Interim Report: University of Richmond
President’s Advisory Committee
for Sexual Violence Prevention and Response

June 30, 2017
Interim Report

President’s Advisory Committee for Sexual Violence Prevention and Response
June 30, 2017

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Introduction

The University of Richmond is unwavering in its commitment to prevent sexual violence, respond promptly to reports of any type of sexual misconduct, support survivors of sexual assault, and investigate and adjudicate reports in a manner that is fair and equitable to all parties involved.

The University has in place extensive and comprehensive programs to educate students on how to prevent sexual assault, including bystander training; and to train all members of its community to recognize and respond to incidents of sexual misconduct. The University is also committed to continually assessing and improving its policies, prevention initiatives, and educational programs based on input from the campus community, best practices at other institutions, and regulatory guidance. We see this commitment as an affirmation of the ideals we hold as a community as well as a demonstration of our resolve to end sexual violence at Richmond.

During the first few weeks of the Fall 2016 semester, members of our community expressed their concerns about the University’s sexual violence investigation and adjudication practices. In response, many candid conversations occurred among students, faculty, staff, parents, and alumni. In these conversations and related communications, members of the Richmond community exhibited a commitment to make certain that the University’s policies, practices, and support structures were as robust as could be, and a willingness to be part of ensuring the University do its utmost to fulfill its shared responsibility for the safety of its community.

A clear consensus emerged that the University could benefit from a thorough assessment of its current education, prevention, and response practices. This assessment, launched in October 2016, aimed to identify and pursue specific initiatives that would assist the University in addressing this most important work, and in the context of an ever-changing higher education environment. President Ronald A. Crutcher announced his intention to create a President’s Advisory Committee for Sexual Violence Prevention and Response, comprised of community members with varying experience and perspectives. The Committee held its initial meeting in December 2016.

As per its charge, the Committee has issued this Interim Report to update the University community on its efforts through June 30, 2017, as well as outline the work that remains. We believe we have brought our best thinking to this endeavor and have been inspired by the participation of so many. We remain deeply optimistic that, working together, we can continue to strengthen our sexual violence prevention and response efforts and best serve all those who live and learn at Richmond.

Respectfully submitted,
President’s Advisory Committee for Sexual Violence Prevention and Response
June 30, 2017
President’s Advisory Committee for Sexual Violence Prevention and Response Charge

The President’s Advisory Committee for Sexual Violence Prevention and Response (PAC) is an administrative, ad hoc committee with responsibility for making recommendations to the president on issues related to the University’s prevention and response efforts with respect to sexual misconduct and violence. The committee includes representation from students, staff, faculty, alumni, parents, and trustees. The committee is charged with:

- Understanding and reviewing the University’s training and prevention efforts;
- Understanding and reviewing the University’s policies and procedures related to sexual misconduct, including the results of the external review of the University’s policies and procedures;
- Understanding and reviewing the University’s response and support protocols when an incident of sexual misconduct is reported;
- Understanding the federal and state regulatory landscape, including context and implications of the April 2011 “Dear Colleague” letter and 2014 clarification from the Department of Education; regulations issued under the Violence Against Women/CampusSAFE Act; recent Virginia legislation; and other emerging compliance requirements;
- Considering opportunities for the University to enhance its prevention efforts, including review of programs or interventions on other campuses that have proven successful in changing campus culture in important areas such as alcohol consumption;
- Considering recommendations for the University’s prevention and response efforts from other University constituents and committees;
- Making recommendations with respect to the University’s policies and procedures, consistent with applicable law and regulatory guidance and proven best practices; and
- Making recommendations with respect to the University’s support for students who report incidents of sexual misconduct, consistent with best practices.

Each member of the Committee will serve an initial eighteen-month term.

The Committee will issue any preliminary recommendations by June 30, 2017, and a final report not later than June 30, 2018, at which point standing University committees (e.g. the Student Development Committee of the Board of Trustees) will maintain responsibility for oversight of the University’s efforts in the area of sexual violence prevention and response.
President’s Advisory Committee Membership

Members of the University of Richmond community embrace a shared commitment to addressing the problem of sexual violence, and a desire to contribute to the responsibility we all share to ensuring the safety of our campus. To guide this important work, President Ronald A. Crutcher established a President’s Advisory Committee for Sexual Violence Prevention and Response (PAC), which met formally for the first time in December 2016.

The Committee includes representation from across the University community, including students, staff, faculty, parents, alumni, and trustees, and is responsible for reviewing the University’s training, prevention, and response efforts, as well as policies and procedures. The Committee will also have an important role to play in considering opportunities for the University to enhance its prevention efforts, and will actively and regularly seek input from stakeholder groups, concerned students, and subject matter experts.

Membership:

- Chair: Ronald A. Crutcher, President
- Steve Bisese, Vice President, Student Development
- Ashleigh Brock, ’05, Associate Director, Experiential Learning & Assessment, Alumni and Career Services
- Tara Casey, Director, Carrico Center for Pro Bono and Public Service, Richmond Law
- Claire Comey, ’19
- Amanda DeBusk, WC’78, P’17, P’20, Trustee Emerita
- Sara Hyman, ’19
- David Lyons, B’87, URAA Board Member
- Dave McCoy, Chief of University Police
- Kristine Nolin, Associate Professor of Chemistry
- Brittany Schaal, GC’16, Director of Emergency Management
- Emily Shepard, L’18
- Peter Smallwood, Associate Professor of Biology
- Steve Thompson, Associate Professor of Management
- Jayson Vivas, ’18
- Thad Williamson, Associate Professor of Leadership Studies
- Jamelle Wilson, P’20, Dean, School of Professional and Continuing Studies
- Michael Tyler York, ’19
- Staff to the Committee: Shannon Sinclair, Vice President and General Counsel, Sue Hofmann, Senior Writer and Strategic Communications Advisor, Office of the President, and Tracy Cassalia, Deputy Title IX Coordinator for Students
President’s Advisory Committee Organization and Plan of Action

The President’s Advisory Committee for Sexual Violence Prevention and Response (PAC) is charged with conducting a comprehensive and objective evaluation of the University’s training, prevention, and response efforts, as well as policies and procedures. The committee members have agreed to serve for an 18-month appointment.

In conducting its work, the Committee seeks to be educated by and receive input from stakeholder groups, such as Spiders for Spiders and student government, and subject matter experts, such as representatives from CAPS, Student Health, the deans’ offices, the Chaplaincy, and the Title IX Coordinator. The committee will also be guided by best practices with proven success at other colleges and universities.

The work of the PAC has been divided into four phases, with each phase building upon the information and data gathered and analysis conducted in the prior phase. The Committee’s work through these phases will not be strictly sequential and it is expected that there will be overlap among the phases. The four phases are as follows:

Phase I – Establishing the Baseline.
During this phase of the PAC’s work, the Committee members have educated themselves regarding applicable legal and regulatory requirements, the University’s experience with sexual misconduct reports, national data on sexual misconduct incidents, and the climate at the University. During this phase, the PAC sought input from stakeholder groups, such as Spiders for Spiders and student government, and subject matter experts, such as the external legal reviewers, representatives from CAPS, Common Ground, and the Title IX Coordinator and Deputy Title IX Coordinator for Students.

Phase II – Recommendations to the President Regarding the University’s Sexual Misconduct Policy and Standards of Student Conduct.
During this phase of the PAC’s work, the PAC received the report of the external review of the University’s policies and procedures by McGuire Woods and heard directly from the external reviewers. The PAC also received a report from the Faculty Senate Ad Hoc Sexual Assault Response and Prevention (SARP) Committee. A Policies and Procedures Subcommittee was appointed to consider in detail both the recommendations from the external reviewers and the SARP, and perspective and input gathered during Phase I from students and other subject matter experts. The subcommittee made preliminary recommendations to the PAC and, with this interim report, the PAC has provided the President with its recommendations.

Phase III – Examining Best Practices for Prevention and Education.
During this phase of the PAC’s work, the PAC will continue to gather information from campus stakeholders and subject matter experts regarding the University’s training, education and prevention initiatives. The PAC will also study best practices from other colleges and universities, focusing specifically on those practices with measurable successful outcomes. The work during this phase may be carried out by one or more subcommittees of the PAC.
Phase IV – *Recommendations to the President Regarding Education and Prevention Initiatives*. During this phase of the PAC’s work, the PAC will develop preliminary recommendations regarding the University’s education and prevention initiatives, seek input from campus stakeholders and subject matter experts on such initiatives, and, based on that feedback, make final recommendations to the President by June 30, 2018.

