

Response Working Group
Report to Ad Hoc Group on University Climate and Culture
April 30, 2015

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Executive Summary

The Response Working Group is very pleased to present this report to the President’s Ad Hoc Group on University Climate and Culture. The work and recommendations contained herein represent the culmination of three months of information gathering, discussion and deliberation conducted by a diverse and dedicated group of 21 alumni, parents, faculty, staff and students.

The report details a set of fifteen consensus recommendations offered for the Ad Hoc Group’s consideration. These recommendations focus on four primary areas in which we feel attention and resources must be brought to bear in order to provide the university’s students, and our community as a whole, with the tools necessary to effectively respond to incidents of prohibited conduct. These are:

- 1) Increasing support for victims and survivors;
- 2) Improving the reporting experience;
- 3) Educating the University Community; and
- 4) Refining Interim Policy Adjudication.

For each of the fifteen individual recommendations the report provides a detailed rationale reflecting the information that was gathered, the discussion and deliberation of the group, as well as a general statement about the resources needed for implementation. Due to the expeditious nature of our work some recommendations are necessarily broad, urging “explorations,” “improvements” or “enhancements.” Given these facts the we make two additional recommendations on the future of the Response Working Group; namely, that our group be reconvened within six months of the date of this report to review progress on the Recommendations, and that action be taken, in conjunction with members of the Ad Hoc Group and the Response Working Group, to produce detailed cost and resource estimates for each of the fifteen recommendations.

In addition to the recommendations themselves, the Report also outlines the approach that we have taken in our work, including the decision to develop Recommendations by consensus, meaning that each of the Recommendations is endorsed by every member of the Working Group. We also make the Ad Hoc Group privy to deliberations that did not reach consensus, as well as those options brought to the attention of our Working Group through the Town Hall forum and other means, that were discussed and dismissed. It outlines our findings regarding the current status of response to prohibited conduct at UVa highlighting those areas that our Recommendations aim to address. It also provides details on each of our meetings reflecting the issues addressed and the nature of discussion. Finally, the supporting documentation also includes a detailed, firsthand account of sexual assault response and victim recovery that helps those who read this Report to frame the complexities of the issues as our group worked to meet its charge.

Recommendations

INCREASING SUPPORT FOR VICTIMS AND SURVIVORS

1. *Collaborate with SARA to establish a stand-alone center that includes as part of its charge prevention, response, education, and research, and that is welcoming and easily accessible to all students.*
2. *Increase options for counseling for survivors and others impacted by prohibited conduct.*
3. *Refine responder and response-related communications language to be trauma-informed.*
4. *Explore restorative justice approaches to aid community healing.*

IMPROVING THE REPORTING EXPERIENCE

5. *Support a victim-centered law enforcement reporting program.*
6. *Revitalize the community SART (Sexual Assault Response Team).*
7. *Increase support for the forensic nurse examiner team and ensure appropriate examination space in the expanded emergency department.*

EDUCATING THE UNIVERSITY COMMUNITY

8. *Provide relevant education and training for students, faculty, and staff.*
9. *Require a one-credit course for all first year students on gender and power-based violence.*
10. *Improve marketing and communication of key contact information for students in crisis.*
11. *Improve education and training of Residential Advisors to be trauma-informed and to fully understand reporting and referral options.*
12. *Encourage and support department and faculty-driven victim-centered research initiatives.*

REFINING INTERIM POLICY ADJUDICATION

13. *Create and maintain a pool of trained advocates to assist and advise students involved in prohibited conduct adjudication process.*
14. *Explore requiring students and employees to maintain, disclose or authorize the release of documents and electronically stored information pertinent to investigations of sexual assault as a condition of admission or employment.*
15. *Explore a code of conduct for groups and organizations, including athletic organizations, fraternities, sororities, and contracted independent organizations, that sets clear outcomes and sanctions for patterns of individuals engaging in prohibited conduct.*

