

## **Report from the Task Force on the Prevention of Sexual Misconduct August 3, 2015**

Identifying and eliminating sexual misconduct --sexual discrimination, sexual harassment, and sexual assault, as well as stalking, domestic and dating violence, (intimate partner violence), and all forms of sexual and gender violence, including violence that is based on gender identity --has taken center stage at the local, state, and national levels as an issue of critical importance. In recent years, particular attention has been directed toward confronting sexual misconduct on college campuses. The Department of Education's Office for Civil Rights (OCR), invoking Title IX of the Education Amendments of 1972, has, in the last 20 years, extended the reach of the statute beyond advancing the principle of gender equity in athletics and educational programs. The law now also proactively seeks to transform campus cultures and eliminate sexual misconduct because a campus environment that tolerates sexual misconduct limits the opportunity for some students to fully participate in the educational opportunities that should be available to all.

Very shortly after arriving on campus, President Joanne Berger-Sweeney identified addressing the issue of sexual misconduct at Trinity College as a preeminent goal. Defining the issue as more than a matter of law but a moral imperative, she wrote in a letter to the Trinity community on August 29, 2014, "Doing all that we can to prevent sexual misconduct, creating ways that encourage students who are victims or bystanders to come forward, and assuring the soundest adjudication process should these incidents occur are priorities of the highest level."

President Berger-Sweeney convened the **Task Force on the Prevention of Sexual Misconduct** in fall 2014. The group met monthly from November 2014 through April 2015, with subcommittees meeting during the intervening weeks. President Berger-Sweeney envisioned that the task force would initiate an ongoing and evolving dialogue with the full campus community and that the goals established would continue after the task force concluded its deliberations through the work of a campus resource team, whose efforts would follow the direction set by the task force.

**Membership:** Task force membership included President Joanne Berger-Sweeney, chair, and the following individuals:

- Students: Omolara Abiona '16 (first semester), Elliott Barron '15, Greg Convertito '16 (second semester), Sharnjit Dhaliwal '16 (second semester);
- Faculty: John Platoff, professor of music, Katharine Power, associate professor of theater and dance, Maurice Wade, professor of philosophy; and
- Administrators: David Andres, special assistant to the president, Mary Jo Keating, secretary of the college (first semester), Kathy Andrews, director, media relations and community outreach (second semester), Dickens Mathieu, college counsel

and secretary of the college (second semester), Christopher Card, dean of students, Beth Iacampo, director of human resources, Laura Lockwood, director of the Women and Gender Resource Action Center (WGRAC), Rob Lukaskiewicz, associate dean of students and student affairs judicial officer, Tom Mitzel, dean of the faculty and vice president for academic affairs, Cisco Ortiz, director of campus safety, Karla Spurlock-Evans, dean of multicultural affairs and Title IX coordinator; and

- Consultants: Fred Alford, former dean of students (first semester), and James Sconzo, attorney-at-law (first semester)

Subcommittees were established, with the task force as a whole agreeing that subcommittees might benefit by reaching beyond task force membership to include individuals from the Trinity community at large. The subcommittees included:

**Assessment of Campus Climate** (Platoff and Spurlock-Evans, joined by Elliott Barron);

**Education, Prevention, and Campus Resources** (Lockwood and Power, joined by Fatima Al Ansar '17, Dhaliwal, Convertito, and members of Students Encouraging Consensual Sex [SECS]);

**Investigation and Adjudication** (Lukaskiewicz and Iacampo, joined by Teresita Romero, assistant to the dean of the Center for Urban and Global Studies, Sarah Raskin, Charles A Dana Research Professor of Psychology and Neuroscience, Garth Myers, Paul E. Raether Distinguished Professor of Urban International Studies, and Erin Aisenberg '16);

**Compliance** (Andres and Ortiz); and

**Communications** (Keating and Wade), which was merged with **Education, Prevention, and Campus Resources**

Guest presenters to the task force included James J. Hughes, director of research and planning, and Rachael Barlow, social science research and data coordinator, who presented on institutional surveys at two meetings, and Antonio Farias, vice president of equity and inclusion and Title IX coordinator at Wesleyan University, who presented at one meeting on institutional policies and practices.