**Phase I and II Detailed Work Plan**

*December 21, 2016 Meeting – Initial Organizational Meeting*

- Introductions
- President’s Charge to the Committee
- Training on current legal requirements and University policies and procedures
- Review draft work plan for the PAC
- Materials Distributed:
  - The President’s October update to the campus community: [http://president.richmond.edu/initiatives/sexual-assault/index.html](http://president.richmond.edu/initiatives/sexual-assault/index.html)
  - The University’s sexual misconduct prevention and resources website: [http://richmond.edu/sexualmisconduct](http://richmond.edu/sexualmisconduct)
  - Title IX Training and Supplemental Training Materials

*January 30, 2017 Meeting – Review of National and UR-Specific Data on Sexual Misconduct*

- Review of common elements of campus sexual misconduct incidents from United Educators’ national claims data
- Review UR sexual misconduct report data
- Review campus climate survey data with guest, Peter LeViness, Director, CAPS
- Materials Distributed:
  - United Educators’ *Review of Student-Victim Sexual Assault Claims with Losses*
  - United Educators’ *Confronting Campus Sexual Assault: An Examination of Higher Education Claims*
  - Campus Climate Survey PowerPoint Presentation
March 3, 2017 Meeting – Gathering Student Perspectives and Receiving the External Review of Policies and Procedures

- Discussion with Student Organization Representatives – Part 1
  - WC and RC Student Government Representatives
  - Spiders for Spiders
- External Review of Sexual Misconduct Policies and Procedures with guests from McGuire Woods
- Assignment of Policies and Procedures Subcommittee to Draft Revisions to Sexual Misconduct Policies and Procedures
- Materials Distributed:
  - 2011 Office for Civil Rights (OCR) “Dear Colleague” Letter
  - 2014 Office for Civil Rights (OCR) “Dear Colleague” Letter
  - Critiques of Office for Civil Rights (OCR) Guidance
  - External Review Report and Executive Summary

April 3, 2017 Meeting – Gathering Student Perspectives

- Discussion with Student Organization Representatives – Part 2
  - WILL*/SASAV Representatives
  - Student Athletes
- Discussion of External Review of Policies and Procedures

April 28, 2017 – Learning about Prevention Initiatives and Resources, Update on Policy Revisions

- Review of Faculty Senate Ad Hoc Committee Report – Kimberly Robinson and Tze Loo, ad hoc committee co-chairs
- Alcohol and Substance Abuse Education and Prevention Efforts – Tracy Cassalia, Deputy Title IX Coordinator for Students
- Report from Policies and Procedures Subcommittee
- Materials Distributed:
  - Chronicle of Higher Education Focus Report on Alcohol on Campus
May 22, 2017 Meeting – Learning About Prevention Initiatives and Resources, Update on Policy Revisions

- University Resources for Responding to and Preventing Sexual Misconduct – Part 1
  - Common Ground – Glyn Hughes, Director, Common Ground
  - Chaplaincy – Bryn Taylor, Interim University Chaplain
- Update from the Policies and Procedures Subcommittee and Discussion of Key Issues
- Materials Distributed:
  - Report and Recommendations from Policies and Procedures Subcommittee

June 19, 2017 Meeting – Learning About Prevention Initiatives and Resources, Update on Policy Revisions

- Introduction of Sexual Misconduct Education and Prevention Coordinator
- Finalize Recommendations for Policy and Procedure Changes
- Finalize Interim Report of PAC
- Discussion of Detailed Work Plan for 2017–18 Academic Year

All meeting agendas are included in Appendix A.
Sexual Violence in Higher Education

Data show that one in five women is sexually assaulted while in college.¹ Most often, the assault happens during a student’s freshman or sophomore year, and more than 50 percent of college sexual assaults occur in either August, September, October, or November.² College-aged women (18–24) are four times more likely than any other age group to face sexual assault, however women (18–24) who are not enrolled in college are at an even higher risk.³

Though more than 90 percent of adult sexual assault victims are women, research shows that 3 percent (1 in 33) of men are victims of either attempted or completed sexual assault.⁴ Within the LGBTQ community, “lesbian women and gay men reported levels of intimate partner violence and sexual violence equal to or higher than those of heterosexuals.”⁵

According to Not Alone: The First Report of the White House Task Force to Protect Students from Sexual Assault, in the “great majority of cases (75–80%), (the victim) knows her attacker, whether as an acquaintance, classmate, friend or boyfriend (ex).”⁶

Sexual assault is defined by the U.S. Department of Justice (DOJ), as “any type of sexual contact or behavior that occurs without the explicit consent of the recipient.” According to the DOJ, sexual activities that fall under this definition include forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape. Colleges and universities are required to disclose the number of sexual assaults, as per the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act). As of 2013, institutions are required to report incidents of domestic violence, dating violence, and stalking on campus.

According to the DOJ, only 20 percent of female students report incidents of sexual violence to law enforcement.⁷ Despite barriers to reporting, campus law enforcement can play a significant role in addressing and responding to college sexual assault. A majority of sworn campus law enforcement departments, including Richmond’s, have staff participating in rape (or sexual violence) prevention programming; have a staff member responsible for survivor assistance; and have memorandums of understanding with local law enforcement.⁸

Many victims are survivors of what the Not Alone report terms, “incapacitated assault,” or having been sexually assaulted while drugged, drunk, passed out, or otherwise incapacitated.⁹

⁶ Krebs et al. (2007). The Campus Sexual Assault (CSA) Study.
Alcohol is the most widely used date-rape drug; and 89 percent of incapacitated assaults occur when a survivor is drunk.\textsuperscript{10} Research studies have consistently shown that at least 50 percent of student sexual assaults are associated with alcohol use, although some studies indicate much higher rates.\textsuperscript{11} Most often, “if one or the other (victim or perpetrator) is drinking alcohol, then both are.”\textsuperscript{12} It’s important to note that use of alcohol or other drugs by perpetrators does not provide an excuse for the perpetrators’ actions.

Title IX of the Education Amendments of 1972 prohibits the sexual harassment of college and university students. Sexual assault “denies or limits, on the basis of sex, a student’s ability to participate in or receive benefits, services, or opportunities at the institution.” In April 2011, the DOE issued guidance on the responsibilities of colleges and universities under Title IX. The 2011 guidance requires colleges and universities to:

- Define sex discrimination (including sexual violence) and publish a policy stating that the school does not discriminate on the basis of sex;
- Have and distribute procedures for students to file complaints when sexual harassment, discrimination, or violence takes place; and
- Appoint a Title IX coordinator to oversee these activities, review complaints, and deal with patterns or systemic problems (even when there are no formal complaints) and distribute the Title IX coordinator’s name to students

Additional Resources:


\textsuperscript{10} Ibid.
\textsuperscript{12} Ibid.
2016–17 Changes in the University Response and Prevention Efforts

During the 2016–17 academic year, the University significantly enhanced its sexual misconduct response and prevention resources and practices. Some of these improvements were already in the planning stages as of the beginning of the year and their implementation was accelerated based on input from the campus community during the fall of 2016. Other improvements resulted from the thoughtful suggestions and engagement of the University’s students, faculty, and staff.

The changes implemented during the 2016–17 academic year include the following:

- Created the Center for Sexual Assault Prevention and Response to ensure that the University’s support resources for survivors of sexual violence are robust, integrated and holistic. The Center is located in Sarah Brunet Hall and houses the University’s Counseling and Psychological Services (CAPS), and the Sexual Misconduct Education and Prevention Coordinator, and will provide space for sexual assault advocates from Safe Harbor.

- As of January 2017, CAPS began providing weekend and evening options for appointments, expanding access to that important resource outside of business hours.

- Hired new (additional) psychologist in the Office of Counseling and Psychological Services (CAPS), adding valuable capacity.

- Removed the sexual misconduct investigative and adjudicative process from the coordinate college system.

- Identified locations for sexual misconduct hearings that are outside the coordinate colleges.

- Engaged an independent hearing officer to conduct all University Hearing Board hearings involving allegations of sexual misconduct.

- Engaged and have used the law firm of Jackson Lewis to provide independent, third-party investigators for sexual misconduct investigations.

