

Sexual Misconduct Policy Task Force

12-13-17

Meeting minutes- summarized from transcription of audio recording

Update on student survey:

Dean Runner unable to attend tonight's meeting but has mentioned that it is fine to conduct the survey- sees no issue doing it between his office, the Task Force and the Center.

Morgan Levy, University's Title IX Coordinator:

Morgan is the main employee working on Title IX issues full-time. She doesn't have a dedicated staff or administrative assistant. There are Title IX coordinators in each school but that only comprises roughly 5% of their job/ duties.

University has a Memorandum of Understanding with Willow Domestic Violence Center, Restore, and Legal Aid where students would be able to seek help outside of the University if that's what they chose to do. Students can also utilize campus resources (counseling center, making a formal report with the University, etc.) and use the outside organization resources at the same time. Students do not need to have a campus investigation occurring to seek/ use resources.

Morgan's office is not confidential, which she is up front about when first meeting with students, and is in place to tell students about all resources available to them. There are some specific circumstances where she has to tell another office of the issue though.

Group wondering what policies are used based off of who is the alleged perpetrator- policy 106 would be used if it is a faculty, staff, patient or visitor. If student is perpetrator then student policies are used.

Morgan sees area to improve UR policies- to have the list of mandatory reporters include not just managers (as it currently is) but could also include faculty and other staff members who aren't supervisors.

EEOC report and the review of it is encouraging more people to come to Morgan to report or to ask for resources. She thinks the current situation is also encouraging people to talk with security deputies. People are better able to speak up and say something happened and seek help.

There is an appeals process that the alleged perpetrator and victim can go through if needed.

What happens to the student who accepts that they broke the conduct code- the judicial officer would place a sanction on the person when they accept responsibility. They can appeal if they'd like after the sanction is given.

Student conflict management office, judicial officer, or public safety can issue an active avoidance order (Morgan generally does not but can if needed). Order prohibits one student or both from contacting each other.

Interim measures such as suspending someone from the University (during interim suspension) is discussed and decided on between Morgan, public safety, and the judicial officer.

University follows a collaborative effort with various departments to determine how students are reprimanded.

The University does look into and to the best of their ability adjudicate cases that happen off campus as they see it as their responsibility to help victims.

What happens when a student who is a minor has been assaulted? A case involving a minor has never occurred. Would need to determine if a student's parents would be notified and look at the situation on how to best move forward.

Where does Morgan see the shortcomings in getting students to read/ know the policies and in how the University trains students about sexual misconduct- she knows that most students will not read all the policies word for word. The policies are discussed at orientation but it is overwhelming since so much other information about campus is discussed then. Would be good to have training at another time, but also studies show student don't respond to learning about policies very well so having a first year seminar course related to relationships and what is healthy vs not and having interactive conversations is best to have students think about issues of sexual misconduct, ethics, and civility. Morgan feels this would help policies become real, living things as to how we want to treat each other.

Morgan doesn't feel making tweaks to policies will solve problems, but people engaging deeply in conversations about the issues will.

Morgan feels that if more departments, staff on campus knew the process of what steps victims can take then there will be more places for victims/ survivors to go get help/ resources so they feel there are many people who can help them.

SUNY system has great resources on policies, they wrote Enough is Enough Policy. Would be good example to look at of policies done well.

How proxy reports are used- proxy reports are used for a person to report anonymously what happened to them/ an incident (this was original intent/ use of proxy). People have different purposes for using proxy though- some students just want incident to be on file in case they want to use it later on, others want to report incident anonymously so the University knows the event happened but don't want to file claim, or some want to file a report and have it investigated.

UR can only respond to incidents that accuse a person who is still a student in the University community. Can't open case on person who is no longer studying here. Can investigate current students/ community members, but the longer someone waits to report the harder it is to look into because memories fade, witnesses are harder to locate making a case more difficult to investigate.

If students live together and have active avoidance order, then in most cases, the person who is being accused of perpetrating crime would be moved (unless complainant requests to be moved).

University cannot separate students who live off campus in non-campus housing- there isn't anything University can do to separate them as UR only has jurisdiction over campus properties.

Morgan doesn't need a student to tell their story or need evidence to be able to help them with resources and she can still help them change classes or find new housing.

When several reports of misconduct come in about one person, then Morgan reaches out to that person to meet with them, tell them of accusations, and offer counseling to change behaviors.

Student policy makes it sound like judicial officer makes final decisions on outcome of case but it is actually a collaborative effort between Morgan, Kyle Orton/ student conflict office, and judicial officer. The policy will be revised to reflect the effort is collaborative.

Policy used to allow a ACJC student representative to sit on hearing board as long as both students involved in case approved that, but no student had ever requested that so that was taken out of policy.

University gives amnesty to individuals who used drugs or alcohol in a sexual misconduct cases, so if they come forward to talk about incident then the University does not reprimand them for their substance use; although if it was found that a drug ring was involved for example, as big example of what could happen, then the university could look into that. University does not want to deter anyone from coming forward because of substance use during incident.