Narrative

Approach to the Work

The Response Working Group consisted of 21 alumni, parents, faculty, staff and students. The Working Group was staffed by Phil Trella, Assistant Vice President for Graduate and Postdoctoral Affairs, and by graduate student Sarah Burr (see below for listing). The Working Group met at the University of Virginia a total of eight times beginning February 13 and through April 24 2015; each meeting also included members who called in or participated remotely by computer. Summaries of meetings are at the end of this document. Individual members or groups of members outside of the meetings largely drafted the language for each recommendation. All recommendations underwent considerable review and revision during and following meetings to address goals and concerns of all Working Group members, and each Recommendation is supported by all members of the Working Group.

Charge to the Response Working Group

Following is the charge given the group, slightly modified at the request of the Working Group by President Sullivan early in the process:

1. After some form of sexual misconduct¹ has occurred, what can we do to remove the barriers to increased reporting? What process or practice is most likely to support/encourage the victims in their decision whether or not to report the incident?
2. What kind of support for survivors is most needed both short term and long term? What is the best training for faculty, staff, and students to support sexual misconduct survivors?
3. Considering the practices that the University adopts to comply with legal constraints, what is the best way to enhance those practices to increase their effectiveness?

Response Working Group Process

The Working Group approached its task through a process of inquiry, learning, identification of problems, developing options for solutions, deliberation of those options, revision, and testing for consensus. This process was not always linear as new challenges were brought up during and between meetings, as the interim policy was issued during the process, and as public feedback through the Town Hall meeting and Working Group email received consideration. Members were presented a schematic of the proposed process at an initial meeting (attached to the end of the document) to illustrate the intentions.

The Response Working Group agreed to share with the Ad Hoc group all the options that we have considered so that the Ad Hoc group would have the benefit of our deliberations, even for ideas that did not receive full support or ideas that were considered and rejected by all members. These options fit in three categories:

- 1) Those recommendations that after deliberation and modification we all are willing to support, along with our rationale and general description of needed resources;
- 2) For those few options where there was no consensus either supporting or rejecting, we nonetheless share our deliberations with the Ad Hoc group so that they understand that we considered these as options, and the reasons supporting and opposing.
- 3) Those options that have been proposed, either by email or during the Town Hall meeting, that we have discussed and that we agree we do not support (e.g., one single sanction for all prohibited conduct), along with our reasons for opposing.

The Response Working Group found itself challenged by language issues. The generic term of art when we began this process, “sexual misconduct,” is problematic for a variety of reasons (see

¹ The interim policy issues in April 2015 replaced the term “sexual misconduct” with “prohibited conduct.”

Recommendation 3). Since the Interim Policy now uses the term “Prohibited Conduct” to include Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Retaliation, and Sexual or Gender-Based Harassment, we adopted that term when referring to the entire class of prohibited conduct. Other terms are used when more specific circumstances are appropriate.

Recommendations on the Future of the Response Working Group

Although the charge given the Response Working Group is complete, we remain concerned about the challenges facing the University community in responding to incidents of prohibited conduct. We value the lessons that we have learned from one another and outside resources and members will continue to be fully engaged in supporting the implementation and evaluation of these and other recommendations of the Ad Hoc Group. We therefore urge the University to take two additional actions in response to this Report:

1. We realize that implementing these recommendations will take commitment, time, and resources, and cannot be accomplished by the University administration alone. We therefore recommend that the President reconvene the Response Working Group in approximately six months and that the President or a designee with the responsibility to implement recommendations meet with the Working Group to review progress and to help us learn of ways that we may continue to be engaged in this important task.
2. Several of our recommendations will require new funding to implement. Because available resources are unknown and we were concerned that we might over- or under-estimate the need for staffing or funding for some or all of the recommendations, we agreed to remove specific language about additional staff and funding in favor of general statements about resource needs. For this reason, we recommend that within 90 days of the release of the Report, the President or her designate, in collaboration with designated members of this Working Group, be tasked with developing a detailed cost and resource estimate for the recommendations adopted by the Ad Hoc Group, and to disseminate this to the Ad Hoc Group and the Working Groups.

