



UNIVERSITY of ROCHESTER  
**STUDENTS' ASSOCIATION**  
GOVERNMENT

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# **Recommendations of the Students' Association Task Force to Review Sexual Misconduct Policy**

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Co-Chairs:

Jordan Smith, Students' Association President  
Catherine Cerulli, J.D., Ph.D., Director of the Susan B. Anthony Center

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## Recommendations of the Students' Association Task Force to Review Sexual Misconduct Policy

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In response to our recommendations, we hope to see a response from University Administration regarding our recommendations within two weeks. Further, we hope to see an action plan on the part of the University Administration, also in response to these recommendations, by the end of April. This action plan should include which recommendations the Administration will move forward with at this time, as well as a general timeline of implementation. Additionally, we request that the University President or a representative from the Office of the President attend standing meetings for the remainder of this academic year and the duration of the next academic year (2018-2019) to discuss the implementation status of these recommendations, jointly with the SA President and Vice President, SA Executive Director of Student Life, the President of UR SEGway, and the Chair of the It's On Us Committee.

### Overall:

1. We recommend that contact information for all offices responding to complaints of sexual misconduct, as well as relevant organizations offering support for victims (such as Restore and SANE), be clearly listed on the front page of Student Sexual Misconduct Policy.
2. We recommend the commencement of periodic interdisciplinary reviews of student knowledge of sexual misconduct policy. Further, after each review, the assessor(s) should recommend steps to make these policies more accessible.
3. We recommend that a clear, concise flowchart be provided to all students at Orientation. This flowchart should also be easily accessible on the Title IX website, and should be added as an Addendum to the Student Sexual Misconduct Policy. 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.

### Amnesty:

1. We recommend the addition of a thorough and explicit medical amnesty policy to the Student Sexual Misconduct Policy. This policy should apply to the claimant and should include an explicit statement that the student's standing at the University will not be negatively impacted on account of alcohol- and drug-related violations in connection with their report.

### Complicity:

1. The UR Student Code of Conduct 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. *In addition* to UR's requirement to report known violations, we recommend including 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.”

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

2. We recommend the addition of an explicit complicity policy that holds organizations responsible for the actions that occur at their events by their members. At the very least, this policy should:
  - Clearly outline when students are and are not responsible for intervening in and reporting incidents of potential misconduct, and should use examples to illustrate the difference between being an inactive bystander and being complicit.
  - Use 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 intervene in a situation and/or report misconduct.
  - Clearly outline when responsibility for a misconduct allegation(s) falls on a student group (such as a Greek organization, athletic team, or Special Interest Floor), and what the consequences might be for groups found in violation of the complicity policy.

### **Training:**

1. We recommend a thorough review of all training received by undergraduate students, including a review of trainings before, during, and after orientation. The group that reviews training should include undergraduate students. Training topics:
  - Preventative training / bystander intervention
  - Title IX reporting process
  - What is sexual misconduct?
  - Delineate between sexual harassment and sexual assault
  - Healthy relationships
  - Red Light/Green Light and other orientation events
2. We recommend:
  - The addition of a 1-2 credit required course on sexual misconduct, consent, active bystander intervention, on- and off-campus resources, and healthy relationships. This course would be required during the first year in which a student is enrolled. This course would preferably be taken during the first semester in order to educate students during the Red Zone, which is the period in which misconduct most often occurs.
  - Continued training throughout a students' academic career, not only at Orientation



- Training on sexual health, sexual misconduct policy, and the Title IX reporting process for D'Lions and Freshman Fellows, who currently do not receive any such training. Currently, Resident Advisors are the only live-in Residential Life staff who receive this training.
  - Consideration of outsourced training, which is likely to improve student trust in training material
3. We recommend that all students found guilty of sexual misconduct be required to go through an in-depth, in-person sexual misconduct training workshop. This practice may help prevent repeat offenses.

#### **Interim Measures:**

1. We recommend that information about Active Avoidance Orders (AAO) should be clearly displayed and explained in the Student Sexual Misconduct Policy, rather than in the Standards of Student Conduct. Further, it should be explicitly stated that the cost of alternative housing arrangements is paid by the university, not the student.
2. Throughout the materials provided to students, from the Standards of Student Conduct (Appendix C), the Healthy Relationships and Reporting Rights brochures, and the Supportive Resources letter sent from the Title IX Office to survivors, there is conflicting information regarding the medical resources available to survivors. We recommend the inclusion of a thorough description of the medical resources available to survivors, as well as the cost and privacy of these resources, in all of the aforementioned policies and informational handouts. Additionally, we recommend that these resources be checked annually to ensure that all information provided to students is accurate and updated.

