

Sexual Misconduct Policy Task Force

2/28/18

Meeting Minutes Summary

Deadlines moving forward:

- Want to make policy recommendations to administration by mid-March
- Aim is to finalize recommendation list by next week's meeting and have respondent verification group send feedback during spring break, then add in any of the feedback that the group feels should be included and finalize the recommendations after break
- After policy recommendations are made we will send survey out to student body, conduct interviews, and analyze results to make process/ hearing recommendations
- Hold meetings going forward as needed in late March and April to make specific recommendations on the hearing process/ procedures since we'll be gaining insight on needs from survey and interview data
- Goal is to make process/ hearing recommendations to the administration by the end of April

Draft recommendations:

Group members sent Jordan their ideas for recommendations prior to tonight's meeting and she categorized them by subject (reflected below). Group went through the list during tonight's meeting and discussed each recommendation/ debated if it should be included on list. Bullets were edited or deleted when there were differences of opinion, new points or consensus made (the working list is below).

Group didn't get through/ find consensus on the whole list of draft recommendations, but will go over these topic areas again next week and finish their discussion (highlighted sections below still need editing). Jordan will share the google doc with the group to read over the draft so members can be prepared to discuss, vote on, and finalize recommendations at next week's meeting on 3/7/18.

Working Draft-

Overall

1. Contact information for offices, and support organizations should be on the front page of Student Sexual Misconduct Policy, so a student can seek assistance without combing through the policy.
2. All sexual misconduct cases should be managed under one office to first respond to the initial case and engage the concerned departments.
3. A clear, concise flowchart should be provided to all students in multiple facets- at Orientation, on University websites, etc. Additionally, it should be given to students immediately upon their involvement in sexual misconduct cases to provide a more user-friendly guide through the Title IX process.
4. A centralized office & one policy that relates to every person at UR that prohibits sexual misconduct
5. Idea that all University Title IX, sexual harassment, sexual assault cases, etc. involving any member of the UR community (faculty, students, grad students, staff, etc.) should be handled by one office (not counsel's office (OOC)), at least at first to be the initial office to respond to incidents and offer resources, then it could go to different departments related to specific situations/ schools.
 - This will allow one set of staff members to begin working on cases and reduce the number of staff overall who work on cases throughout the whole process.

6. Periodic interdisciplinary reviews of student's knowledge of the policies that apply to them and what could be done to make these policies more accessible, possibly with ongoing prevention campaigns

Amnesty Policy

1. It should be made clear that medical amnesty extends beyond the university Public Safety system. Both hospitals and DPS would rather be able to act on a case of misconduct than penalize a victim for underage drinking.
2. An addition of a thorough and explicit medical amnesty policy for the claimant that includes an explicit statement that the University will not use any illegal drug use or underage alcohol use found in this case at a later date.

Complicity and bystander intervention

1. UR Policy page 6 currently states "Complicity in misconduct: Students are expected to disengage themselves from all acts of misconduct, and are expected to report serious code violations to appropriate authorities." This is too vague and doesn't clearly define who is and who is not responsible. We should include something similar to University of Connecticut's definition of complicity, which states:

"Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of Prohibited Conduct by another person."
In addition to UR's requirement to report known violations.

This new language should be added to the Student Code of Conduct and Sexual Misconduct Policy.

2. An explicit complicity policy that holds organizations responsible for the actions that occur at their events by their members. Increased training should also go along with this.
 - Need for expanded recognition in policies of complicity/ bystander and its meaning so that scenarios are explicitly stated so students know what falls under complicity and when they are and are not responsible to report. Add a section that uses clear and concise language to define and state what complicity is and when students or student groups are responsible as well as when it is reasonably safe to report. Need to better state when amnesty fits into this as well. Additionally, need to outline when responsibility falls on a student group/ fraternity/ sorority and when an individual student should be held accountable to report sexual misconduct incidences. Thought that singular occurrences can be viewed as an issue of the individual in the group who committed the crime, but if a clear pattern of behavior is occurring within one student group then the culture of that group can be called into question, and a review and possible sanctions are needed.

Training

1. Training for both First-Year and transfer students should include increased in person peer-to-peer work to ensure better understanding of policies and values. We suggest the inclusion of a 1 or 2 credit required course during a student's first semester or re-entry on campus, and/or more hands-on personal training during orientation.
2. Perpetrators, whether they are found guilty or not, should be required to go through a sexual misconduct training workshop (in-person, in-depth) to ensure that students learn from the experience no matter the outcome. This practice would ideally prevent repeat offenders and would begin to change the culture on campus that sexual misconduct cases are handled with care and decisiveness.