Subcommittees and Work Groups

Work Groups

The Response Working Group had a number of smaller work groups that formed to investigate and draft recommendations concerning issues of concern. These included the following:

- “You Have Options” – members analyzed the “You Have Options” program as well as other online options such as Callisto.

- Survivors focus group – this work group met with a small group of survivors who have engaged with university processes to share their experiences. These survivors were not to be involved with any on-going investigations.
- Safe Space or Stand-Alone Center – members explored the possibility of a place that would be welcoming for all students, including the possibility of a “one-stop-shop” reporting and resource center.
- Student Barriers – members solicited students to speak to the Working Group and articulate perceived institutional barriers to reporting and seeking care.

Some of the recommendations were developed by more than one member outside of any work group structure.

Background: Findings about Current Status of Response to Prohibited Conduct at UVa

The Response Working Group notes that many of the challenges identified by members and others, and some of the recommendations addressed by various individuals and groups following the Rolling Stone article, may now be moot with the implementation of the April 2015 Interim Policy. Rather than articulate problems that have been addressed with this new policy, we will focus on those that we believe need additional attention.

During our deliberations, we identified the following as significant concerns related to the charge. Our recommendations in turn reflect our best efforts to address each of these concerns:

- Too many violations of prohibited conduct whose victims never seek assistance or who perceive too many barriers to report. There are multiple reasons for this. Some of the most significant reasons include:
 - Fear of social isolation from friends of the complainant or respondent who find out about a complaint.
 - Fear of retaliation by the respondent or friends of the respondent for registering a complaint.
 - Fears of losing control over decisions.
 - Concern about the possibility either of a more severe or less severe penalty than the complainant may want for the respondent.
 - Lack of distinction between seeking assistance (confidential support and counseling) and reporting (which may be seen as a commitment to enter the university judicial system or the criminal justice system).
 - Federally-required Clery timely warnings (which include date, time, and location of alleged incident, without names of individuals), which can be a deterrent to reporting

beyond a confidential report. Victims fear that the details (such as time and location) enable them to be easily identified by others, and the warnings themselves can be highly re-triggering.

- Misunderstanding or lack of knowledge among friends, parents, and staff and faculty about means of supporting a victim of sexual assault or other prohibited conduct.
- Widespread lack of awareness among students, parents, staff and faculty of resources that are already available for reporting, counseling and other support.
- Widespread lack of awareness within the University community of the Interim Policy, including but not limited to prohibited conduct, adjudication procedures, and reporting responsibilities.
- Insufficient members of the university community who victims might come to for support, including but not limited to Resident Advisers, who are capable of trauma-informed response, referral, or treatment.
- Insufficient access to counseling resources at CAPS (University of Virginia's Counseling and Psychological Services) including specifically delays for treatment, limitations on the numbers of insured visits, and a fear of being labeled.
- Locations of services such that students fears being identified as a victim or a complainant (and thus risking retaliation), or as being labeled as having a mental illness.
- Unwillingness to visit the emergency room during hours that student health is closed.
- Too few forensics nurses for the region (n.b.: there are only six for the entire Central Virginia region to be available 24 hours a day, 7 days a week, including holidays);
- Challenges of a university judicial system that must balance respect for all parties' rights with concerns for ensuring a safe community, while lacking many of the investigative tools available to law enforcement.
- Lack of forums and processes that could address severe conflicts involving circles of friends and peers of complainants and respondents.

In addition, the Response Working Group is deeply concerned that the offices hosting personnel who currently provide support services for students are considerably understaffed, which means that those personnel work far beyond their contracted hours.