- Created a new, full-time position of Deputy Title IX Coordinator for Students; Tracy Cassalia, formerly manager of health education and wellness at the University, served in this role on an interim basis during the fall and accepted the permanent position in March 2017.

- Created a new, full-time position of Sexual Misconduct Education and Prevention Coordinator and, after a national search that included broad feedback from the campus community, hired Britnie Hopkins in May 2017.
• Appointed Tina Cade, Associate Vice President for Student Development, to serve as the conduct officer for student conduct cases involving reports of sexual misconduct.

• Engaged law firm McGuire Woods to conduct an external assessment of the University’s sexual misconduct education, prevention, and response policies and practices. An executive summary of the firm’s findings is included in Appendix C.

• Effective August 28, 2017, secured partnership with Safe Harbor, a local advocacy center for victims of sexual and domestic violence, to provide on campus the services of a survivor advocate, a confidential independent resource who can assist students in accessing on-campus and local resources. Advocates will also be available during Orientation (Saturday, August 26, 2017), in tandem with the University’s sexual misconduct education for new students.

• By removing responsibility for investigations and adjudication from the coordinate college system, enabled the coordinate college deans’ offices to focus on their critically important roles in supporting our students.

• Secured a grant of $15,000 over three years from University of Richmond Alumni Association to support the important educational work of our “Spiders for Spiders” sexual assault awareness and prevention program.

• Expanded Title IX training opportunities to enable faculty and staff to refresh and enhance their knowledge.

• Enhanced student orientation training and received approval to add, as a graduation requirement, a bystander education course for sophomores, which will be implemented in Fall 2018.

• Made more prominent the 24/7 hotline for survivors, as well as the way to reach on-call deans’ office staff at night and on weekends. All students received new University ID cards with these numbers printed on the back at the beginning of the spring semester.
Sexual Misconduct Policy/Standards of Student Conduct
2017 Review and Recommendations

The PAC was charged with making recommendations to the University’s president regarding changes in the Sexual Misconduct Policy, Standards of Student Conduct and related policies by June 30, 2017. To accomplish this task, the PAC formed a Policies and Procedures Subcommittee, which included faculty, staff, and student members. The subcommittee considered carefully the information provided by students and others who presented to the PAC over the course of the spring semester, the recommendations resulting from McGuire Woods’ review of current policies and procedures, recommendations from the Faculty Senate Ad Hoc Sexual Assault Response and Prevention (SARP) Committee report and the presentation by the co-chairs of the SARP at the April 28, 2017, meeting of the PAC, and, finally, lessons learned from the experiences investigating and adjudicating sexual misconduct reports over the last six years.

The recommendations of the subcommittee were discussed in detail at the PAC meetings on May 22 and June 19, 2017. After thorough consideration, the PAC recommends the following changes and modifications to the University’s policies and procedures:

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<tr>
<th>Subject</th>
<th>PAC Recommendation</th>
<th>Consistent with Recommendations From:</th>
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<tr>
<td>Role of Coordinate College System in Investigations and Adjudication</td>
<td>As of the spring 2017 semester, the responsibility for investigating and adjudicating sexual misconduct cases was moved from the coordinate college system. The University should continue this approach, using outside investigators and an independent hearing officer. The coordinate college deans’ offices will retain their critically important roles in supporting students.</td>
<td>McGuire Woods</td>
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<td>Sexual Misconduct Policy Content and Organization</td>
<td>The University should reorganize the presentation of information in its Sexual Misconduct Policy for clarity and effectiveness.</td>
<td>SARP</td>
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<td>The University Sexual Misconduct Policy should include an explanation that sexual misconduct may also constitute a criminal act and may be subject to criminal prosecution.</td>
<td>SARP</td>
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<td>Input on Sexual Misconduct Policy and Procedures</td>
<td>The University should issue interim revised policies for the fall 2017 semester, which include the recommendations of the PAC. The PAC will solicit feedback from the University community during the fall semester and will incorporate that feedback into final policies issued prior to the spring 2018 semester.</td>
<td>SARP</td>
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<td>Policy and Resources Webpage</td>
<td>The comprehensive review of the sexual misconduct web page should continue to focus on retaining important content while presenting information in a way that is useful and accessible to students, faculty and staff.</td>
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<td>Role of Title IX Coordinator</td>
<td>The Title IX Coordinator should continue to be designated as the primary point of contact regarding Title IX matters and the University should continue to encourage students to report directly to Title IX Coordinators to ensure prompt and appropriate response.</td>
<td>McGuire Woods</td>
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<td>The Title IX Coordinator should meet with the Conduct Officer on every sexual misconduct investigation, not just those where the Title IX Coordinator feels there is sufficient evidence to refer to the Conduct Officer.</td>
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<td>The University should ensure that the descriptions of Title IX roles are accurate and show who has ultimate responsibility for a task. Those with Title IX responsibilities unrelated to sexual misconduct should be clearly identified as outside the sexual misconduct process.</td>
<td>McGuire Woods</td>
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<td>No Contact Orders</td>
<td>The University should continue the current practice of issuing no contact orders, prior to a finding of responsibility, only when requested by the complainant or respondent or when needed to ensure safety.</td>
<td>McGuire Woods</td>
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<td>The University should continue the current practice of ensuring that no contact orders issued prior to a finding of responsibility do not disproportionately burden either the complainant or the respondent. The University should continue to monitor the effectiveness of this approach.</td>
<td>McGuire Woods</td>
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<td>Investigators</td>
<td>As of the spring 2017 semester, independent investigators investigate all Tier I sexual misconduct reports. The only role of the investigator is to complete a thorough, objective investigation. The investigators analyze the facts, but do not make a determination about whether the respondent should be charged or sanctioned. The University should maintain this process.</td>
<td>McGuire Woods</td>
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<td>Access to Attorneys as Advisors</td>
<td>Currently, students can select an advisor of their choice, who can be present at all interviews and at any hearing. The advisor may be an attorney. The University should identify a diverse pool of attorneys willing to assist students on a pro bono basis.</td>
<td>SARP</td>
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<td>Conduct Officer Role</td>
<td>The University should retain the conduct officer function but revise the role to eliminate the ability to conduct an additional investigation and to require a meeting with the Title IX Coordinator on every investigation prior to determining whether to charge a student under the Standards of Student Conduct. The University should explore alternatives to the current assignment of the conduct officer role to eliminate the perception of a potential conflict of interest.</td>
<td>Note: McGuire Woods recommended eliminating the conduct officer role.</td>
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<td>Pre-Hearing Timeframe for Submission of Witnesses, Evidence, etc.</td>
<td>Consistent with the objective of timely adjudication, the University should extend the time for students to submit and have access to witness lists, witness statements, documentary evidence and other submissions.</td>
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<td>Submission of Written Objections to Investigative Report</td>
<td>Prior to the hearing, both the complainant and the respondent should have an opportunity to submit written corrections or challenges, if any, to the factual findings contained in the investigative report. Such written corrections or challenges would be included in the hearing materials and accessible to the other party and the hearing board members.</td>
<td>McGuire Woods</td>
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<td>Removal of Inadmissible Information from Hearing Materials</td>
<td>The independent hearing officer should review all submissions of documentary evidence and remove or redact inadmissible information prior to disseminating hearing materials to the parties and the University Hearing Board.</td>
<td>McGuire Woods</td>
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<td>Standard of Proof for University Hearing Board Proceedings</td>
<td>The University should continue to employ the preponderance of the evidence standard of proof in hearings, absent changes in federal or state statutes, regulations, or binding regulatory guidance.</td>
<td>SARP</td>
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<td>Title IX Coordinator and Conduct Officer Should Not Be Witnesses</td>
<td>The Conduct Officer should not be called as a witness at the University Hearing Board proceeding. The Title IX Coordinator should only serve as a witness if they actually conducted the investigation. The University Hearing Board should make its own assessment of the evidence and should not be influenced by testimony from the Title IX Coordinator or the Conduct Officer regarding their rationale for referring a case to conduct or charging the respondent.</td>
<td>McGuire Woods</td>
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<td>Limit on Character Witnesses</td>
<td>In order to ensure equity in the hearing process and to maintain the focus on relevant, probative evidence, the University should limit the number of character witnesses that a complainant or respondent can call during a hearing.</td>
<td>SARP</td>
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<td>Impact Statements</td>
<td>Both the complainant and respondent should have an opportunity to make an impact statement to the University Hearing Board. The impact statements should be made after the University Hearing Board has made a decision about responsibility of the respondent and prior to determining the sanction.</td>
<td>SARP</td>
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<td>Sanctions Guidance for UHB/Appellate Review Board</td>
<td>Prior to imposing a sanction against a respondent, the University Hearing Board members should have access to sanctioning guidelines that include summary of sanctions imposed in prior cases. In considering an appeal of the sanction, the appellate review board should also have access to this information.</td>
<td>SARP</td>
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<td>Notice of Outcome</td>
<td>The notice of a decision by the University Hearing Board to sanction a respondent should include the effective date of such sanctions.</td>
<td>McGuire Woods</td>
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<td>Appellate Review</td>
<td>Currently, the Vice President for Student Development serves as the appellate officer. He may consult with an appellate review board, but the final decision rests with the appellate officer. The University should revise the appellate process so that the appellate officer is required to convene an appellate review board. The appellate review board decides the appeal.</td>
<td>SARP</td>
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<td>Post Appeal Follow Up with Participants</td>
<td>The Title IX Coordinator should offer the complainant and respondent an opportunity to meet following a hearing and appeal process to discuss additional accommodations and to provide feedback on the process. Complainants and respondents should have the right to decline to participate in this meeting.</td>
<td>SARP</td>
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<td>Review of Closed Cases</td>
<td>The University should develop and implement a policy requiring an annual or semi-annual review of closed cases, including investigative reports and hearing transcripts, to ensure that best practices and University policies are being followed and that concerns are addressed swiftly.</td>
<td>McGuire Woods</td>
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<td>Training</td>
<td>The University should develop and implement a formal policy for training all individuals involved in the sexual misconduct investigative and adjudicative process. The policy should require such training on a semi-annual basis and &quot;just-in-time&quot; training before any hearing.</td>
<td>SARP, McGuire Woods</td>
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President’s Advisory Committee Plans (July 2017–June 2018)

