

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



**KRISTEN 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.

Promising Practices in Prevention



**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



**CYNTHIA STINSON, DIRECTOR OF
EDUCATIONAL EQUITY ASSURANCE**

**MARGARET TROUT, DIRECTOR,
BISHOP WELLNESS CENTER**

**LORI JOHNSON, DIRECTOR OF
RIGHTS & RESPONSIBILITIES**

Investigation of Disclosures



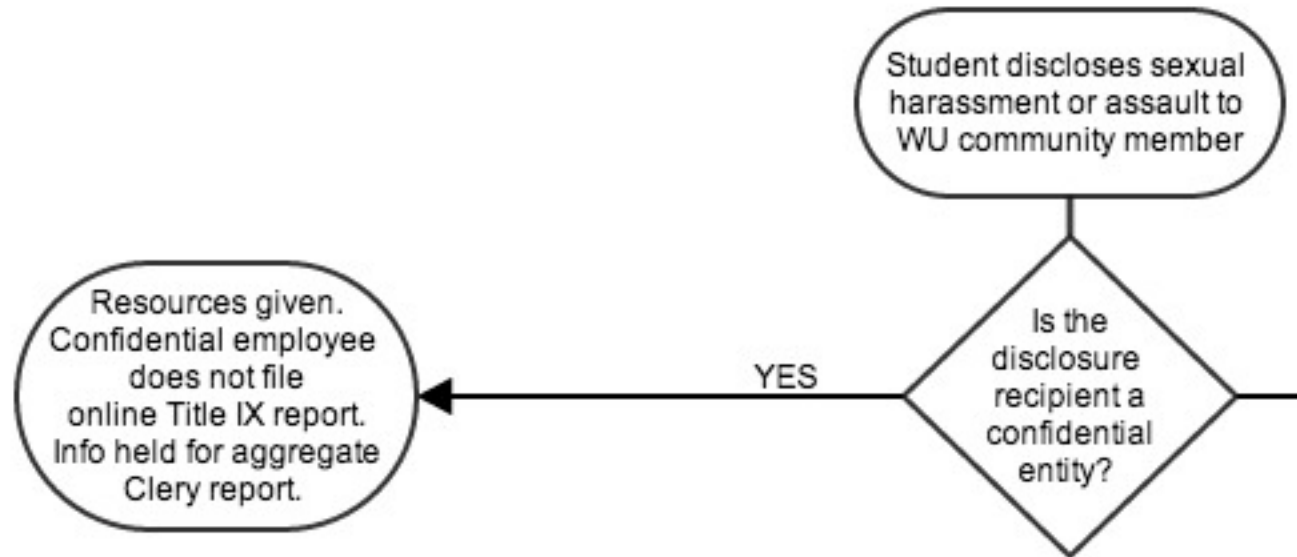
**IF A SCHOOL DETERMINES
THAT SEXUAL HARASSMENT
THAT CREATES A HOSTILE ENVIRONMENT
HAS OCCURRED,
IT MUST TAKE IMMEDIATE ACTION
TO ELIMINATE THE HOSTILE ENVIRONMENT,
PREVENT ITS RECURRENCE,
AND ADDRESS ITS EFFECTS**

Investigation of Disclosures



Confidential Entities:

- Bishop Wellness Center
- Office of the Chaplains

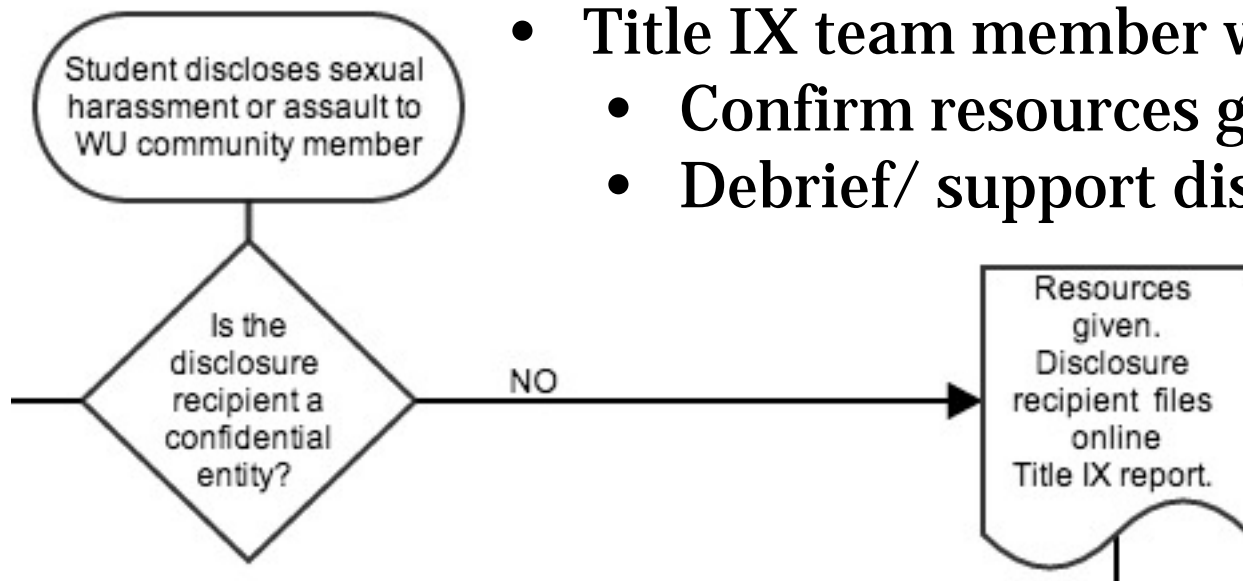


Investigation of Disclosures

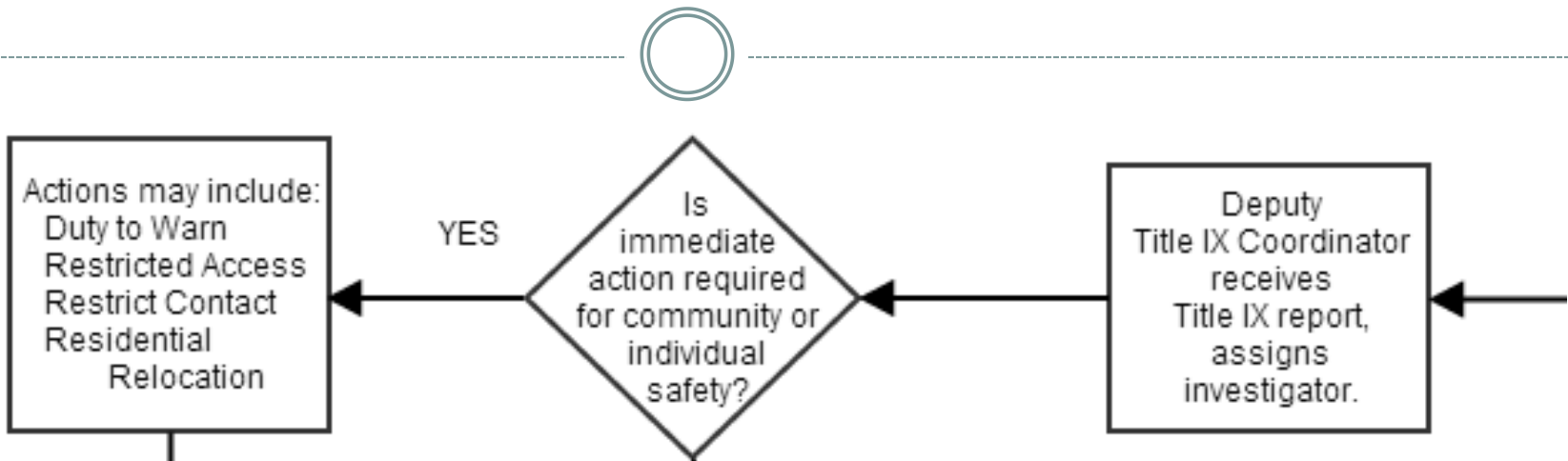


Non-confidential community members:

- 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



Investigation of Disclosures



Disclosure received and reviewed by Title IX Team:

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

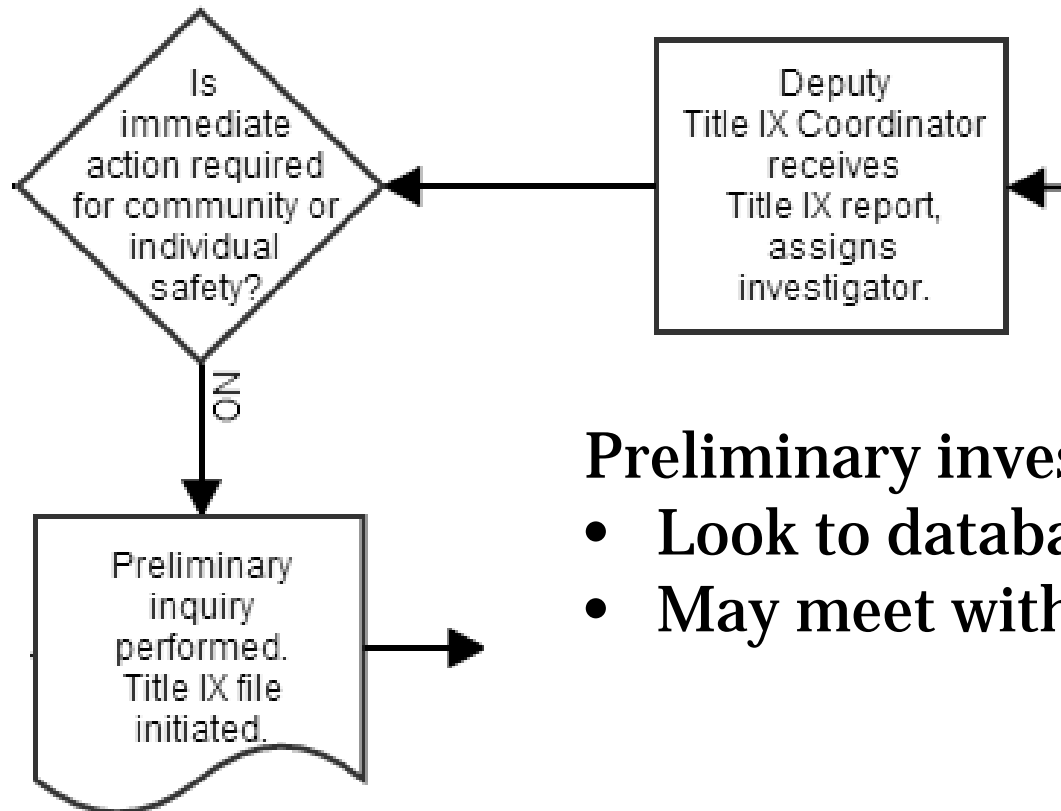
Investigation of Disclosures



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

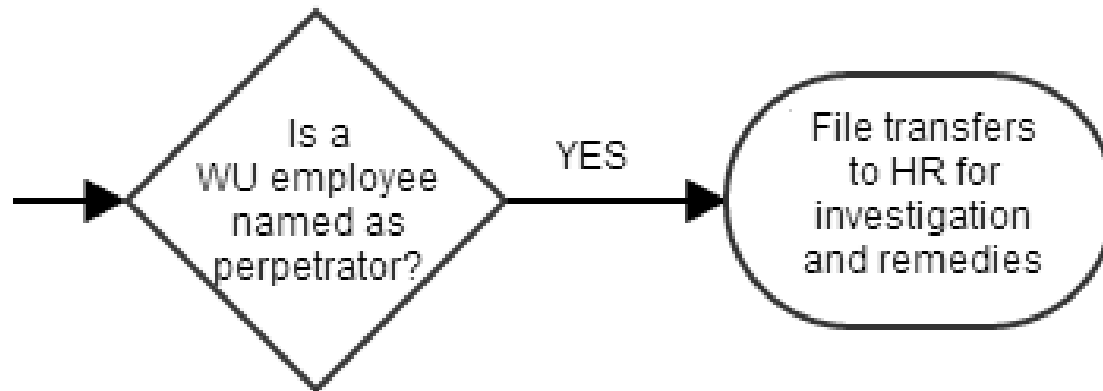
Investigation of Disclosures



Preliminary investigation:

- Look to database for patterns
- May meet with complainant

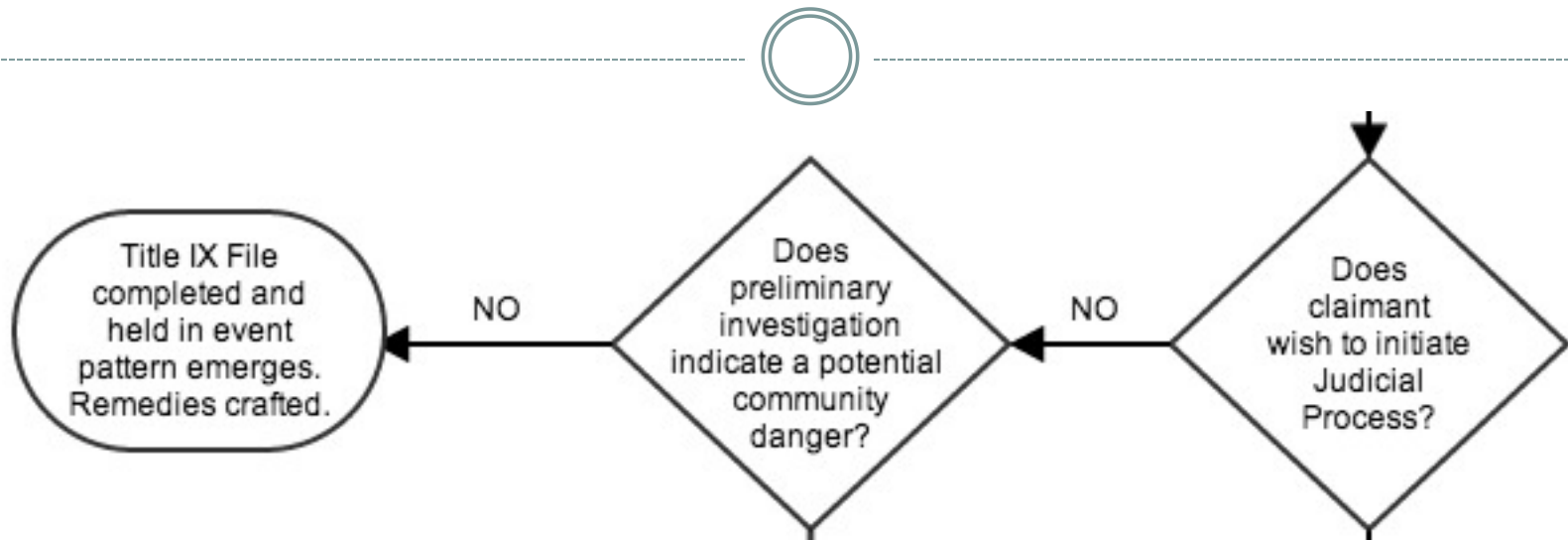
Investigation of Disclosures



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

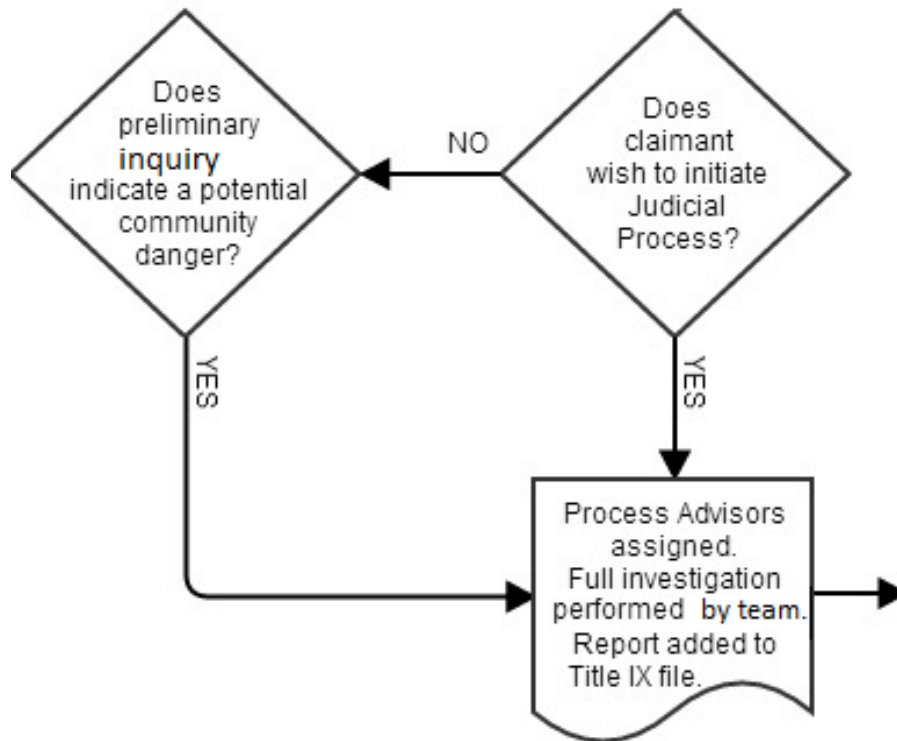
Investigation of Disclosures



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

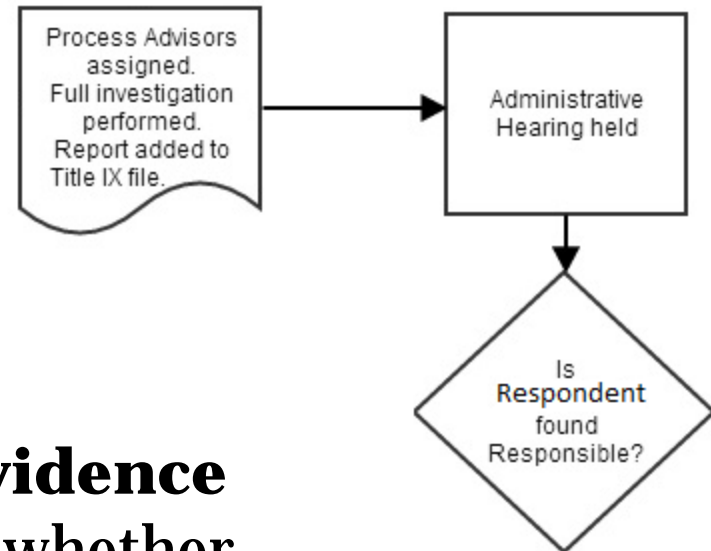
Adjudication – Administrative Hearing