**The Charge:** The Task Force on the Prevention of Sexual Misconduct was charged with assessing and recommending improvements to the College's policies, procedures, and training for preventing and responding to sexual and related misconduct: sexual discrimination, sexual harassment, sexual assault, intimate partner violence, stalking, gender identity violence and harassment, and all forms of sexual or gender violence.

To meet the charge, the task force identified the following objectives:

- Review existing data on the extent of sexual misconduct at Trinity with an eye toward ensuring that we are fully mining the data we already collect.
- Through periodic surveys and focus groups, annually monitor the degree to which students, faculty, and staff, without regard to sex or gender identity, feel safe, respected, and attended to by administrators, staff, and faculty.
- Explore and implement best practices for educating all sectors of the community about sexual misconduct and effective measures to prevent it, setting the appropriate climate both inside and outside the classroom.
- Identify and publicize who is required to report incidents of sexual misconduct that they learn about and to whom reports should be made; ensure that those who receive reports are provided with training.
- Ensure that reports of sexual misconduct are promptly followed up and that options and rights are communicated to victims/survivors, including the right to educational and housing accommodations and the provision of a list of resources for support and counseling, with the levels of privacy or confidentiality each can provide; encourage victims/survivors to file complaints with police and/or with the appropriate campus officials.
- Consistent with recommended practices and with what works best at Trinity, determine how and by whom investigations and adjudication will be conducted in cases involving all campus constituents – faculty, staff, and students.
- Ensure that both victims of alleged sexual misconduct and those accused of sexual misconduct receive support and opportunities for accommodations (e.g., classroom, housing, transportation) and that both complainants and respondents receive equitable treatment in the adjudication of complaints.
- Ensure compliance with federal and state statutes and guidance, and adherence to recommended best practices.

### **Background on Title IX and Related Legislation:**

As we consider how to create an environment free of sexual misconduct at Trinity, fully mindful that the challenges we face exist at colleges and universities across the nation, it is important to pay close attention to the evolution of statutes and guidelines that place current efforts to address sexual violence within a framework established to combat sexual discrimination:

- Title IX of the Education Amendments of 1972 prohibited federally funded educational institutions from discriminating against students or employees based on sex.

- In 1997, with revisions in 2001, OCR issued guidance concerning sexual harassment, explaining the steps an institution must take to respond to and prevent incidents of harassment based on sex.
- In April 2011, OCR offered further guidance in the now well-known “Dear Colleague” letter, addressing directly the issue of peer sexual assaults on college campuses. Sexual violence is an extreme on the continuum of sexual harassment and therefore a form of discrimination prohibited by Title IX.
- In March 2013, Congress passed the Violence Against Women Reauthorization Act (VAWA 2013), which for the first time included the Campus Sexual Violence Elimination Act (Campus SaVE 2013), a new section that focused on campus sexual violence. This law added domestic violence, dating violence, and stalking to the categories of data that campuses are compelled to collect and make public in accordance with the Jeanne Clery Act. It also imposed requirements for education, prevention, response, and reporting measures related to sexual misconduct.
- In April 2014, OCR published “Q & A,” a follow-up that clarified OCR’s expectations regarding what measures campuses must adopt to achieve compliance.
- Also in April 2014, the Obama administration released *Not Alone: The First Report of the White House Task Force to Protect Students from Sexual Assault*, which offered clear suggestions for addressing sexual misconduct on campus, including a recommendation that institutions conduct campus climate surveys to identify and remedy problem areas.
- Beyond federal regulations, the State of Connecticut in 2014 passed Public Act 14-11 and updated other significant legislation related to sexual assault, stalking, and intimate partner violence on campuses.

