grades or evaluations.
  - Protection against retaliation or repercussions, accommodations for continuing work/courses, option for pass/fail or outside assessment. Repercussions are prohibited even if the OIE finds no ADP violations.
  - The composition of each advisory, planning, and program development committee and council organized by MSUE should be generally representative of the potential audience of the program to which it relates by race and gender.
  - Summary of Civil Rights Policies & Procedures:  
[https://www.canr.msu.edu/od/uploads/files/Summary\\_CR\\_Policies-Procedures\\_w\\_table\\_of\\_contents.pdf](https://www.canr.msu.edu/od/uploads/files/Summary_CR_Policies-Procedures_w_table_of_contents.pdf)
  - Procedures for handling Civil Rights Complaints:  
[https://www.canr.msu.edu/od/civil\\_rights\\_diversity\\_multiculturalism/ProceduresforHandlingCivilRightsComplaints-4-17-18.pdf](https://www.canr.msu.edu/od/civil_rights_diversity_multiculturalism/ProceduresforHandlingCivilRightsComplaints-4-17-18.pdf)
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- **What resources are available to groups raising issues or proposing changes?**
    - The MSU Ombudsperson is meant to be a neutral party advocating for students to the university leadership.
    - Petitions of # signatures trigger a town hall, meeting with organizational leadership, or policy change. What is the follow-up process for town halls and meetings?
    - Working groups or committees with power to change or propose changes to policy.
    - Cultural surveys, regular or only after wide-spread reports or high-profile incidents.
    - Leadership proactively asks students and/or staff for input on how to improve.