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):

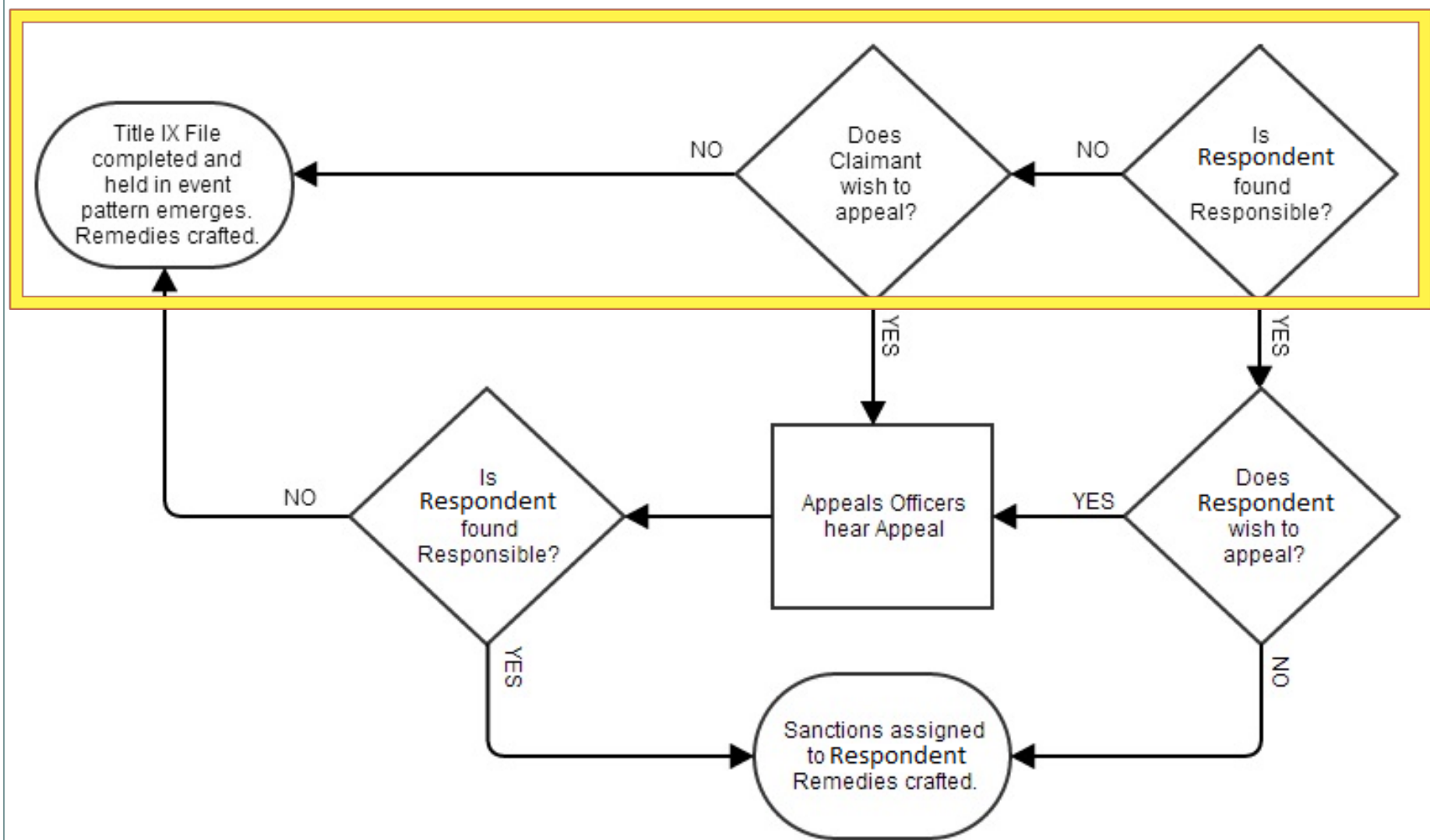
- Equitable opportunities to present evidence and witnesses
- To be apprised of all known evidence at the time of the hearing
- Equal access to evidence, written statements, and testimony
- In the event new information is uncovered, the right to present supporting evidence that pertains directly to new information