**Key questions addressed by the Task Force:**

***What is Trinity’s campus climate with regard to sexual misconduct, and what is the level of student awareness of College policies and campus resources?***

At the task force meeting held on December 16, 2014, we reviewed surveys administered at Trinity over the past 15 years, and among these were results from the Risky/Healthy Behavior Surveys that were administered seven times between 1998 and 2012. Given that the relevant data were not current, President Berger-Sweeney and the task force requested that a planned Title IX survey be administered in February 2015 instead of fall 2015. This survey was drafted in collaboration with institutional researchers and college administrators from a group of selective liberal arts institutions that included Amherst,

Bates, Bowdoin, Bryn Mawr, Carleton, Connecticut College, Hamilton, Middlebury, Mount Holyoke, Oberlin, Smith, Swarthmore, Trinity, Tufts, Vassar, Wellesley, Wesleyan, and Williams. The survey design committee compiled questions from several sources, including the template survey offered in 2014 by the White House Task Force to Protect Students from Sexual Assault. The survey was implemented in Qualtrics, an online survey software that enables reminders to be e-mailed to nonresponders but does not link e-mail addresses or other personally identifying information with the survey responses.

The survey was administered anonymously online from February 17 through March 2 to all undergraduates (including IDP students) enrolled at the Hartford campus in spring 2015. The survey sought to measure the incidence of sexual misconduct by asking respondents about nonconsensual or unwanted sexual contact they may have experienced, either penetration or sexual contact other than penetration. It also sought to explore attitudes about and knowledge of College policies regarding sexual misconduct and individual students could seek out for assistance. The Title IX Survey Report may be found here:

<http://share.trincoll.edu/SiteDirectory/irp/IRP%20Reports/2015%20Title%20IX%20Survey%20Report%20Summary.pdf>

The response rate was 30 percent with a completion rate of 20 percent. The rates of both response and completion are somewhat below the norm for internal surveys of Trinity College students but are consistent with the low rates of similar surveys at many of our peer institutions. The response and completion rates may well have been affected by the sensitivity of the subject matter. The survey results should be viewed in light of these relatively low response and completion rates, and the possibility that those who have experienced incidents of sexual misconduct may have been overrepresented among respondents.

The *Title IX Survey Report* highlighted a number of important findings. The following excerpts are drawn from the Executive Summary:

- More than nine out of 10 respondents affirmed that Trinity College is taking steps to reduce sexual assault, and there was overwhelming agreement that the College takes reports seriously, supports and protects victims, and takes action against those found responsible for sexual misconduct. Nearly all students acknowledged having received education from the College about sexual assault policies and procedures and sexual assault prevention. Nevertheless, two out of five women and one out of five men, in responses that were consistent across class years, said they were interested in receiving additional education about sexual assault prevention.
- Overall, a quarter of all respondents, and four out of 10 female respondents, reported some kind of unwanted sexual contact at some time during their college experience. Unwanted sexual contact of any kind includes sexual penetration as well as sexual contact other than penetration (including, for example, forced kissing, grabbing, or fondling).

- According to survey respondents, only half of the incidents cited were disclosed to anyone, and only one in six was the subject of an official report. Of the incidents disclosed to anyone, only in one out of five incidents did the victim want the person to whom the incident was disclosed to take action. Students were most likely to disclose to roommates and close friends, followed by College faculty and staff, including staff in the Counseling Center, WGRAC, and Campus Safety, and the Title IX coordinator and religious staff. Survey respondents indicated that they rarely chose to report an incident to the Hartford police.

Nevertheless, the survey highlighted an urgent and continuing need to raise awareness among students regarding policies, practices, and resources:

- Despite the high levels of reported sexual assault educational exposure, and satisfaction with that education, only two-thirds of respondents were confident they knew how to report sexual misconduct or seek counseling for it. Only half felt they knew how to file a formal sexual assault/harassment criminal complaint or were familiar with the disciplinary processes that would be put in motion by ... a complaint [filed at the College]. Only one in 10 could accurately identify the Title IX coordinator, who is Karla Spurlock-Evans.