Members also identified these goals consistent with their charge and the above concerns during the deliberations:

- Remove barriers to reporting.
- Increase awareness of and access to existing resources.
- Support victims from first contact throughout their relationship with the University.
- Promote inclusion of all students, undergraduate and graduate, and all employees, including contract and part-time staff.

- Promote inclusion of diverse populations including by gender, race, religion, nationality, sexual orientation, age, ability/disability.
- Tailor sanctions for respondents found responsible for violating standards of conduct according to the circumstances of the violation.
- Respect rights of all parties, including specifically complainants and respondents. Response should include action to protect the mental and physical health and welfare of both the complaint and the respondent. In responding to the immediate and long-term needs of victims, it is also critical to recognize the potential risks and hazards for alleged offenders.
- Respond to such incidents in ways that diminish the overall level of prohibited conduct and that enhance the safety of the university community.

Discussion of Recommendations and Rationale For Each

While these recommendations are the result of deliberations among a diverse and large set of Response Working Group members, many of the suggested initiatives also indicate the need for ongoing discussion, outreach, feedback and communication beyond the confines and capabilities of the three Working Groups and the Ad Hoc Group. Many individuals will continue to believe that the University is more interested in public relations than in addressing the problems of sexual violence, or that the adjudication process is biased in favor of either the complainant or the respondent, or otherwise distrust the University. When proceeding with implementation, we need to listen to those critics, address their concerns, and engage them in this work whenever possible.

1) INCREASING SUPPORT FOR VICTIMS AND SURVIVORS.

1. Collaborate with SARA to establish a stand-alone center that includes as part of its charge prevention, response, education, and research, and that is welcoming and easily accessible to all students.

Recommendation: The Response Working Group recommends that the University establish a stand-alone community center on the UVa Grounds dedicated to prevention of and response to prohibited conduct and that is welcoming and easily accessible to all students. The Response Working Group also recommends that this be done in collaboration with the Sexual Assault Resource Agency (SARA). This Center would be committed to prevention and response for all types of prohibited conduct, help those affected by such conduct, answer questions, and connect members of the UVa community with on- and off-campus resources. It would provide help to all members of the UVa community. The center would also provide both a confidential advisor and an advocate to any student who wishes one, at their first contact with the Center (see below and

Recommendation 11). The confidential advisors (designated as such by the University, for purposes of complying with University policy and relevant Federal and state law) would assist the student as they consider their options following an incident of power-based violence. All Center staff would engage in periodic continuing education to enhance and maintain trauma-informed practices.

Rationale: UVa has implemented state-of-art resources for prevention, response, and adjudication of prohibited conduct; however, many students are unaware of these services or are intimidated on taking the first step in use of these services. During a time of crisis following an incident or after an escalation of violence in a long-term relationship, students typically turn to a supporting friend to guide them. Many times these friends are also unaware of the availability of a comprehensive set of services afforded to students by UVa, or worse, give advice that inhibits the victim from seeking help. There is also considerable confusion from students about the requirements for university personnel to report these incidents to the Title IX office or to law enforcement (“mandatory reporting”) versus seeking assistance following an incident. A “safe space” is needed that will encourage students to seek assistance and, when desired, report the incident, while ensuring that the student is afforded complete autonomy on taking the “next step.”

This recommendation may be implemented as follows:

1. Designate a “Safe Space Center” on the grounds of UVa that is dedicated to the prevention and response of prohibited conduct.
2. Location will be an integral component to the success of the safe space center. With this in mind we suggest a location near or adjacent to student health, on or adjacent to the Corner or Central Grounds.
3. Consider contracting with the Sexual Assault Resource Agency to provide some of the staff for the Center, so that students are assured of confidentiality as they decide whether or not and where to report.
4. The Center would thus provide a SARA-staffed confidential advisor/advocate to assist survivors. These Confidential Advisors would help the survivor as they decide what support services and accommodations they need, and provide information about options for reporting to campus authorities and/or local law enforcement. To the extent possible, these advisor/advocates should represent diverse cultures, ethnicities, and genders and should receive periodic training on cultural competence so as to be able to meet the needs of all students.
5. UVa should provide additional funding to SARA for staffing its 24-hour hotline, and continue to widely publicize it. This hotline currently directs the caller to appropriate community and UVa resources if they are in crisis, and begins the process of immediate response for someone who needs treatment in the ER. The hotline staff can also connect UVa student callers to Center advocate/advisors, to counseling options at UVa (at CAPS,