As per its charge, the Committee will continue its work throughout the 2017–18 academic year. The focus for this year will be on education and prevention initiatives. A final report will be issued by June 30, 2018. The following actions are planned, and the Committee will continue to add to and enhance efforts as necessary:

- Continue to meet regularly and seek the input of the campus community, especially students.

- Study best practices from other colleges and universities, particularly with regard to those practices with measurable successful outcomes.

- Assess policy changes adopted prior to the 2017–18 academic year, as a result of the work of the Policies and Procedures Subcommittee; amend and/or reaffirm policy changes as needed.

- Continue to assess and augment educational programming, including orientation programming, bystander training, and efforts aimed at targeted subpopulations (Greeks, student-athletes, etc.), and high-risk populations, among other initiatives.

- Make final recommendations to the President of the University by June 30, 2018.
Appendix A
President’s Advisory Committee for Sexual Violence Prevention and Response

Agenda

December 21, 2016

1. Welcome and Introductions - President Crutcher
2. Charge to President’s Advisory Committee -- President Crutcher
3. Title IX and Sexual Misconduct Policy Overview and Education – Maura Smith and Shannon Sinclair
4. Discussion of Committee’s Work Plan -- All
5. Concluding Remarks -- President Crutcher
President’s Advisory Committee for Sexual Violence Prevention and Response

Agenda

January 30, 2017

Tyler Haines Commons Room 348
Call-in number: 1-877-820-7831 participant code: 777005#

1. Welcome - President Crutcher

2. PAC Operations – President Crutcher, Shannon Sinclair
   a. Membership
   b. Staffing and Communications
   c. Long and Short-Term Work Plan
   d. Coordination with Faculty Senate Ad Hoc Sexual Assault Response and Prevention Committee

3. Review of National and UR-Specific Data on Sexual Misconduct
   a. Campus Sexual Assault – National Data – Shannon Sinclair
      i. United Educators Review of Student-Victim Sexual Assault Claims with Losses (attached)
      ii. United Educators Confronting Campus Sexual Assault: An Examination of Higher Education Claims (attached)
   b. UR Sexual Misconduct Report Data
      i. See: http://studentdevelopment.richmond.edu/student-concerns/sexual-misconduct/report-data.html
   c. UR Campus Climate Survey – Peter LeViness, Director, CAPS

4. Concluding Remarks -- President Crutcher

Next Meeting: March 3, 2017 3:30 – 5:00, location TBD
President’s Advisory Committee for Sexual Violence Prevention and Response

Agenda

March 3, 2017

Gottwald Conference Room D-100

Call-in number: 1-877-820-7831 participant code: 777005#

1. Welcome - President Crutcher
2. Discussion with Student Organization Representatives
   a. Spiders for Spiders
   b. Westhampton and Richmond College Student Government Associations
3. External Review of Sexual Misconduct Policies and Procedures – Craig Wood and Meredith Green, McGuire Woods
4. Assignment of Subcommittee to Draft Revisions to Sexual Misconduct Policies and Procedures
5. Concluding Remarks -- President Crutcher

Next Meeting: April 3 or 7, 2017 3:30 – 5:00, location TBD
President’s Advisory Committee for Sexual Violence Prevention and Response

Agenda

April 3, 2017

Tyler Haines Commons Room 348

Call-in number: 1-877-820-7831 participant code: 777005#

1. Welcome - President Crutcher
2. Introduction of New Members – President Crutcher
3. Discussion with Student Representatives – Part 2
   a. WILL*/SASAV
   b. Student Athletes
5. Concluding Remarks -- President Crutcher

Next Meeting: April 28, 2017  2:30 p.m. Tyler Haines Commons Room 348
President’s Advisory Committee for Sexual Violence Prevention and Response

Agenda

April 28, 2017

Tyler Haines Commons Room 321

Call-in number: 1-877-820-7831 participant code: 777005#

1. Welcome - President Crutcher
2. Faculty Senate Ad Hoc Sexual Assault Response and Prevention (SARP) Committee Report – Kimberly Robinson and Tze Loo
3. 2016-2017 Alcohol Edu and Haven Data – Tracy Cassalia
5. Planning for 2017-2018 – President Crutcher
6. Concluding Remarks -- President Crutcher

Next Meeting: May 22, 2017 2:30-4:00  THC Room 310
President’s Advisory Committee for Sexual Violence Prevention and Response

Agenda

May 22, 2017

Tyler Haines Commons Room 310

Call-in number: 1-877-820-7831 participant code: 777005#

1. Welcome - President Crutcher

2. University Resources for Responding to and Preventing Sexual Misconduct – Part 2
   a. The Chaplain’s Office – Bryn Bagby Taylor
   b. Common Ground – Glynn Hughes (by phone)

3. Update from the Sexual Misconduct Policy Revision Subcommittee
   a. Key Issues:
      i. Role of the Title IX Coordinator and Conduct Officer
      ii. Jurisdiction
      iii. Other Issues
   b. Assessment of recommendations from SARP and McGuire Woods
   c. Plan for issuing revised policies and seeking community input

4. Concluding Remarks -- President Crutcher

Next Meeting: June 19, 2017 2:30 p.m. Tyler Haines Commons Room 310
President’s Advisory Committee for Sexual Violence Prevention and Response

Agenda

June 19, 2017

Tyler Haines Commons Room 310

Call-in number: 1-877-820-7831 participant code: 777005#

1. Welcome - President Crutcher
2. University Resources for Responding to and Preventing Sexual Misconduct – Part 3
   a. Introduction of Britnie Hopkins, Sexual Misconduct Education and Prevention Coordinator
3. Discuss Recommendations for Policy Revisions –
   a. Role of the Title IX Coordinator and Conduct Officer
   b. Appellate Review Board
   c. Access to Pro Bono Legal Counsel
   d. Jurisdiction
4. Discuss Draft Interim Report
5. Plan of Action for 2017-2018
   a. Subcommittees on Prevention and Education
   b. Continuing Role of Policy Subcommittee
   c. PAC Meeting Frequency
6. Concluding Remarks -- President Crutcher
Appendix B
Title IX Training

Shannon Sinclair, VP & General Counsel
Maura Smith, Title IX Coordinator & Director of Compliance
SUPPORT REPORT PREVENT
The Education Amendments of 1972 (Title IX) state

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”
2011 “Dear Colleague Letter”

Requirements of Title IX pertaining to sexual harassment also cover sexual violence.