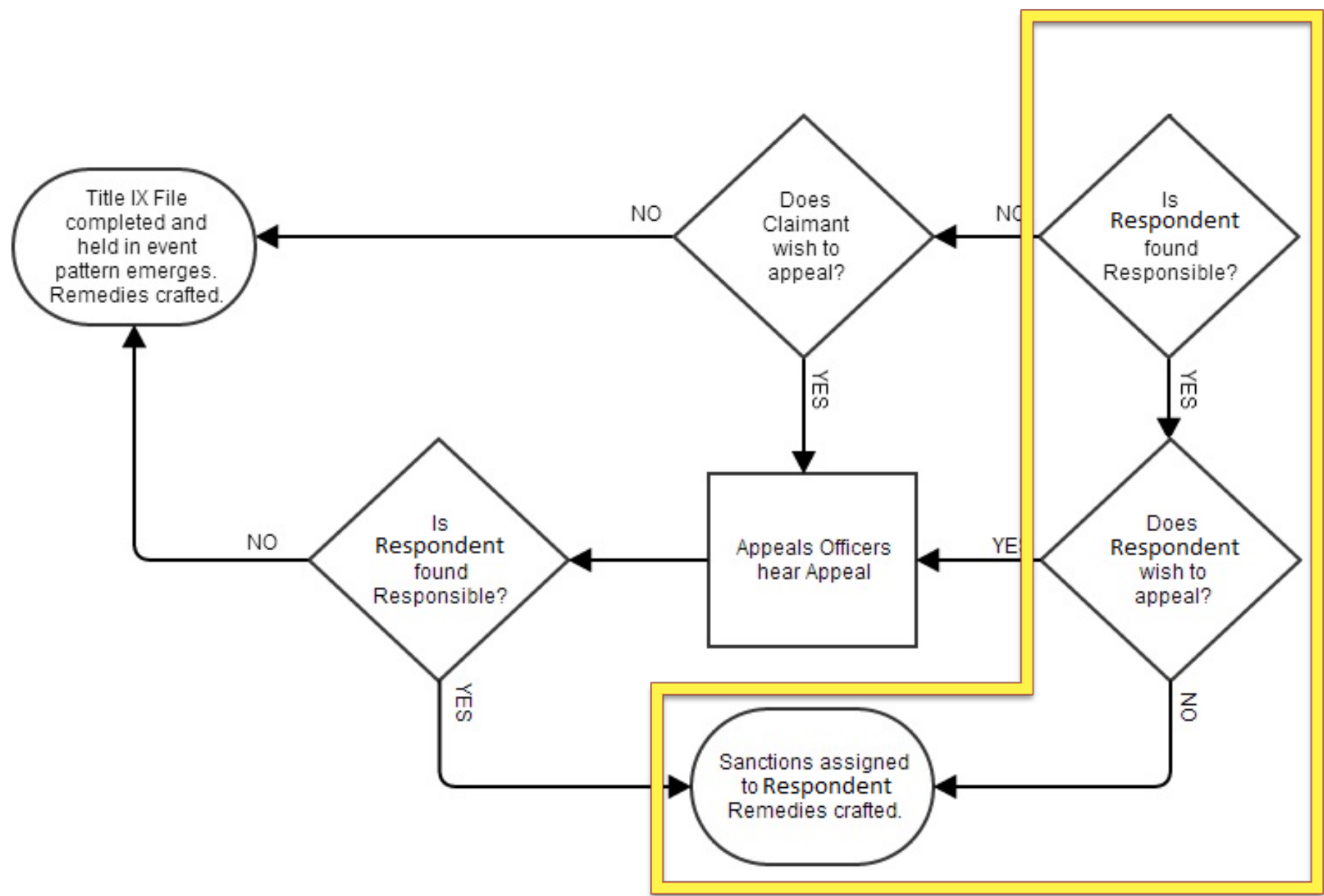
Adjudication – Administrative Hearing

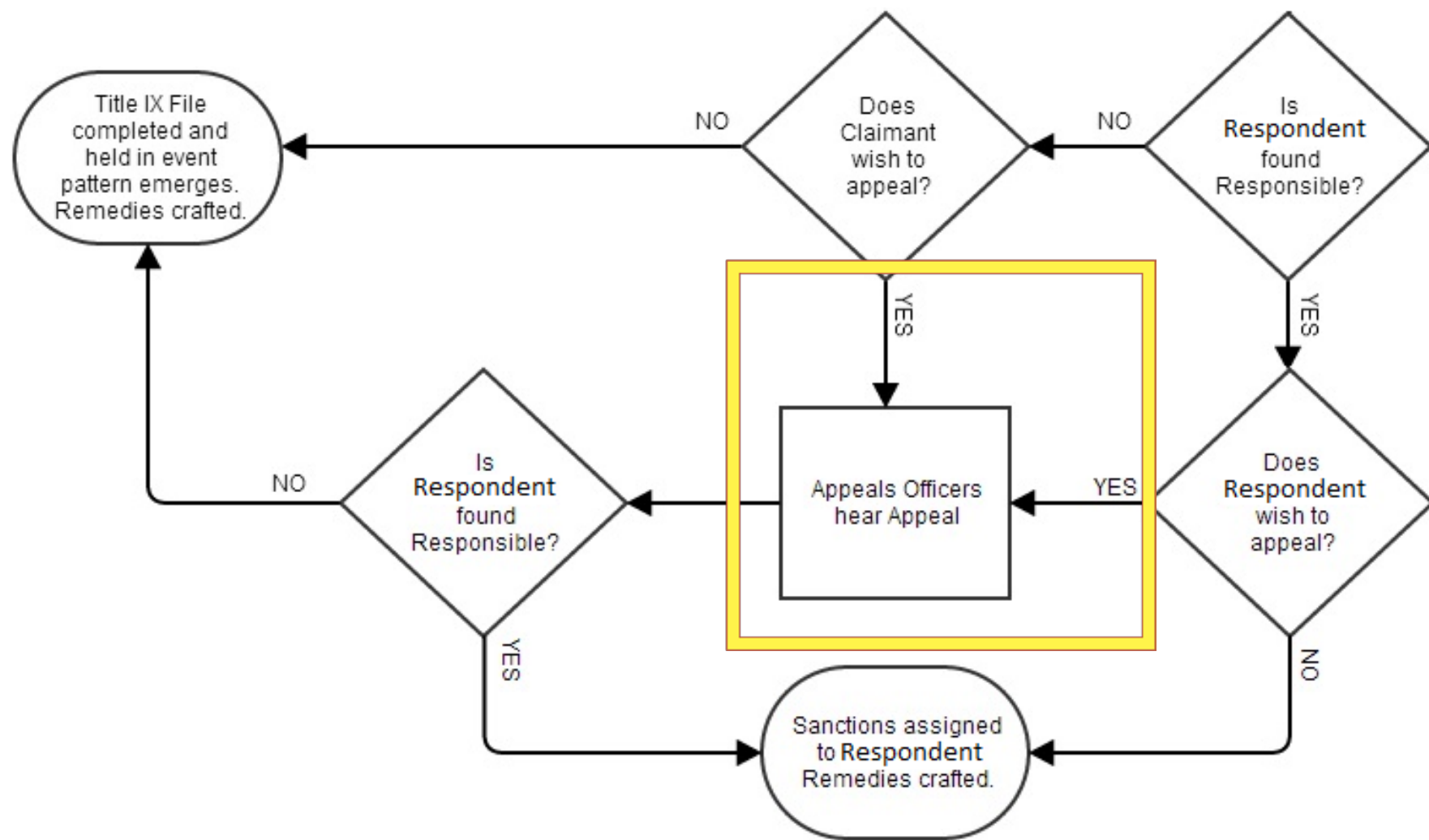


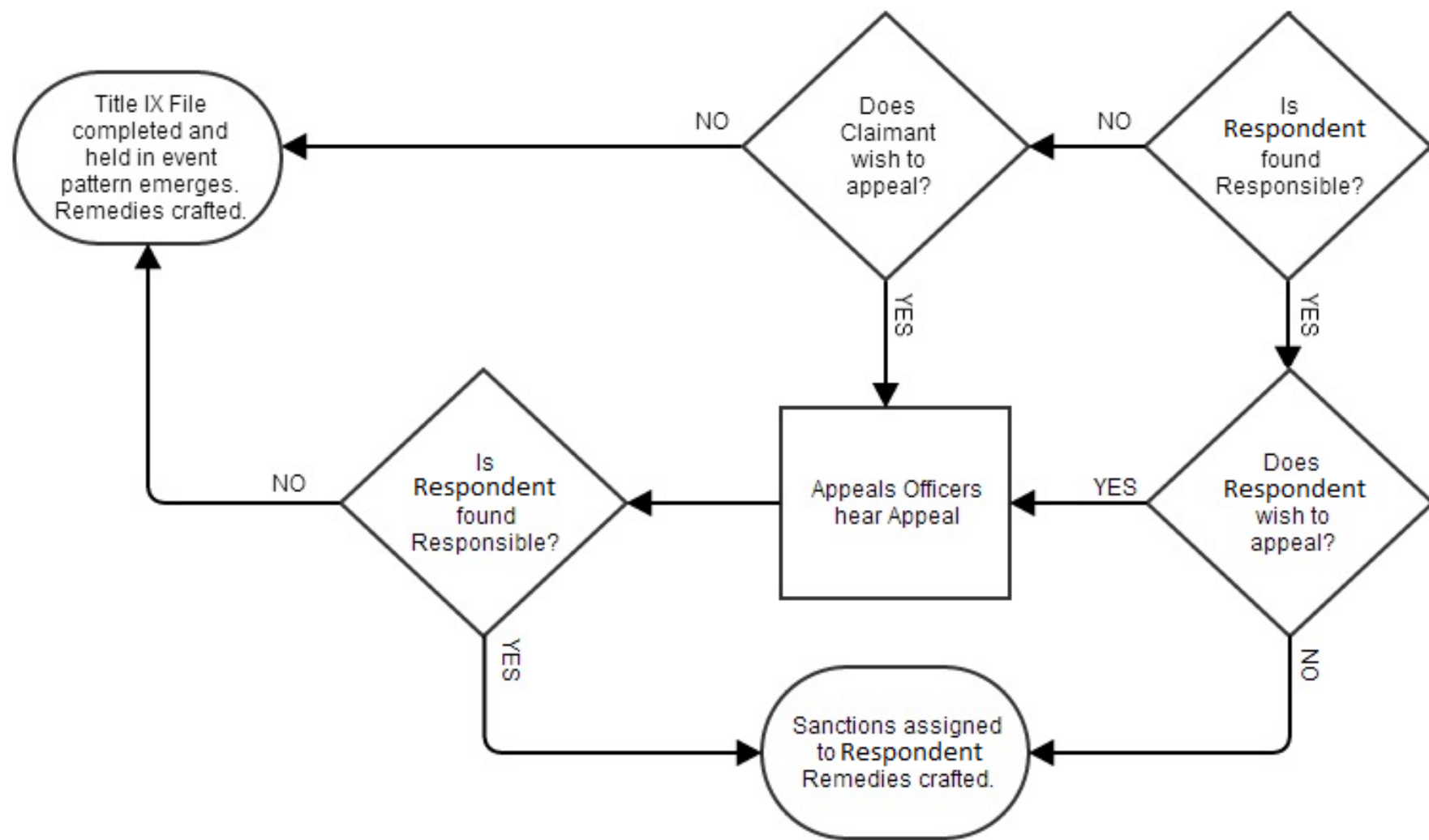
Claimants' and Respondents' rights (continued):

- 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









Next Steps



- **Next meeting:**
**Analysis and Findings of Campus Climate Survey
and Focus Groups**

Tuesday, January 28, 2014

5:30pm – 7:30pm

Montag Den