3. Sexual misconduct training should be evaluated and edited to reflect the recent events on campus. University of Rochester students want to see change and this is one immediate way in which they can see that. This includes student employee education, online first year student education, resident advisor and mentor education, transfer student education, and Orientation events. Training could be outsourced, but it may also be impactful to include meaningful accounts from current University of Rochester students included in the training.
4. A thorough review of all student training including (but not limited to) the pre-orientation and orientation training received by first years, undergraduate and graduate RAs, undergraduate and graduate TAs, student employees and supervisors. A student-led review of this training to occur every four to five years.
5. Needed for student leaders and individual students to received adequate training about issues surrounding sexual misconduct. Some in group feel this is lacking and UR is not training students well enough.
6. There is not an in-depth training about sexual misconduct for RAs, D'Lions, and Freshman Fellows. Group knows RAs are the only mandated reporters, but some RAs note they do not have enough training to feel comfortable to help student with this issue. People have close relationships/ mentorships with their D'Lions and Freshman Fellows so it would be good for them to have training in areas of sexual misconduct as well in case they have students who come to them. Group feels there is a need for a sexual advocate on each floor but know there is lack of funds to hire new positions and space to put them in.
7. Online training:
 - Facilitated review and update of online training is needed on annual basis, then publishing review results on an annual basis.
 - Recommendation for 2-credit mandatory class during year to further training on sexual misconduct issues.
 - Transfer students or students who have been at University for a long period of time should go through training again in a set number of years after being here as a refresher and to learn new information.
 - Outsource training- have it created by an organization outside of the University to insure no bias because group thinks outside created trainings are more trustworthy than if UR administration creates them. Issue with this is if we outsource then UR has no control over if trainings are based on evidence based interventions. Group still thinks an outside non-profit, such as an organization that works with sexual assault victims or with domestic violence issues, would work better to rebuild confidence and maintain trust among students. Group thinks an outside organization should create training for faculty also.

Interim Measures

1. Information about Active Avoidance Orders (AAO) should be better explained in the Student Sexual Misconduct Policy rather than in the Standards of Student Conduct. It should be explicitly stated that the cost of alternative housing during a policy violation investigation is paid by the university, not the student.
2. After hearing from SANE Program Director, Dee Krebs, about the process they follow in collecting sexual assault evidence and the treatment patients receive at Strong Hospital, the group sees a lack of clarity in the Standards of Student Conduct (specifically in appendix C, third to last bullet point), the Healthy Relationships and Reporting Rights brochures, and the supportive resources letter Morgan Levy/ Title IX Office sends to

victims in sections that discuss medical options victims can utilize. Task Force sees that information is listed in depth in some policies or at least referenced, but in other policies the information is missing where it should be included. Would be good to **make clear to students what costs are covered/ can be covered and what medical costs they would need to pay out of pocket or submit to their insurance.** Example- Office of Victim Services in Albany is not listed to say that there are funds that would help students pay for initial ER exam and grant reimbursements for follow up appointments/ services that are needed. **Overall, yearly review of policies is needed to ensure that information is clear and included across all policies, and is not excluded anywhere that it would be beneficial to discuss.**

Standards of Student Conduct

1. Page 45, part C Public Awareness/Advocacy Events reads as if Public Safety officers will not get involved in a situation in which information about a potential policy violation is disclosed publicly. While not obligated to intervene in these situations, the values of the university suggest otherwise. In cases where taking action would benefit the wider campus community, Public Safety should be required to intervene.
2. A policy that states that students are protected from sexual harassment (explain) at the hands of anyone affiliated with the University, including their professors, employers, or TAs.
3. There should be a system in place for a TA to disclose a relationship that formed before or forms during a class (*also Intimate Relations*) (*would go into Academic Handbook*)
 - a. *Should also be referenced in sexual misconduct piece*
4. Quid Pro Quo section is not as strongly worded and clear as group thinks it could be. Most students don't know what that term means. Idea that wording should be changed to something that students understand more easily/ make clearer. *Add a synonym in more common English, definition, and examples of what this could look like.*