As an institution, we must investigate and respond.
Sex, Gender, and Sexuality

Title IX’s sex discrimination prohibition extends to ANY:
• gender identity
• gender expression, and
• sexuality
Applies to ALL

- Students
- Faculty
- Staff
Men cannot be sexually assaulted.

- **FALSE**

- 1 in 5 women and 1 in 33 men have experienced sexual violence since arriving on a college campus.
The perpetrator of campus sexual assault is usually a stranger to the survivor.

- **FALSE**

- 80% of college-age survivors knew their offender.
The most common drug used in acquaintance sexual assault is alcohol.

- **TRUE**

- Almost 90% of campus sexual assaults involve alcohol.

SUPPORT. REPORT. PREVENT.
Most college sexual assaults involve the use of a weapon.

- **FALSE**
- The "weapon" is alcohol.

- Most sexual assaults take place in the first several weeks of school and 73% involve first- or second-year women.
Alcohol can:
- Create a false sense of confidence and/or security
- Cause us to take risks that could jeopardize our personal safety
- Compromise an individual’s ability to assess dangerous situations
- Increase aggression levels
- Decrease impulse control

Alcohol and Sexual Violence

SUPPORT. REPORT. PREVENT.
If the survivor did not report right away, it most likely means they have other motives.

- **FALSE**
- 11.3 months is the average delay in reporting.
- Only 2-8% are deemed to be false reports, consistent with other violent crimes.

SUPPORT. REPORT. PREVENT.
Reasons Survivors Choose Not to Report

- Embarrassment
- Fear
- Peer perception
- Memory
- Definition of “assault”
- Acceptance of rape myths
- Substance use
- “Just want it to go away”
- “Don’t want to get them in trouble”
University of Richmond
Sexual Misconduct Policy

- We value a learning community in which all members feel secure physically and intellectually. Behavior that harms others or threatens campus security challenges our mission. Sexual misconduct is such behavior and is prohibited at the University of Richmond.

- Additionally, we prohibit retaliation against anyone who reports or witnesses an incident of possible sexual misconduct.

SUPPORT. REPORT. PREVENT.
Sexual Misconduct Offenses

- Non-consensual Sexual Contact
- Non-consensual Sexual Intercourse
- Sexual Exploitation
- Stalking
- Dating/Relationship Violence
- Domestic Violence
- Sexual Violence
- Hazing
- Sexual Harassment

SUPPORT. REPORT. PREVENT.
Stalker Behavior

- Follow you and show up wherever you are.
- Send unwanted gifts, letters, cards, or e-mails.
- Damage your home, car, or other property.
- Monitor your phone calls, texts, computer use, and/or location.
- Threaten to hurt you, your family, friends, or pets.
- Posting information or spreading rumors about you on the Internet, in a public place, or by word of mouth.
- Other actions that control, track, or frighten you.

https://www.victimsofcrime.org/our-programs/stalking-resource-center/stalking-information
A student reports to an advisor that an ex-partner is stalking them.

The advisor believes the behavior is trivial and will stop eventually. The advisor also believes saying anything will do more harm than good.

If the advisor does not think there is any real danger, should they report the student’s concern to the Title IX Coordinator?
Sexual Misconduct Offenses

- Non-consensual Sexual Contact
- Non-consensual Sexual Intercourse
- Sexual Exploitation
- Stalking
- Dating/Relationship Violence
- Domestic Violence
- Sexual Violence
- Hazing
- Sexual Harassment
Possible Indicators of an Abusive Relationship

- Your partner tries to isolate you and control whom you see or where you go.
- Your partner nags you or forces you to be sexual when you don’t want to be.
- Your partner puts down people, including your family and friends, or calls them names.
- You feel afraid to break up with your partner.
- You feel tied down, feel like you have to check-in.
- You feel afraid to make decisions or bring up certain subjects so that the other person won’t get mad.


SUPPORT. REPORT. PREVENT.
Sexual Misconduct Offenses

- Non-consensual Sexual Contact
- Non-consensual Sexual Intercourse
- Sexual Exploitation
- Stalking
- Dating/Relationship Violence
- Domestic Violence
- Sexual Violence
- Hazing
- Sexual Harassment
Virginia Law - Transcript Notation

The Registrar must include a prominent notation on the academic transcript of each student who:

- Is suspended for,
- Is permanently dismissed for, or
- Withdraws while under investigation for an offense involving sexual violence.
Sexual Misconduct Offenses

- Non-consensual Sexual Contact
- Non-consensual Sexual Intercourse
- Sexual Exploitation
- Stalking
- Dating/Relationship Violence
- Domestic Violence
- Sexual Violence
- Hazing
- Sexual Harassment

SUPPORT. REPORT. PREVENT.
Chris and Pat are colleagues. Pat continually makes comments about Chris’ physical appearance and attire. Recently, Pat starting asking Chris out to drinks after work, but Chris has repeatedly said “no”.

Chris is looking to YOU for help.

What advice do you give Chris?
Employee Policy on Harassment

- The University prohibits any form of harassment based on race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity, gender expression, disability, status as a veteran, or any classification protected by local, state, or federal law.

- Sexual harassment and other sexual misconduct are types of sex discrimination and are covered under the scope of this policy.
The Same Definitions Apply

- Same definitions for sexual harassment, as well as other forms of sexual misconduct, apply to students, faculty and staff

- Quid Pro Quo – “this for that”

- Hostile Environment
Examples of Harassment in the Workplace

- Making unwelcome or offensive comments about a person’s clothing, body, or personal life
- Offensive jokes or unwelcome innuendos
- Unwelcome advances or requests for sexual favors
- Any suggestion that sexual favors, or status as being in any protected class would affect one’s job, promotion, performance evaluation, or working conditions
What is Consent?

- **Clear and unambiguous agreement** to engage in sexual activity as evidenced by words or actions that demonstrate a **knowing** and **voluntary** willingness to engage in mutually-agreed-upon sexual activity.
If someone does not actively resist being sexually assaulted, it means they consented.

- **FALSE**

- Consent cannot be inferred from silence or lack of resistance.
  - Fight, Flee, Freeze (tonic immobility)
What is Consent?

- Consent cannot be implied by attire or inferred from an individual by spending money on that individual (e.g., buying a meal on a date).

- Consent to one type of sex act does not imply consent to another.

- Consent to prior sexual activities does not imply consent to future activities.

- Withdrawal of consent = all sexual activity must stop immediately.

SUPPORT. REPORT. PREVENT.
If a survivor does not have visible injuries most likely an assault did not take place.

- **FALSE**
- Consent cannot be gained by force.
- And force can take many forms...
What is Force?

- Physical force
- Threats
- Intimidation
- Coercion

SUPPORT. REPORT. PREVENT.
What is Consent?

- **Clear and unambiguous agreement** to engage in sexual activity as evidenced by words or actions that demonstrate a **knowing** and **voluntary** willingness to engage in mutually-agreed-upon sexual activity.
What is Incapacitation?

- Physical and/or mental inability to make informed, rational judgments or to understand the nature and consequences of the sexual act
- Voids an individual's ability to give consent; not knowing
- May be caused by a permanent or temporary physical or mental impairment
- May also result from the consumption of alcohol or the use of drugs.
Consent: Alcohol or Drugs

- Incapacitation > Intoxication

A person violates the sexual misconduct policy if they have sexual contact with someone they know or should know is mentally incapacitated or has reached the degree of intoxication that results in incapacitation.

Judged by whether a reasonable, sober person would know about the incapacitation.
If both participants are drunk, then neither can be held accountable for the sexual assault.

➤ FALSE

➤ Intoxication/Incapacitation is not a defense.
Signs of Possible Incapacity due to Alcohol or Drug Consumption

A witness or the accused student may know how much the other party has consumed or there may be reports of:

- Slurred speech
- Bloodshot eyes
- Smell of alcohol on the breath
- Shaky equilibrium
- Vomiting
- Outrageous or unusual behavior
- Passed out, unconsciousness

SUPPORT. REPORT. PREVENT.
How Can Faculty & Staff Create a Supportive Environment?

- Pay attention to changes in student behavior
- Focus on listening
  - Keep questions to a minimum
- Know your campus resources
- Report all known information to Title IX Coordinators

SUPPORT. REPORT. PREVENT.
After sexual assault, a survivor is always hysterical, crying, and emotional.

