



## **Sexual Harassment/Misconduct Policy**

In the context of Title IX of the Education Amendments of 1972, discrimination on the basis of sex in education programs and activities receiving Federal financial assistance is prohibited. Sexual harassment of students is prohibited by Title IX and can be considered a form of discrimination.

State and Federal Law have determined that sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment prohibited by Title IX. Misconduct, which is so severe or pervasive that it unreasonably interferes with a person's College employment, academic performance or participation in College programs or activities *and* creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive is prohibited.

Sexual Misconduct is a broad term encompassing:

- Physical Sexual Violence
- Sexual Exploitation
- Sexual Harassment
- Non-Consensual Sexual Contact and Non-Consensual Sexual Intercourse

The following are some illustrations of inappropriate actions:

- An instructor, staff member, supervisor, or administrator indicates that a student can earn a better mark by providing sexual favors to the instructor or supervisor.
- An instructor, staff member, supervisor, administrator, or student makes unwelcome physical contact with a student or another employee.
- An instructor, staff member, supervisor, administrator, or student tells sexually offensive or degrading jokes or stories; uses sexually oriented profanity; or makes offensive gestures of a sexual nature.
- An instructor, staff member, supervisor, administrator, or student makes unwelcome comments about the appearance or anatomy of another individual.
- An instructor, staff member, supervisor, or administrator who promises preferential treatment in return for sexual favors, makes unwelcome sexual advances, and displays sexually suggestive objects or pictures.

Sexual Misconduct violates MSP policy and Federal civil rights law and may also be subject to criminal prosecution. Complainants have the right to file a criminal complaint. Any criminal complaint will not impede MSP's investigation of and response to the complaint of sexual misconduct or harassment.

All those in the academic environment must exercise their own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment/misconduct.

### *Complaints of Discrimination, Harassment or Sexual Harassment/Misconduct*

If a harassment complaint is filed by a member of the MSP community with a faculty member, supervisor or administrator, the complaint will be investigated immediately under the direction of the President in accordance with the following procedures:

- A formal investigation will begin within seven (7) days of advisement and will be conducted by the Vice President.
- All claims will be treated seriously and information and facts will be communicated only on a “need to know” basis.
- Witnesses and all individuals interviewed will be instructed to maintain discussions in the strictest confidence. The number of persons who have access to the information will be limited. Both parties may present witnesses and other evidence.
- Each allegation will be treated as a separate incident.
- After completion of the investigation, the Vice President will provide written notice to both parties of the outcome of both the complaint and any appeal, in compliance with Title IX and FERPA.
- If it is determined that a faculty, staff, supervisor or administrator has engaged in harassment or misconduct of any kind, immediate and appropriate action will be taken. This may include verbal or written warnings, suspension with or without pay, or termination of employment.
- If it is determined that a student has engaged in harassment of any kind, immediate and appropriate action will be taken. This may include a written warning, probation or dismissal.
- Retaliation against the complainant or anyone involved is not allowed. If it occurs, further disciplinary action will be taken.

MSP’s designated Title IX Coordinator is the Vice President. All questions or complaints of discrimination, harassment or sexual harassment/misconduct should be directed to the Vice President.

### **Sexual Violence**

As an extension of MSP’s policy prohibiting Sexual Harassment/Misconduct, the school actively works to prevent and will take prompt and effective action in response to any allegation of sexual violence to include sexual assault, domestic violence, dating violence and stalking. This policy applies to all students and school employees. In the event of any act of sexual violence, the individual, or witness, has the right and is encouraged to file a criminal complaint. The individual has the right to decline to report to law enforcement. Any criminal complaint will not impede MSP’s investigation of and response to the complaint of sexual violence. A complaint may be filed with a Campus Security Authority (the Program Director, the Registrar, or the Director of Campus Security) or the Vice President. In the event of a need for immediate assistance or response to a sexual assault, school personnel will coordinate the response with local law enforcement.

## **Violence Against Women Reauthorization Act (VAWA)**

In the event of an incident:

- Following any reported incident, a formal investigation will begin within seven (7) days of advisement and will be conducted by the Vice President.
- All claims will be treated seriously and information and facts will be communicated only on a “need to know” basis.
- Witnesses and all individuals interviewed will be instructed to maintain discussions in the strictest confidence. The number of persons who have access to the information will be limited.
- During the investigation, both parties will have an opportunity to have others present including an advisor of choice with advance notice to the Vice President.
- The preponderance-of-the-evidence standard (more likely than not) will be used in the investigation.
- Regardless of criminal complaint, in the event of a complaint/report filed by a student against a member of the MiSPP community (fellow students or employee), accommodations will be provided pending the final outcomes of the investigations, which may include the ability to change class, clinical training sites, or work schedules, withdraw from or retake a course without penalty.
- Each allegation will be treated as a separate incident.
- After completion of the investigation, the Vice President will provide written notification of the outcome the complaint and any appeal, to both parties at the same time.
- If it is determined that a faculty, staff, supervisor or administrator has engaged in sexual violence or misconduct, immediate and appropriate action will be taken to include written warnings, suspension with or without pay, or termination of employment.
- If it is determined that a student has engaged in sexual violence or misconduct of any kind, immediate and appropriate action will be taken. This may include a written warning, probation or dismissal. The process for appeal is outlined in the Academic Catalog under the Student Grievance/Appeal Procedure. This procedure will be in the written notification of investigation outcome and sanctions.
- Retaliation against the complainant or anyone involved is prohibited. If it occurs, further disciplinary action will be taken.
- As required under the Clery Act any incident of sexual violence will be reflected in the annual safety and security report
- Any student who has a Personal Protection Order against a third party must notify the school administration – please see Reporting a Crime.

Annually, sexual violence awareness and prevention programming will be provided to students and employees.

MSP’s designated Title IX Coordinator is the Vice President, Diane Zalapi. All questions or complaints of discrimination, harassment or sexual harassment/misconduct should be directed to:

Diane Zalapi, Vice President  
Michigan School of Psychology  
26811 Orchard Lake Road, Farmington Hills, MI 48334  
dzalapi@msp.edu