#### ***Who should be designated “responsible employees”?***

On January 21, 2015, the principal topic for discussion by the task force was who at the College should be designated responsible employees to report incidents of sexual misconduct. James Sconzo, Trinity’s legal consultant in fall 2014, clarified that there is not a definitive answer, but language in the OCR guidelines defines responsible employees as those who have the authority or duty, or who could reasonably be assumed to have the authority or duty, to redress issues of sexual misconduct by an individual reporting sexual misconduct, or who have been given the duty of reporting incidents of any type of misconduct to College officials. A number of our peer academic institutions – Middlebury, Hamilton, Tufts, and Connecticut College – designate nearly all as responsible employees. The downside is that doing so may limit the number of people to whom a person can turn in confidence. Generally, however, the number of reports increases when a large percentage of the campus is designated as responsible employees. Schools are compliant as long as they have a reasonable definition of who is responsible, provide appropriate training, and establish that the Title IX coordinator is the key decision-maker in determining whether and what kind of an investigation should be initiated.

Various task force members emphasized the importance of offering timely training, mandating training for responsible employees, clarifying in advance of a report what will happen following disclosure of information, and raising awareness regarding the College’s responsibility to respond to and investigate reports it receives. President Berger-Sweeney charged a subgroup with deliberating and bringing a recommendation back to the group as a whole.

#### ***What might “getting it right” look like?***

On February 25, 2015, the task force hosted a visit by Antonio Farias, vice president of equity and inclusion and Title IX coordinator at Wesleyan University. Farias previously had served as chief diversity officer at the Coast Guard Academy, where he administered civil rights and

diversity programs as well as programs to address sexual violence. In that position he oversaw the process of tracking and reporting to Congress incidents of sexual misconduct that were defined and adjudicated under the uniform code of military justice (UCMJ). Farias established the context within which best practices are evolving: many colleges are working to “get it right,” but the legislation is still unfolding and the conversation about what to implement and how best to do so has not always had the benefit of balanced input from all stakeholders. What is important, he noted, is that all the legislation and guidelines focus on creating safe campuses and that the real issue before us is how to effect a significant culture shift. He reported that Wesleyan is working to collect campus culture data and will participate in the collaboratively designed survey effort that includes Trinity and a host of other liberal arts colleges. (A summary of Trinity’s survey results are found in the aforementioned section, “Title IX Survey Report”). Wesleyan has designated all but counseling and pastoral staff as responsible employees and, over a two-year period, has provided training for 85 percent of the faculty and 45 percent of the staff. Informing faculty and staff that the university’s general counsel would advise them in a lawsuit if they participated in training is what Farias credited for the high rate of faculty participation. Farias described four committees working on Title IX: core (which meets biweekly and includes the general counsel, the vice president for student affairs, the dean of students, and the directors of public safety and counseling), policy, education, and student advisory. The student advisory committee keeps open a channel for representative student input, even if at times students may not participate. He emphasized the importance of inviting such groups as Greek-letter organizations to participate in discussions on this important subject.

### **The Scaffolding**

The task force meetings of March 24, 2015, and April 21, 2015, focused on subcommittees reporting out and refining final recommendations. But even as the task force began to shape recommendations, the College moved ahead to lay the foundation for creating and sustaining long-term change in campus culture and to comply with federal and state law. The College has decided to designate a full-time Title IX coordinator position in 2016 (the current coordinator, Karla Spurlock-Evans, splits her time among Title IX, multicultural affairs, and diversity) and to continue the full-time position of training and program coordinator in the Women and Gender Resource Action Center (WGRAC) – decisions made in tandem with the recommendations of the task force. These decisions demonstrate Trinity’s deep commitment to creating a respectful, embracing social environment, a campus community where sexual violence and discrimination cannot take root. A full-time Title IX coordinator will convene our campus resource team, which will include community partners and of which our Sexual Assault Response Team (SART) will constitute a subgroup. The coordinator will continue to serve the vital role as the primary point of contact for adjudicating sexual misconduct complaints; track the flow of complaints through parallel systems of adjudication for faculty, students, and staff; and select and train panelists for administrative hearing boards empaneled to determine sanctions. The coordinator will work more directly with staff in WGRAC to provide campuswide programming and training regarding sexual misconduct and create more opportunities for educational outreach to faculty, staff, and students.

