

## **Sexual Misconduct Policy Task Force**

**2/7/18**

### **Meeting Minutes Summary from Transcript**

#### Updates:

Mark Fischer will send along all the training materials his staff uses on interviewing victims to help interview sub-group conduct ours. Jordan will share with us after she receives it.

Emily, Charlotte, and Jesse met this past weekend. Discussed the interviews and questions they want to ask. Discussed format and flowchart that group has wanted to make. Also, how to best publicize survey and interview- poster and bulletin boards in Wilson Commons and near Starbucks.

#### Follow-up meeting with Morgan Levy- Jesse Stern met with her to ask additional questions group had:

Discussed the role of advisors- Found out there is always an advisor present at hearings. Students don't need to have one, but it is recommended they do. They will be provided with one if they choose. The advisor is with the student the whole time the case is active. They can help answer questions and prepare student for their hearing. Process seems fair to group, but would like to see it updated in policies to tell students what role the advisor has and what they can help with.

Character witnesses are not sought in hearings because they do not help collect evidence and don't explain what happened.

Question about formal rules of evidence- why they don't apply. Was told that mostly it's a lack of legal power. UR/ offices can't subpoena and there are other things they can't do because it's not an actual legal process.

Policy 106 has a lot of resource information at the back, but it doesn't point to other policies that can help that are relevant to the whole process. An appendix at the back could be used to list resources so it is concise and clearer. Morgan agreed to add appendix at back of policy 106 to highlight the flowchart that she is working on.

Question asked- if a person is found not guilty should they be required to get training on sexual misconduct issues. Morgan said if someone is found not guilty then they can't be mandated to take training. She did say that students who are part of the hearing, victims or accused, actually learn a lot about sexual misconduct since the hearing process includes a lot of discussion on the topic and campus policies surrounding sexual misconduct.

Group wanted to know what Morgan meant by the process her office follows is a "collaborative effort", how that collaboration works, and how much communication there is between departments who work together on cases. Morgan thought it is a good idea to list allies and other resources that she collaborates with in the policies. Can add footnote to policy to tell people how her office works with outside offices.

Wanted to know how much knowledge victims and accused have of the policies and processes before they are part of process/ hearings. Students tend to have very little knowledge at first. Morgan said she sends the victim resources and information before they have their first meeting with her so they know

some of the policies beforehand. For accused, they are told they are accused and then they start looking into the policies after that.

Asked Morgan what the biggest issues she sees with current way UR handles sexual misconduct (policies and processes that are currently in place)- that there is not one office that that handles cases. She thinks this is needed. Also thinks it would be good to have two counselors that can separately advise the victim and accused.

Asked what she thinks about regular, mandatory review of the policies- she likes the idea. Thinks a comprehensive review should be done every 2 years as one year is too short a timeframe to offer/ create amendments since fewer changes happen in a year to warrant amendments. Would like to see a committee made up of faculty, grads, undergrads, and staff to review policies every two years.

Morgan feels it is good for the University to add a value statement about sexual misconduct and what is not acceptable. It needs to be written in a non-policy, general way since students might not know what misconduct policies to search online, then if they need to search for policies they are able to read this concise statement first. This can serve as an overview of policies. She thinks it would be helpful.

Morgan offered to have another meeting to follow-up again if group has more questions or wants clarification on anything.

#### General discussion:

Morgan Levy and Interim President Feldman interested in creating new value statement for the whole University since all schools have their own and not all follow the same one (they have similar themes but don't use the same statement). One opinion was stated- that a new/ updated vision statement for the whole University will not do anything since UR already has one and it hasn't helped to stop sexual misconduct from happening even with it in place. Another opinion- that a new value statement would help to highlight that the University is against sexual misconduct and would serve to restate/ reaffirm values to UR community.

From the intercessor and HR's perspective a TA graduate student in the same school as an undergraduate they are teaching is seen as a student because "student" is their primary title at the school; therefore, the relationship is seen as a student to student relationship. There are still power dynamics in that scenario and is something the group can call into question and make recommendations on. A student TA at Simon School (graduate student) teaching an undergraduate would be a different scenario though since the students would be at different schools. There are various relationships that can be present when TAs are teaching undergraduates. Suggestion that a disclosure of relationships can be filed with the Title IX Office so existing relationships are known, and then they and Title IX Office could notify professors.