#### **Intimate Relationships:**

1. We recommend the inclusion of a section in the Sexual Misconduct Policy which states that students are protected from sexual harassment at the hands of anyone affiliated with the University, including their professors, employers, or students in positions of power (such as student teaching assistants, student supervisors).
2. We recommend the development of a process for both graduate and undergraduate TAs to disclose a relationship with a student that formed before or forms during a class. This should be included in the Academic Handbook, and should be referenced in the Intimate Relations Policy and the Student Sexual Misconduct Policy.
3. We recommend that the Quid Pro Quo section of the Standards of Student Conduct be rewritten to be clearer. Additionally, we recommend changing the title of the section to include a synonym for the term *quid pro quo* in common English.
4. We recommend that the intimate relationship policy be better defined for a multitude of relationships on campus. We recommend a disclaimer for relationships between undergraduate students and student-held positions, including peer advisors and student supervisors.



5. We recommend a comprehensive review of standards and expectations regarding staff-undergraduate relationships, leading to the creation of a formal policy on the matter.
6. We recommend that the University adopt a policy to mandate that all teaching assistants, both graduate and undergraduate, read and sign a document discussing the implications of the power dynamics with their students that are inherent to their position. This document would also include a disclaimer policy. In signing this document, the TA acknowledges the power dynamic and agrees to the disclaimer policy, which mandates that TAs disclose any prior relationships or existing relationships with students in their course.
7. We recommend that in every course, students should be given the option to disclose past or current relationships (including relationships formed over the course of the semester) with TAs, workshop leaders, or other students who serve in an advisory or administrative capacity.
8. We recommend that the University mandate that every course syllabus must include a section, similar to the academic honesty section, that includes:
  - A protection statement, reiterating that every student is protected from sexual harassment
  - The disclosure policy for relationships with teaching assistants and other students in positions of academic power, such as workshop leaders
  - Identification of the instructor based on their responsibility to report, and their confidentiality responsibility
  - A statement directing students on other resources if they need to report an incident.
9. We recommend compiling all Intimate Relations Policies for the University community and making these readily and easily accessible in one location.

**Regular Review of Policy:**

1. We recommend the mandatory and regular review of policies every 3-4 years. The group reviewing policy should include undergraduate students.



## ADDENDUM: Review of the Policy Recommendations from the [Report of the Independent Investigation](#)

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### **A1. Notice of Investigative Process and Rights.**

The Task Force agrees in part with this recommendation, but are in agreement that the complainant should be notified 24 hours earlier to allow for safety planning, etc. before the respondent is notified that an investigation is being opened.

### **A2. Advisors for Claimants and Accused.**

In theory, the Task Force agrees with this recommendation. However, we believe it is important to explore options before moving forward. At a minimum, we do not believe these individuals should be housed in the Office of Counsel. The two individuals hired to serve as advisors should work in a separate office. Further, we would like to explore the possibility of having a non-university organization, such as RESTORE, provide advising services for complainants. These advocates and attorneys understand the broader issues surrounding sexual misconduct and have the necessary training and sensitivity towards clients.

### **A3. Training**

The Task Force agrees that training is essential. However, we do not wish for a rush to decision-making on the part of the University. We recommend the formation of a committee, which includes students, to review evidence-based training (both online 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 incoming 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 online metrics to determine whether these trainings have changed attitudes and behaviors. We would like to see a report on the efficacy of annual trainings, that would be published and released to the University community.

### **A4. UR policy 106**

The Task Force believes that discussions about mandatory reporting and what happens with the reports are still necessary in our community. Additionally, we would like to see the regular review of policies to ensure that our policies are serving our community, and to determine what policies should be adjusted in the future.

### **A5. Confidentiality policies**

The Task Force agrees with this recommendation.



#### **A6. Publicize data**

The Task Force agrees with this recommendation.

#### **A7. IT Policy**

The Task Force agrees with this recommendation.

#### **A8. Access to Policies, Procedures, and REsources**

In theory, the Task Force agrees with this recommendation. However, we'd like to further emphasize that this information about policies, procedures, and resources be conveyed in an *intuitive* format, so that students who have just suffered a trauma can fully understand and process the resources available to them.

#### **B1. UR Intimate Relationships Policy**

The Task Force recommends the formation of a committee, which includes students, to evaluate this policy. Currently, there is a lack of clarity and understanding regarding to whom this policy applies. There can be complicated power dynamics in relationships including (but not limited to): staff-student relationships, graduate teaching assistants and undergraduate students, undergraduate teaching assistants and undergraduate students, and undergraduate student supervisors and the student employees who they supervise. This policy needs further examination to address these types of relationships, as well as to further clarify the definition of "relationship" under this policy.

#### **B2. Dedicated Office to Investigate Sexual Harassment or Misconduct by Faculty Members**

The Task Force recommends that the Administration considers consolidating to one office *all* of the on-campus resources to address sexual misconduct. We are one community and the separation of resources based on title and position leads to difficulty and confusion within our community.

#### **C1. Cabinet-Level Officer to Oversee Implementation**

The Task Force agrees with this recommendation.

#### **C2. Trustee or Special Committee to Oversee Implementation**

The Task Force agrees with this recommendation.