Similarly, continuing to staff a full-time training and program coordinator in WGRAC is a tangible recognition of the significant training and programming efforts required to

educate students about what constitutes sexual misconduct and how they can help prevent incidents through such means as effective bystander intervention. The appointment of a full-time staff person also signals recognition of the vastly increased demand to provide training and education for staff and faculty as well. As responsible employees, they must prepare to play a vital role in supporting culture change. They will be required to report incidents they observe or are informed about to the Title IX coordinator and the director of campus safety. In order to assist students and colleagues as well as to address their own concerns, staff and faculty must be well-informed about definitions of sexual misconduct; the College's policies for reporting; the range of counseling and medical assistance both on and off campus that is available to a victim/survivor of sexual misconduct, stalking, or intimate partner violence; the right of a victim/survivor to file a complaint with the local police and/or with the Title IX coordinator or the appropriate College official; and in the case of a student, the right to seek a no-contact order, academic accommodations, and housing accommodations.

The findings of the *2015 Title IX Survey Report*, presented and clarified by James Hughes at the task force meeting on March 24 [insert link], give context and immediacy to the following recommendations made by subcommittees of the task force.

Clearly, the College must move forcefully to address concerns that our campus culture may encourage sexual misconduct – or, at the very least, turn a blind eye to it. Full-time staffing of two instrumental positions gives us person power to engage in the work. But implementing the full range of recommendations – some small scale, others larger in scope and range – is key to achieving meaningful progress.

### **The Recommendations**

#### **❖ Subcommittee on Assessment of Campus Climate**

This subcommittee made the following recommendations:

- Develop an ongoing mechanism for gathering the perceptions of the social environment and proposals for effecting change, creating and supporting a campus culture that promotes respect and concern for fellow community members. The subcommittee proposed establishing focus groups composed of eight to 10 students with two adult facilitators or scribes. The groups could be built upon existing organizations, with some groups randomly assembled.
- Create a standing committee to receive observations and recommendations and to monitor and move forward on suggested strategies and tactics.

#### **❖ Subcommittee on Education, Prevention, Communications, and Campus Resources**

A merger of Education, Prevention, and Campus Resources with Communications, this subcommittee proposed the following strategies:



- Offer a half-credit course: “**Title IX: Changing Campus Culture.**” The course will consist of four seminar sessions as well as the option of completing an independent research project or requirements to earn certification via the Counselor Advocate Training class taught by the Sexual Assault Crisis Services of the YWCA, previously sponsored on campus by the Women and Gender Resource Action Center (WGRAC). This recommendation has already been approved by the Curriculum Committee, and the course will be offered during the fall 2015 semester.
- Adopt a phone app that makes information on resources and options in responding to sexual assault readily available.
- Incorporate notice of resources and options on faculty syllabi as a way to heighten awareness by both students and faculty.
- Require first-year students to attend a midsemester workshop, “Party with Consent.”
- Require students, during their college career, to attend two programs coordinated by the WGRAC-supported student organization Students Encouraging Consensual Sex (SECS), such as **Voices Raised in Power**; the play *A Memory, a Monologue, a Rant, and a Prayer*; **Take Back the Night**; or a screening of *The Hunting Ground*.
- Create a Title IX website that offers visual representation of the *Your Rights, Your Options* booklet and active bystander skits. Post videos on the Title IX website as well as on TVs in social spaces around campus.