- **FALSE**
- Survivors’ response varies greatly.
Survivor Reactions to Sexual Violence

- **Emotional Shock:** I feel numb. How can I be so calm? Why can't I cry?
- **Disbelief and/or Denial:** Did it really happen? Why me? Maybe I just imagined it. It wasn't really rape.
- **Emarrassment:** What will people think? I can't tell my family or friends.
- **Shame:** I feel completely filthy, like there's something wrong with me. I can't get clean.
- **Guilt:** I feel as if it's my fault, or I should've been able to stop it. If only I had...
- **Depression:** How am I going get through the semester? I'm so tired! I feel so hopeless. Maybe I'd be better off dead.
- **Powerlessness:** Will I ever feel in control again?
- **Disorientation:** I don't even know what day it is, or what class I'm supposed to be in. I keep forgetting things.

SUPPORT. REPORT. PREVENT.
Survivor Reactions to Sexual Violence

- **Flashbacks:** I'm still reliving the assault! I keep seeing that face and feeling like it's happening all over again.

- **Fear:** I'm scared of everything. What if I have herpes or I’m HIV positive? I can't sleep because I'll have nightmares. I'm afraid to go out. I'm afraid to be alone.

- **Anxiety:** I'm having panic attacks. I can't breathe! I can't stop shaking. I feel overwhelmed.

- **Anger:** I feel like killing the person who attacked me!

- **Physical Stress:** My stomach (or head or back) aches all the time. I feel jittery and don't feel like eating.

http://cmhc.utexas.edu/booklets/maleassault/menassault.html#anchor1010018

SUPPORT. REPORT. PREVENT.
When survivors’ recall seems sketchy and scattered, it means they are lying.

- **FALSE**

- Survivors may experience trauma that affects memory recall.
Stressful events cause significant changes to the brain.

The ability of the frontal lobes (which are not fully developed in our students) and hippocampus to "manage" normal activity is degraded.

When the brain is exposed to a traumatic event it encodes the experience as sensory fragments; these fragments are what become "flashbacks" or "nightmares".

Recall and sequencing becomes very difficult.

SUPPORT. REPORT. PREVENT.
Three tips during disclosure

- Affirm
- Interrupt
- Inform
Talking with the Survivor

- **Listen**
  - Believe

- **Support**
  - Tend to medical and emotional needs
  - No more violence
  - Provide comfort
  - Give control

- **Refer**
  - Know the support resources

- **Report** to the Title IX Coordinators


**SUPPORT. REPORT. PREVENT.**
Talking with the Respondent/Perpetrator

- Listen.

- If someone tells you they regret an incident believe them and resist urge to minimize the person’s actions.
  - Minimizing the person’s behavior will not help and may put them at risk for recidivism.

- Encourage the person to stay away from the survivor.

- Get support for yourself.

- Report – failure to report an incident does not help the individual or the community.

SUPPORT. REPORT. PREVENT.
How Title IX Coordinators Support Students

- Protect privacy of the students and provide information, options, and rights at the beginning of the conversation
- Contact faculty and staff on behalf of students to request accommodations
- Investigate reports of possible sexual misconduct and provide periodic updates
- Refer the students to appropriate resources
Supporting Survivors

- Interim measures (when reasonable)
  - Removal from class
  - No contact/No trespass orders
  - Housing relocation
- Provide funding, as necessary, for STI testing, articles damaged during assault, counseling, transportation, etc.
- Attend meetings with the survivor (law enforcement, hospital, Commonwealth’s Attorney).
- Update the survivor on any movement or development in the University process.
On-Campus Resources

- Title IX
  - Maura Smith, Title IX Coordinator, 804-289-8654
  - Tracy Cassalia, Interim Deputy Title IX Coordinator for Students, 804-289-8464
  - Carl Sorensen, Deputy Title IX Coordinator for Faculty/Staff, 804-289-8166
- University Police - 804-289-8911
- Dean’s Offices
- Wellness
Confidential On-Campus Resources

- Counseling Center (CAPS)
  804-289-8119
- Student Health Center
  804-289-8064
- Chaplaincy
  804-289-8500
*Ordained personnel only
Confidential Off-Campus Resources

- **St. Mary's Hospital**
  801 Bremo Road
  Richmond, VA 23226
  804-285-2011

- **Safe Harbor**
  PO Box 17996
  Richmond, VA 23226
  804-287-7877

- **YWCA**
  6 N. 5th Street
  Richmond, VA 23219
  804-643-0888

- **VCU Medical Center**
  1250 E. Marshall Street
  Richmond, VA
  804-828-9000

- **LGBTQ Partner Abuse and Sexual Assault Helpline**
  1.866.356.6998
  Monday-Friday 8am-8pm

SUPPORT. REPORT. PREVENT.
SUPPORT
REPORT
PREVENT
Predation Research

- 4-6% of men commit 90-95% of all sexual assaults.
- Most men who commit acts of sexual violence are serial offenders.
- Sexual violence is not an “accident,” or caused by “circumstances.”
- Able to identify vulnerability.
  - Scout, groom, increase vulnerability, isolate
- The accused often minimize, underreport, or justify their behavior.
- Have difficulty identifying with the survivor and often show little, or no, compassion.

2005 David Lisak, Virginia Campus Safety Forum: Addressing Campus Sexual Assault and Violence Prevention on Campus 2011

SUPPORT. REPORT. PREVENT.
Almost 23% of college-age survivors of sexual assault experienced prior victimization.

Those most at risk experienced childhood or teen sexual assault (4x more likely to experience sexual violence as an adult).

Sexual assault survivors are more likely to develop alcohol- and drug abuse-related problems.
Virginia Law - Responsible Employee

- All Richmond employees are encouraged to report information about sexual misconduct to Title IX Coordinators.

- A majority of employees are deemed Responsible Employees and are REQUIRED by state and federal law to report to Title IX Coordinators.

- Responsible Employees have the authority to take action to redress alleged sexual misconduct or a duty to report.

SUPPORT. REPORT. PREVENT.
Reporting Incidents

- **Who should report?**
  - *Responsible Employees MUST report.* All others encouraged to report.

- **How should I report?**
  - Call/email Title IX Coordinators or use the reporting form.

- **What should I report?**
  - Any sexual misconduct whether the incident occurred on or off campus, during a break, or while a student was abroad.
  - All known information relating to the incident must be reported using that person’s words.

- **When should I report?**
  - As soon as you are made aware of an incident.
Reporting Form at richmond.edu/sexualmisconduct
Students have the option to share information anonymously. However, the Title IX Coordinator will be better able to assess and respond to complete reports.

For information about confidential resources, please click [here](richmond.edu/sexualmisconduct).

More information about the University's response to reports, reporting options, and support resources can be found in the Sexual Misconduct Policy or by contacting the Title IX Coordinator, Maura Smith, at 804-289-8654.

### Reporter Information

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<th>Field</th>
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<tr>
<td>Your full name:</td>
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<td>Your phone number:</td>
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<td>Your email address:</td>
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<td>Faculty</td>
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<tr>
<td>Date Incident Reported to you:</td>
<td>YYYY-MM-DD</td>
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### Involved Persons

Please share as much information as you can about the involved persons (including personal identifiers) for more information about the University's response to reports, including confidentiality and privacy concerns.
Reporting Employee Harassment

- Any member of the University community who believes that he or she may have been, or knows someone who may have been subjected to sexual misconduct or harassment, should report that concern. Supervisors are required to report any information to HR.

- Call or email Carl Sorensen, Deputy Title IX Coordinator/AVP Human Resources at (804) 289-8166 or csorensen@richmond.edu

- Call the confidential Ethics and Compliance Helpline at (888) 256-4925 or submit an online report at www.reportlineweb.com/richmond

- Both formal and informal processes are used to address an employee harassment concern—for more information go to http://hr.richmond.edu/talent/policies/harassment.html
Confidentiality Requests

- Title IX Coordinators discuss information shared with students and explain responsibility to investigate.
- The Title IX Coordinators must weigh the survivor’s request for confidentiality against the potential threat to campus safety, especially if names are known.
- The Title IX Coordinators will make every attempt to protect the identity of the survivor and will notify them immediately if it is necessary to begin an investigation.
Investigation

Timeline
• 60 days to completion of process—this includes all parts of the investigative process, referral, and conduct hearing(s).