Chief Mark Fischer, Public Safety Director:

Is there a time that public safety would not investigate- if a person just wanted to report the incident but did not want to have it investigated, under law public safety cannot look into it further and they respect the person's wishes not to move forward. The responding officers would do their best to preserve any evidence they could or take witness reports in case the victim changes their mind and wishes to investigate later.

Exceptions- if anything falls under domestic violence as mandated reporters, then public safety has to make an arrest and investigate. Also, if accused perpetrator was known already to public safety as perpetrator then they move forward on talking with University administration/ Morgan Levy and Dean Matt Burns to get that person labeled as a predator even if victim did not wish to have investigation- they couldn't investigate that claim but could move forward on taking precaution to protect the UR community against perpetrator. Person can be labeled this if they are reported of being a perpetrator more than 1 time (2 times or more). Individual's status as a predator would be determined and if warranted would normally be expelled, suspended, or in some way removed from UR community.

Department has nine female and two male officers who are specially trained on how to respond to sexual assault/ misconduct situations, and are the first responders to sexual assault cases. They've been trained on how to talk with victims (not to ask too many questions initially and not to have multiple officers interview victim because that can retraumatize a person, they have been educated on trauma-based interviewing, and that a person may not remember all the details at first). Initial interview is really to make sure the dangerous situation is not continuing, to

preserve evidence/ witness testimony, and give victims information about resources on campus that they can utilize. Follow up the next day would be more detailed. Dean Burns and Morgan Levy are generally notified right away so they can share resources and contact student.

Mark has not encountered at any point a case where the UR administration has asked his office to cover up/ alter facts or make cases look less severe to protect the University. Integrity of his office is first and foremost, and therefore he and the department would never cover anything up.

Policy is not reread every time an incident happens, but between public safety, Dean Burns office, Morgan Levy and the student conflict office, Mark feels they have a good system in place set up with honorable people who want to find out the truth then move forward to help victims.

If students hold rally or event in public forum where public safety is present and someone talks about sexual misconduct they or a friend encountered, then the officer will try to get information to try to pursue it as much as possible.

If a student group or organization is found to have a sexual misconduct violation public safety collects facts and investigates then turns it over to University/ student conflict management office to make determination of outcome for that group and if they'll face any sanctions.

If he disagrees with the outcome UR administration makes about a case after his team does an investigation, then they do not pursue it further as their role is to fact collect and help to try to prove a case that is then decided on outside of his office. He cannot think of a case where this has happened though, where he has disagreed with an outcome that the administration decided on. Most cases are able to be handled on campus through public safety and UR administration system to settle case. Most students are not committing serious felony crimes so going outside to Monroe County court is not necessary in the majority of cases public safety handles.

Public safety has 3 levels of officers (non-sworn, sworn, and sworn and armed)- all level officers partake in the same basic training. As their level increases they get more training, including an additional six hours of sex crimes education, victims assistance, and additional sexual harassment training. Public safety has a well-trained core group (additional 248 hours of training) who are first responders to a sexual assault.

Question was asked on who decides if person is too intoxicated to consent- Mark's team looks at the totality of the event- they look at all evidence they collect (victim statement, witness testimony, text messages, etc.- anything related to incident) to determine.

Public safety has jurisdiction over any violation of penal law on all UR campus properties regardless if the person is a faculty member, staff, student, patient, guest, etc. (this does not include sexual harassment, which is an HR issue, unless harassment violates penal code, such as stalking). Public safety has the authority to make UR community members accountable for their actions, meaning they have the jurisdiction to question UR members. If something occurs at nearby off-campus housing the Rochester City Police would be the first responders and would call Public Safety to tell them they have an incident involving UR student(s) and to come over to scene. If student didn't want to press charges through City police then public safety offers person opportunity to fill out a proxy report or request an internal administrative investigation if the

perpetrator is a UR community members (very little public safety can do if outside community member).

The University Public safety department is a sworn department even though not all officers are sworn- they still follow regulations as a sworn department would regardless of which level officer responds to scene to gather initial facts/ evidence as the case quickly goes to the department's investigators who are all sworn officers.

Department has plenty of funds for training but it is hard to find time to train officers because if you take officers out to train you wouldn't have enough officers on duty to meet needs at same time. Adding staff wouldn't help either because you can't hire more people than is needed to meet needs at University (there are only so many cases/ tasks public safety is need for).

Wonder what Mark sees as reasons sexual assaults are committed- it is hard to explain, there are many issues that contribute to why someone would assault another person, but alcohol and drugs are often blamed.

Next meetings:

1/17 meeting- will be 2 hours- have meeting to discuss what group has heard so far, to go over policies

1/31 meeting- SANE Nurse and HEAL Clinic director, split meeting

Next steps:

Send ideas for survey questions to Kate, she will put together; read Cleary report article and other sections in binder 4-10; send Jesse Stern questions for Morgan Levy on student conduct policy and then a few students will go meet with her and come back to summarize what her answers were.