President’s Working Group on Sexual Assault & Harassment

**SEPTEMBER 10, 2013**
♦ THE DYNAMICS OF SEXUAL HARASSMENT AND ASSAULT

**OCTOBER 15, 2013**
♦ INTRODUCTION TO TITLE IX, CLEARY ACT, VAWA CAMPUS AND COMMUNITY SUPPORTS

**NOVEMBER 19, 2013**
♦ PREVENTION AND EDUCATION UNIVERSITY RIGHTS & RESPONSIBILITIES PROCESS
Meeting Agenda

• Announcements
• Follow up items
  • Student survey overview & focus groups update
  • Admissions practices
  • Community Law Enforcement’s role in the campus environment (continued from October meeting)
• Promising practices in prevention
• Investigation of disclosures including Adjudication
• Next meeting & adjourn
Student Survey Overview and Focus Groups Update

Kris ten Grainger, VP & Executive Assistant to the President
Practices for screening or sharing students' disciplinary records prior to admission or transfer

KRISTEN GRAINGER, VP & EXECUTIVE ASSISTANT TO THE PRESIDENT

AVAILABLE FOR QUESTIONS:

MICHAEL BESEDA, VP FOR ENROLLMENT & UNIVERSITY COMMUNICATIONS

RAMIRO FLORES, DIRECTOR OF ADMISSION, CLA
Community Law Enforcement’s Role in the Campus Environment (continued)

JIM FERRARIS, DEPUTY CHIEF OF POLICE, SALEM POLICE DEPARTMENT

JEFF STAPLES, INVESTIGATOR, SALEM POLICE DEPARTMENT
Promising Practices in Prevention

MARGARET TROUT, DIRECTOR, BISHOP WELLNESS CENTER

ELIZABETH TRAYNER, DIRECTOR OF RESIDENCE LIFE
Promising Practices in Prevention

- **Primary Prevention**: Approaches that take place before sexual violence has occurred to prevent initial perpetration or victimization.
- **Secondary Prevention**: Immediate responses after sexual violence has occurred to deal with the short-term consequences of violence.
- **Tertiary Prevention**: Long-term responses after sexual violence has occurred to deal with the lasting consequences of violence and sex offender treatment interventions.
Many people question whether sexual assault can be prevented among college students when the data suggest that first sexual experiences typically occur at a much younger age, that a notable percentage of these first experiences are forced, and that sexual and physical violence occur at alarming rates among middle school and secondary school students. (Hickman, Jaycox, & Aronoff, 2004)
Promising Practices in Prevention

- Annual outreach
  - Sex Signals
    - Defines harassment and assault
    - Defines consent
    - Identifies supports
  - Sexual Assault Awareness Month
    - Take Back the Night
    - The Clothesline Project
Promising Practices in Prevention

- New Initiatives
  - Men Against Violence
    - Masculinity workshops to be offered
  - Green Dot
    - Comprehensive approach that capitalizes on the power of peer influence
Investigation of Disclosures

CYNDIA STINSON, DIRECTOR OF EDUCATIONAL EQUITY ASSURANCE

MARGARET TROUT, DIRECTOR, BISHOP WELLNESS CENTER

LORI JOHNSON, DIRECTOR OF RIGHTS & RESPONSIBILITIES
Investigation of Disclosures

If a school determines that sexual harassment that creates a hostile environment has occurred, it must take immediate action to eliminate the hostile environment, prevent its recurrence, and address its effects.
Investigation of Disclosures

Confidential Entities:

• Bishop Wellness Center
• Office of the Chaplains
Investigation of Disclosures

Non-confidential community members:
• Utilize willamette.edu/sexualmisconduct
• Explain limits of privacy
• Provide resources
• Submit form online
• Title IX team member will contact
  • Confirm resources given
  • Debrief/ support disclosure recipient

Student discloses sexual harassment or assault to WU community member

Is the disclosure recipient a confidential entity?

NO

Resources given.
Disclosure recipient files online
Title IX report.
Disclosure received and reviewed by Title IX Team:

- Immediate action may be warranted
  - Duty to Warn
  - Restricted Access - separation from WU
  - Residential remedies
Investigation of Disclosures

Protection against retaliatory harassment:
• Ensure that complainants know how to report any subsequent problems
• Follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred
• Retaliation may be added to complaint, or a new process may be initiated to investigate retaliation
Preliminary investigation:
- Look to database for patterns
- May meet with complainant
Investigation of Disclosures

If a Willamette employee is named as the perpetrator:
• WU employees include student workers, others
• Human Resources process takes on investigation
• Claimant given supports as above

Is a WU employee named as perpetrator? YES File transfers to HR for investigation and remedies
Investigation of Disclosures

Disclosure for purpose of receiving supports:
- May be an anonymous report
- If complainant identified, will be contacted if pattern emerges in the future
Investigation of Disclosures

Full Investigation:
• May be at Claimant’s request OR if potential danger to the community identified
• Process Advisors
• Investigators
• Respondent notified that investigation is underway
Adjudication – Administrative Hearing

Administrative Hearing:
• Components
• Timeframe
• Support people

The **preponderance of the evidence** standard is used in determining whether or not a student charged with an allegation of sexual misconduct is responsible for a violation.
Adjudication – Administrative Hearing

Claimants’ and Respondents’ rights:
• Privacy, in accordance with university policy, FERPA and Oregon State law
• To be notified in writing of
  • the time, date and location of the hearing
  • the names of administrators who will hear the case
  • all alleged charges
• To request that a specific administrator be replaced due to a conflict of interest
• To participate in the hearing process without being in the same room at the same time as the other party
  • Parties are not allowed to question each other directly
Adjudication – Administrative Hearing

Claimants’ and Respondents’ rights (continued):
• Equitable opportunities to present evidence and witnesses
• To be apprised of all known evidence at the time of the hearing
• Equal access to evidence, written statements, and testimony
• In the event new information is uncovered, the right to present supporting evidence that pertains directly to new information
Adjudication – Administrative Hearing

Claimants’ and Respondents’ rights (continued):
• To submit an impact statement to be reviewed only in the sanctioning phase of deliberations, if the respondent is found responsible for the charge(s)
• To be informed in writing and in a timely fashion of the outcome of the hearing
• Opportunity to request an appeal of the hearing outcome based on the appeal criteria:
  • A procedural error occurred
  • Newly discovered information exists which is sufficient to alter a decision
  • The sanction is inappropriate or disproportionate
• Be informed in writing of appeal request(s) and outcome
Title IX File completed and held in event pattern emerges. Remedies crafted.

Does Claimant wish to appeal?

Is Respondent found Responsible?

Appeals Officers hear Appeal

Sanctions assigned to Respondent Remedies crafted.
Title IX File completed and held in event pattern emerges. Remedies crafted.

Does Claimant wish to appeal? NO

Is Respondent found Responsible? NO

Does Respondent wish to appeal? NO

Appeals Officers hear Appeal

YES

Sanctions assigned to Respondent Remedies crafted.

NO

Is Respondent found Responsible? YES

Does Respondent wish to appeal? NO

NO
Title IX File completed and held in event pattern emerges. Remedies crafted.

Does Claimant wish to appeal?

Is Respondent found Responsible?

Appeals Officers hear Appeal

Does Respondent wish to appeal?

Sanctions assigned to Respondent Remedies crafted.
Next Steps

- Next meeting:
  Analysis and Findings of Campus Climate Survey and Focus Groups
  
  Tuesday, January 28, 2014
  5:30pm – 7:30pm
  Montag Den