Police and University
• Multiple interviews with parties
• Simultaneous processes
• Share to extent possible
Investigation

- Meet with:
  - complainant/survivor, respondent/accused and witnesses/other relevant parties
- Gather relevant documents or evidence, if any.
- Provide information:
  - Resources on and off campus, University procedures, Title IX accommodations
- Determine if an incident should be referred to the appropriate conduct officer. In more serious cases a group of administrators may be involved in the referral process.
- Provide information to URPD to determine if there is a threat to campus community and need for a timely warning.
- Report information necessary for Clery to URPD

SUPPORT. REPORT. PREVENT.
SUPPORT REPORT PREVENT
Active Bystander Role

- Notice the Event
- Interpret the Event as an Issue
- Assume Personal Responsibility
- Know How to Help
- Do Something!
Why is being an Active Bystander so important?

Early Action is key

- Staying silent supports harmful behavior
- Speaking up gives others the courage to do so
- Everyone deserves to feel supported and protected
- How can you help?

SUPPORT. REPORT. PREVENT.
What role can you play in ending sexual misconduct on campus?

- **Be a role model**
  - Respectful, equitable behavior and language
  - Intervene when students or colleagues make sexist comments or jokes

- **Engage**
  - Attend trainings
  - Participate in campus educational campaigns and awareness events

- **Educate**
  - Incorporate information about sexual violence and healthy sexuality into your curriculum/trainings whenever possible
  - Invite the Coordinator for Sexual Misconduct Education to conduct trainings for your students
  - Keep information about sexual violence prevention on hand

SUPPORT. REPORT. PREVENT.
SUPPORT REPORT PREVENT
Answer these questions with a T for True or F for False.

_______ 1. Men cannot be sexually assaulted.

_______ 2. The perpetrator of campus sexual assault is usually a stranger to the survivor.

_______ 3. The most common drug used in acquaintance sexual assault is alcohol.

_______ 4. Most college sexual assaults involve the use of a weapon.

_______ 5. If the survivor did not report the sexual assault right away, it most likely means they have other motives for reporting the sexual assault such as revenge or vindictiveness.

_______ 6. If someone does not actively resist being sexually assaulted it means they consented.

_______ 7. If a survivor does not have visible injuries most likely an assault did not take place.

_______ 8. If both participants are drunk, then neither can be held accountable for the sexual assault.

_______ 9. After sexual assault, a survivor is always hysterical, crying, and emotional.

_______ 10. When survivors’ recall seems sketchy and scattered, it means they are lying.

Adapted from https://utexas.app.box.com/v/blueprintforcampuspolice
**What is Sexual Misconduct?**

**What is Non-Consensual Sexual Contact?**

Any sexual contact that occurs without consent constitutes non-consensual sexual contact. Sexual contact means physical contact committed with the intent to sexually molest, arouse or gratify any person, where one person intentionally touches another’s intimate parts or clothing directly covering such intimate parts. Examples of sexual contact include the intentional touching of a person's genitalia, groin, breast, or buttocks or the clothing covering any of those areas, or using force to cause the person to touch their own genitalia, groin, breast, or buttocks. Non-consensual sexual contact is sexual misconduct prohibited by the University.

**What is Non-Consensual Sexual Intercourse?**

The act of sexual intercourse that occurs without consent constitutes non-consensual sexual intercourse. Sexual intercourse is defined by penetration (anal, oral, or vaginal), however slight, by a penis, tongue, finger, or inanimate object. Non-consensual sexual intercourse is sexual misconduct prohibited by the University.

**What is Sexual Exploitation?**

Taking sexual advantage of another person without effective consent constitutes sexual exploitation. This does not include non-consensual sexual contact or intercourse, which constitute separate violations of the University’s sexual misconduct policy. Examples of sexual exploitation include but are not limited to causing the incapacitation of another person for a sexual purpose; causing the prostitution of another person; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds, or images of another person, including images of someone undressed or partially undressed; allowing third parties to observe sexual acts; engaging in voyeurism; distributing intimate or sexual information about another person; and knowingly transmitting a sexually transmitted infection, including HIV, to another person. Sexual exploitation is sexual misconduct prohibited by the University.

**What is Stalking?**

Stalking is engaging in a course of unwanted conduct toward a specific person (including surveillance, repeated phone calls, emails, text messages, social media messages or in-person contact) that would cause a reasonable person to fear for their own safety or the safety of others or to suffer substantial emotional distress. A course of conduct means two or more acts, including, but not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, another person, or interferes with another person’s property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Any act that constitutes stalking under Virginia law is also prohibited under this policy. Stalking is sexual misconduct prohibited by the University.
What is Dating/Relationship Violence?

Dating or relationship violence is any type of violence, including sexual or physical assault or abuse, or the threat of such assault or abuse, between adults who are in a social relationship of a romantic or intimate nature. The existence of such a relationship will be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating / relationship violence is sexual misconduct prohibited by the University.

What is Domestic Violence?

Domestic violence is an act of violence committed: (a) by a current or former spouse or intimate partner of the victim; (b) by a person with whom the victim shares a child in common; (c) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (d) by a person similarly situated to a spouse of the victim under Virginia law; or (e) by any other person against an adult or youth victim who is protected from that person’s acts under Virginia law. Domestic violence is sexual misconduct prohibited by the University.

What is Sexual Violence?

Sexual violence is any physical sexual act or acts perpetrated against a person’s will or against a person incapable of giving consent. Examples of sexual violence include non-consensual sexual contact and non-consensual sexual intercourse. Depending upon the circumstances, sexual violence may also include dating / relationship violence or domestic violence.

What is Hazing?

The University's policy against hazing is separate from the sexual misconduct policy. In some cases conduct may violate both policies. Hazing is an act that, as an explicit or implicit condition for initiation to, admission into, affiliation with, or continued membership in a group organization, could be seen by a reasonable person as endangering the physical health of an individual or as causing mental distress to an individual through, for example, humiliating, intimidating, or demeaning treatment; destroys or removes public or private property; involves the consumption of alcohol, other drugs, or other substances; or violates any of the policies of the University of Richmond. Hazing that involves sexual misconduct will be investigated by the Title IX Coordinators in addition to other campus officials. Hazing is prohibited by the University.

What is Sexual Harassment?

Sexual harassment is unwanted or offensive conduct or communication of a sexual nature directed toward another in which either:

- Submission to or rejection of such conduct is made a term or condition of an individual's employment or academic success or is used as the basis for employment or academic decisions; or
- The conduct or communication was severe and/or persistent and, as a result, created a hostile environment.

Sexual harassment is sexual misconduct prohibited by the University.
Preventing and Responding to Discrimination

The University of Richmond prohibits discrimination against and harassment of applicants, students, faculty, or staff on the basis of race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity, gender expression, disability, status as a veteran or any classification protected by local, state, or federal law.

As a recipient of federal funds, the University complies with federal laws prohibiting discrimination, including Title IX of the Education Amendments of 1972. Title IX provides that: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

The University of Richmond is committed to preventing and responding to conduct that violates its non-discrimination policy, including sexual misconduct. The University shall make reasonable efforts to investigate and appropriately address reports of discrimination and harassment (as defined in this policy). Upon receipt of a complaint, report, or information about possible discrimination or harassment, the University will respond in an effort to stop such conduct, eliminate any hostile environment, take reasonable steps to prevent a recurrence of such conduct, and address any effect that such conduct may have on the larger University community.

The University prohibits retaliation or retribution, in any form, against an individual who reports, in good faith, an actual, potential or suspected violation of this policy. Anyone who engages in or attempts to engage in retaliation or retribution against an individual who reports, in good faith, an actual, potential or suspected violation of this policy shall be subject to discipline in accordance with the policies and procedures of the University.

What is Sexual Misconduct?

Sexual misconduct is a broad range of behavior that includes, but is not limited to non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, sexual harassment, dating/relationship violence, domestic violence, and stalking.