❖ **Subcommittee on Review and Revision of Systems for Investigation and Adjudication**

The recommendations of this subcommittee were, in large measure, based on a model instituted at Middlebury College. The subcommittee recommended eliminating “responsibility determining” hearings in Title IX cases, replacing these hearings with the following process:

1. The Title IX coordinator, in consultation with the appropriate College officials (in the offices of the Dean of the Faculty, the Dean of Campus Life, or Human Resources, depending upon the parties involved), will review the initial complaint to determine whether the complaint is within the scope of the Policy on Sexual Misconduct and Harassment.
2. Next, an investigator would be assigned to conduct a formal investigation. This investigator would interview complainants, respondents, and witnesses and evaluate evidence. The investigator would then provide a report to the

Title IX coordinator with the investigator's finding of whether the allegations of the complainant are supported by the standard of preponderance of the evidence.

Sanctions will be determined by an administrative panel comprising staff from the offices of the Dean of the Faculty, the Dean of Campus Life, and Human Resources.

3. Appeals would be heard by the appropriate College officials in the offices of the Dean of the Faculty, the Dean of Campus Life, or Human Resources, depending upon the parties involved.

#### ❖ **Subcommittee on Compliance**

This subcommittee recommended the following:

- Reconstitute the membership of the Sexual Assault Response Team (SART) in collaboration with or under the umbrella of a newly created campus resource team that includes representation from community partners, as specified in CT Public Act 14-11, with the charge of biannually reviewing policies and practices to ensure compliance with state and federal regulations and with best practices.
- Designate all Trinity College employees as responsible employees, with exceptions made for employees who can have privileged communications (mental health counselors and ordained chaplains) or maintain semi-confidentiality (WGRAC and Health Center staff members), as defined by Trinity's Policy on Sexual Misconduct and Harassment.
- Designate certain student employees – RAs and facilities monitors – as responsible employees while acting in those capacities.
- Carefully review and evaluate contracts with third-party vendors for compliance with the College's Policy on Sexual Misconduct and Harassment.
- Train all responsible employees about the implications of this designation and their responsibility to report.
- Provide annual training to all sectors of the campus community to address primary prevention and awareness related to sexual assault, stalking, and intimate partner violence.

#### **Next Steps:**

President Berger-Sweeney believes communication and a timeline will help us track our progress and embed recommendations to ensure a lasting impact on campus culture. Accordingly, this report and these recommendations will be shared with the Trinity College community. A subset of the task force will meet to refine the recommendations, particularly to ensure we are in compliance with state and federal laws and guidelines, and to draft formal policies. The task force anticipates that in the fall, an ongoing committee will be created to oversee implementation and continue momentum.

	<b>Due Date</b>
<b>Policy Revisions</b>	
<b>Revise policy on investigation and adjudication</b>	August 2015
<b>Develop policy on the designation of responsible employees and confidentiality</b>	August 2015
<b>Review contracts with vendors for compliance</b>	August 2015
<b>Establish a continuing campus resource team to regularly review policies and best practices and to coordinate resources</b>	September 2015
<b>Education and Training</b>	
<b>Offer awareness and primary prevention training annually to all members of the campus community</b>	September 2015
<b>Train responsible employees on their role</b>	AY 2015/16
<b>Require first-year students to attend a midsemester workshop, “Party with Consent”</b>	Fall 2015
<b>Require students to attend two awareness programs</b>	AY 2015/16
<b>Develop comprehensive Title IX website</b>	Spring 2016
<b>Include notice of resources and options on course syllabi</b>	AY 2015/16
<b>Offer the half-credit course “Title IX: Changing Campus Culture”</b>	Fall 2015
<b>Develop mobile-friendly site/app with information about resources</b>	Fall 2015
<b>Campus Climate Assessment</b>	
<b>Develop ongoing mechanism for assessing perceptions of campus climate (focus groups)</b>	AY 2015/16
<b>Establish a standing committee to receive observations and recommendations and to monitor implementation of suggested strategies and tactics</b>	September 2015