Intimate Relations

1. Intimate relationship policies should be defined for a multitude of relationships on campus. Recommending a disclaimer for current relationships for student-held positions such as teaching assistants, graduate teaching assistants. Professor-Undergraduate, Staff-Undergraduate relationships should not be prohibited.
2. A policy that states that students are protected from sexual harassment (explain) at the hands of their professors, employers, or TAs. There should be a system in place for a TA to disclose a relationship that formed before or forms during a class to the professor or maybe the chair of the department
3. Need for students to better understand nuanced relationships between students and graduate students (power dynamics that may be present) as well as faculty. Put text to explain this clearly in student handbook/ code of conduct.
4. Idea to add in the prohibited behavior section that a faculty member who even makes an attempt to begin a relationship with a student that it is not acceptable. We could add this to the flow chart so students are aware of inappropriate conduct by professors. Then we could recommend that the faculty senate should change the faculty policy to make it much clearer language wise that intimate relationships with students is completely unacceptable.
5. Idea to create one intimate relationships policy that is for everyone in the UR community that includes a section about sexual misconduct, to use this as the based document for all of UR, then sections can be added in to cover individual issues that relate to specific schools, positions (Faculty, staff, students, etc.), etc.

Hearing Process

1. A guaranteed and trained adviser for all undergrad and grad students that they will get during their first interaction with the Title IX office and who will be a contact person for them and who can advise them on the process
2. A VERY clear explanation of what the “collaborative” relationships between the Title IX coordinator and the judicial officer is in the investigation and hearing process (I know this is process but I just wanted to throw it out there!)
3. Idea for students to have two mentors/ advisers so they aren’t relying on just one person to guide their education. This would be helpful in case an issue arises with one person then they will have another who can continue to advise them through to graduation. This would insure their whole educational path is not derailed if any issues arise with one adviser.
4. Title IX Office/ Morgan Levy should add footnote to policies where it talks about that office to tell how it works “collaboratively” with other on-campus departments and off-campus organizations to work on sexual misconduct and how the review processes are implemented. This will help students know the roles the Title IX Office and other departments/ organizations play in adjudicating campus sexual misconduct cases.

Review of Policies

1. Mandatory and regular review of policies.

Recommendations from EEOC investigation (document- “V. Policy Recommendations”)

1. A1. Notice of Investigative Process and Rights- Agree in part. We voted to have the complainant notified earlier – 24 hours – to allow for safety planning, etc. once an investigation is being opened.
2. A2. Advisors for Claimants and Accused – in theory we agree. However, we believe it is important to explore options before moving forward. At a minimum – we do not think this person should be in the OOC (Office of Counsel). The two individuals should be in a separate office. Also – we would like to explore the possibility of having an outside entity – such as RESTORE – provide such a position. These advocates and attorneys understand the issues and have sensitivity to clients.
3. A3. Training – we are in agreement that training is essential. However, we do not wish for a rush to decisions. We would like a committee to be formed, which includes students, to review evidence-based training (both on line and in person) to decide what is best for our campus. We would like to see the potential inclusion of a mandatory 2 credit class for all in-coming Freshman, and those entering our community at any stage (graduate, etc.) and transfer students. Additionally – we wish to see a rigorous evaluation plan which includes on-line metrics and whether we have changed attitudes and behaviors. We would like to see a report of annual training – for everyone - published.
4. A4. UR policy 106 – we would like discussions about mandatory reporting and what happens with the reports. Also, would like to see policies reviewed on a scheduled basis to make sure nothing fell through the cracks and determine what policy adjustments/ changes may need to be made for future as well as how they are being implemented to ensure they are working as they are meant to.
5. A5. Confidentiality policies – agreed.
6. A6. Publicize data – agreed
7. A7. IT Policy – agreed.

8. A8. Access to Policies, et al., in theory agreed – however – it should be conveyed in an intuitive format.
9. B1. Relationship Policy – We would like to see a committee with student input, at all levels, about this policy. Currently, there is a “gray zone” – about who it covers: what about staff and students having intimate relationships, what about graduate students and undergrads, what about undergraduate students who are in a relationship with their TAs, what about one undergraduate who works for another undergraduate. There can be power dynamics in some of these scenarios. “Relations” vs. “Relationship”- people can view these terms differently- needs to be discussed further and potentially clarified in policies. Some professors have a policy about disclosures – others do not.
10. B2. Dedicated office – we would like to see considered one office – for everyone. We are one community and the handling of issues for different “titles” – in practice people with different levels of power – leads to difficulty.
11. C1. Cabinet-Level Officer to Oversee Implementation- agreed
12. C2. Trustee or Special Committee to Oversee Implementation- agreed

Further, will make explicit that the use of illegal drugs or alcohol (by just the claimant or also respondent?) will not be considered in the hearing/appeal decision, given the definition of consent mandated by Title IX.