Sometimes students and employees are unsure if what they or their friends or colleagues experienced was sexual misconduct. If you are unsure, please contact the University's Title IX Coordinators:

- **Maura Smith**, Title IX Coordinator and Director of Compliance, (804) 289-8654
- **Tracy Cassalia**, Interim Deputy Title IX Coordinator, (804) 289-8464
- **Carl Sorensen**, Associate Vice President, Human Resources and Deputy Title IX Coordinator, (804) 289-8166

Members of the University community may also contact:

- **Beth Simonds**, Assistant Chief of Police, University of Richmond Police Department, (804) 289-8722

The University of Richmond strongly encourages reporting of potential sexual misconduct. Reports of possible sexual misconduct may be made to the Title IX Coordinators and to the University of Richmond Police Department. Please call the Police Department Emergency Number **(804) 289-8911** if you witness a possible crime or if you or someone else needs immediate assistance.
The following University employees are Responsible Employees because they have the authority to take action to redress alleged sexual misconduct, including sexual violence:

The Title IX Coordinators;

The Vice President for Student Development;

The Deans of Westhampton College and Richmond College, the Law School’s Associate Dean Student Services & Administration, Law School Dean's Office, the Program Coordinator for Graduate Studies in Business, and Associate Dean, School of Professional and Continuing Studies;

The University’s conduct officers;

The Associate Vice President for Human Resources; and

The sworn officers of the University of Richmond Police Department.

Other than confidential resources, the following University employees are Responsible Employees because they have a duty to report acts of sexual misconduct, including sexual violence, to the appropriate Title IX Coordinator.

**All faculty members.**

**All University employees with the title of assistant director, associate dean or above;**

Residence Life staff including Resident Advisors and Area Coordinators.

All employees engaged in academic advising.

University staff accompanying students on off-campus programs or other University-related trips, within and outside the United States.

**All employees in the following divisions, departments, or offices:**

- Academic Deans;
- Academic Skills Center;
- Admissions;
- Athletics;
- Bursar;
- Camps and Conferences;
- Career Services;
- Chaplaincy;
- Financial Aid;
- Human Resources;
- International Education;
- President’s Office;
- Provost’s Office;
- Registrar;
- Student Development; and
- University of Richmond Police Department.

All employees identified as Campus Security Authorities.

Sexual Misconduct Reporting Process

Report of Possible Sexual Misconduct
(from any student, staff, faculty member, or third party)
Reports may go to Title IX Coordinator, URPD, or both

To Title IX Coordinator

Notice to Title IX Coordinator

If Complainant wants to make police report, notify URPD
If Complainant does not want to make police report, but incident involves a criminal offense, Title IX Coordinator reports to URPD without using names

To URPD

URPD Response to Report
When Complainant Elects to Contact URPD:
• Meet with Complainant to explain process, gather information (can be with Title IX Coordinator)
• If Complainant wants to pursue criminal investigation, commence investigation
• Provide liaison with prosecutor’s office
Police investigation may lead to arrest
Prosecutor reviews investigation and works with police to prosecute
If charges filed, criminal proceedings begin

To University Police

If Complainant does not want to make police report, but incident involves a criminal offense, Title IX Coordinator reports to URPD without using names

To Title IX Coordinator

Title IX Response to Report:
• Coordinator meets with Complainant
• Considers any request for confidentiality
• Begins investigation, interviews Complainant, Respondent, Witnesses
• Evaluates need for any remedial measures (e.g., no contact order, change in housing assignment, etc.)
• Assesses whether incident should be referred to Conduct Officer

To Conduct Officer

Conduct Officer Response:
• Review Title IX investigation
• Follow up with Coordinators as necessary
• Conduct additional investigation, as necessary
• Determine whether Respondent should be charged with violation of the Standards of Student Conduct

Respondent charged with violation of Standards of Student Conduct

Preliminary Hearing with Conduct Officer
— Respondent can accept responsibility and sanctions or seek hearing

If Respondent accepts responsibility and sanctions, conduct case is closed

To Conduct Officer

Conduct Officer determines no charge is warranted — conduct file closed, but may be reopened if additional information becomes available

To Title IX Coordinator

Sufficient information to refer to Conduct Officer for review of possible conduct charge

To Title IX Coordinator

Insufficient evidence to move forward — case closed, but may be reopened if additional information becomes available

To Title IX Coordinator

Notice to Title IX Coordinator

If Complainant wants to make police report, notify URPD
If Complainant does not want to make police report, but incident involves a criminal offense, Title IX Coordinator reports to URPD without using names

To Title IX Coordinator

Title IX Coordinator and URPD collaborate on investigations to extent possible

Notice to Title IX Coordinator

If Complainant wants to make police report, notify URPD
If Complainant does not want to make police report, but incident involves a criminal offense, Title IX Coordinator reports to URPD without using names

To Title IX Coordinator

Sufficient information to refer to Conduct Officer for review of possible conduct charge

To Conduct Officer

Conduct Officer Response:
• Review Title IX investigation
• Follow up with Coordinators as necessary
• Conduct additional investigation, as necessary
• Determine whether Respondent should be charged with violation of the Standards of Student Conduct

Respondent charged with violation of Standards of Student Conduct

University Hearing Board Hearing:
• Complainant, Respondent, Conduct Officer present witnesses and evidence
• UHB determines whether Respondent is responsible
• If found responsible, UHB assigns sanctions

Appeal Process to VP Student Development
— Complainant and Respondent can appeal for specified reasons, including appropriateness of sanctions

To Confidential Resource
(CAPS, SHC, Chaplain, Safe Harbor, etc.) — no report unless imminent risk of harm

For specific individuals filling these roles, visit richmond.edu/sexualmisconduct.
Appendix C
Process for Administrative Review

- Legal backdrop
  - Title IX
  - VAWA
  - USDOE Guidance (especially DCLs)
  - State law on sexual assault
Process for Administrative Review

• Collecting information
  – UR Policies and Procedures
    • Title IX
    • Sexual misconduct
    • Sex discrimination
  – Training materials
  – Communications templates
  – Internal procedures and guidelines
  – Third-party agreements
  – News articles and social media
  – Investigative files of recent cases
Process for Administrative Review

- Interviews of ten key players
  - Deans of Richmond and Westhampton Colleges
  - VP for Student Development and Title IX appellate officer
  - Associate deans of colleges (2)*
    - One Associate Dean was a Conduct Officer
  - Director of Student Health Services
  - Title IX Coordinator and Director of Compliance
  - Deputy Title IX Coordinators
  - Director of Counseling Services
  - Associate VP for Public Safety and Chief of Police

*one associate dean was on medical leave
Scope of Review

- The Coordinate College System and how it interacts with sexual misconduct cases
- The development of policies and procedures
- The communication of policies and procedures
- Training of participants in the process at all levels
- The investigation process
- The resolution process
- The hearing and appeals process
- Interim measures pending investigation and resolution
- The role of law enforcement
- The role of support services (advocacy, on- and off-campus resources)
Overall findings

• UR policies and procedures comply with government regulations.
• UR is proactive in modifying and improving its policies and procedures to respond to criticisms and suggestions.
• UR’s case handling can be improved – and significant steps have already been taken to accomplish that – but overall have provided a fair and robust response to student complaints of sexual misconduct.
• Taking the handling of the individual cases out of the coordinate college system will mitigate the perception that there is bias within either college against members of the other sex.
• The current policies and procedures can be tweaked for improvement in ways suggested by the reviewers, but regardless of what USDOE does with guidance, generally reflect best practices and should be maintained.
Overall findings

• Training is essential to an effective system – the reviewers encourage on-going and robust training of persons at every step of the procedure to ensure that the policies are carried out in the manner that is intended.

• Student culture contributes in significant part to the number and severity of sexual misconduct complaints – responsible drinking and personal responsibility training, and creating awareness of effective bystander interventions – is a priority and should continue to be emphasized. Prevention is always better than effective remedial procedures.

• Separating the role of the investigators from the role of support persons and from the role of adjudicators in hearings will enhance the perception that the process is free from bias.
Conclusion

• UR has excellent policies and procedures, and has strong individuals involved in supporting students, investigating complaints and creating a safe learning and living environment.

• Policies and procedures only go so far in creating a safe environment – student conduct and attitudes are key.

• Self-responsibility, bystander awareness, and effective intervention must all be embraced and disseminated by students themselves, with the help and guidance of the Title IX office – ultimately we are talking about culture, and students control the culture they value and desire. They should be the drivers for change and improvement, not through more legislation, but through persuasion and advocacy and training that creates the best environment for all students to thrive in a safe and responsible manner.
Questions or Comments?

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