#### Commission on gender equity update:

Sexual harassment and misconduct working group, sub-group of the commission on women and gender equity in academia. They agree with most of the recommendations made in the independent investigation (of the EEOC complaint). Will be making recommendations on them. They would like to see something like Share Center at Yale. Feels there is need for revisions and they are working on them, then will make their recommendations on harassment policies. See need for better training for all UR

members (faculty, students, etc.), using both online and in-person formats. The governments working group is trying to identify and sort through a complicated set of rules and regulations from the different academic units. There is a lot of variability. If new rules are established it isn't always clear that faculty, staff, and students know where to look, who is held accountable, that changes have been made, etc. For the onboarding, recruiting, and career advancement working group they're looking at procedures for orientation, recruiting, and career advancement to ensure that new faculty, students, and trainees are aware of opportunities, rules, and expectations. Also, this group is checking for practices that will promote diversity and fairness in advancement. Finally, for the equity and compensation mentoring and support working group, they're reviewing various family friendly policies, compensation practices, and mentoring resources. They are also considering approaches for dual mentors, particularly for graduate students, to have one for research and one for their career, to reduce the dependence of graduate students and other trainees on a single individual for progress.

#### Policy discussion:

Group members wonder who the Title IX staff is employed by- the University. The school is mandated to hire a person for this position to receive federal funds.

Concerns and or thoughts discussed: complicit/ bystander policy (page 43, part G) should have a part that defines what that means and it should go in the sexual misconduct policy. Need for a larger recognition of complicity and its meaning so that scenarios are explicitly stated (give examples in policy), then students know what falls under complicity, and when they are and are not responsible to report.

Idea to add a section that is clear and uses forceful language to define what complicity is and when students or student groups are responsible to report (when it is reasonably safe). Sometimes it is not as easy for people in a room to know/ see when sexual misconduct is happening; it is not as obvious as alcohol being at a party that's out in the open. Section needs to be expanded. It could mirror language on pg. 26 but would need to be expanded. Would need to specify that if survivor does not want to report the incident, then a student or student group who didn't report the incident would not be held accountable themselves or as group for not reporting. Differing view- if the victim chooses not to report that is fine, but it should be mandated that the group still needs to report the incident. This holds the group accountable and makes it so they are unable to talk a victim into not reporting.

Want to add in clause that states groups have to report any incidents and if not they would lose their charter to be a student group, receive funding, etc.

As a student leader of many groups, one member has not received much training on sexual misconduct. Hasn't been told anything about policy, sexual assault, active bystander, and what would happen if you are complacent. More is needed for student leaders and individual students to received adequate training on sexual misconduct. One member mentioned that all new members of fraternities and sororities have to go to a half-day training on sexual misconduct and are fined if not all members attend, so there needs to be more training for other groups as well.

Idea to replicate the fraternity and sorority life statement that's in the student conduct policy, edit it as needed, and put that in the sexual misconduct policy.

Discussion that if a student group is caught with alcohol, even if one or two students brought it to the event, then the whole group is held accountable, but in regards to sexual misconduct when one student

is the perpetrator and commits a crime at a student group event/ housing, then they are the only one held accountable. Task Force sees consequences for alcohol violations as being much tougher than in cases of sexual misconduct. Group would like to see event registration freezes for student groups that have a member or members who commit sexual misconduct crimes until issue can be resolved (group training, dismissal of perpetrator, etc.).

Fraternities and sororities as well as athletics follow different policies. Lately, in various sexual misconduct cases across the nation some student groups have suspended or kicked out a member who committed sexual misconduct. Colleges have been suspending student violators as well.

Would need to specify which incidences of sexual misconduct can be attributed to the group as opposed to when it is solely an individual's wrong-doing. Need to outline when responsibility falls on a student group/ fraternity/ sorority and when an individual student will be held accountable to report sexual misconduct incidences. This can be added to the written policy to tell students who is at fault, who can be sanctioned, and when.

Thought that singular occurrences can be viewed as an issue of the individual in the group, but if a clear pattern of behavior is occurring at group events, within the house, etc. then the culture of the student group can be called into question, and a review and possible sanctions are needed. Also, discussion around what is the set number of times incidents can happen within a group for it to be pervasive issue with that group. Any more than one time within a set time frame seems to be a good threshold the group thinks. Explanations of these issues needs to be addressed and accessible in policies so students are clear on when an individual member is at fault or when the group is responsible.

Next meeting:

Want to discuss medical amnesty on page 46- for bystanders and victims, and view that it should be in the sexual misconduct policy. Discuss survey as well. Would like to talk to Dee Krebs if she is available next week, then continue our policy discussion. Interview sub-group will start discussing when to hold them, book rooms, etc. outside of group's regular meetings.