the Women's Center, and in the Charlottesville community), and to the Office of the Dean of Students for accommodations, resources, and help in deciding how to respond to an assault.

6. The Center would ideally be open at all times.
7. The Center would be gender-neutral in both name and appearance so as to be welcoming to all students.
8. New policies would be created to include prevention and response for those requiring cultural norm acceptances in guiding their use of university resources.
9. In advance of the development of a "safe space" it will be imperative to determine clear guidelines regarding possible staffing models with respect to legal requirements of Responsible versus Confidential employees. Likewise possible contractual relationships involving external advocacy staff in such a center would require vetting with legal counsel regarding their roles vis a vis these same legal requirements.

Anticipated Challenges to Implementing Recommendation:

As with many universities, under-use or knowledge of existing resources and low reporting numbers continue to be barriers in responding to the needs of students experiencing prohibited conduct and its traumatic effects. We recommend that the team implementing this recommendation coordinate with other universities, such as Vanderbilt, who have implemented a similar approach as a plan is put in place.

Mandatory reporting policies under the Cleary Act, Title IX, State law, and school policy would have to be examined as they pertain to the response of the Safe Space hotline. The following is an excerpt from the Department of Education FAQ's on Title IX and Sexual Violence, which potentially allow the initial contact by a victim to the hotline to be excused from the mandatory reporting requirements, thus encouraging more reporting.

From the FAQ (attached, page 23): "OCR recognizes that some people who provide assistance to students who experience sexual violence are not professional or pastoral counselors. They include all individuals who work or volunteer in on-campus sexual assault centers, victim advocacy offices, women's centers, or health centers ("non-professional counselors or advocates"), including front desk staff and students. OCR wants students to feel free to seek their assistance and therefore interprets Title IX to give schools the latitude not to require these individuals to report incidents of sexual violence in a way that identifies the student without the student's consent.²⁷ These non-professional counselors or advocates are valuable sources of support for students, and OCR strongly encourages schools to designate these individuals as confidential sources."

Resources: The cost of both the designation/construction of such a space, its ideal location, and the resources need to staff it need to be taken into consideration. Coordination of this center with

the Title IX office and the Dean of Students is critical for its continued success. Its activities would also have to be carefully structured to ensure that all applicable Federal and state law is followed.

2. Increase options for counseling for survivors and others impacted by prohibited conduct.

Recommendation: The Response Working Group recommends that additional counseling and psychiatric resources be dedicated to addressing the needs of survivors and others impacted by the range of prohibited conduct.

Rationale: Although counseling resources have been added to both CAPS and the Women's Center, there is still a need for more options for mental health services. CAPS cannot see most clients for the length of times typically needed to resolve trauma symptoms, so most students are seen for between four and ten sessions, then referred out into the community or the Women's Center. For students who have experienced recent trauma and need longer counseling, but who cannot use their health insurance, lack personal transportation, and/or cannot afford a weekly co-pay, the Women's Center is currently the only option on Grounds. The additional staff at the Women's Center and CAPS that are currently being hired and trained will be better able to meet the current demand for counseling, but more options are needed, especially as the University's continued efforts to reach out to students results in more students coming forward for help.

In 2014-2015, before outreach efforts had begun, and before the events of the fall semester, the Women's Center trauma counselor carried a waiting list. The Center referred out most of those who called after October. Tracking afterward, only a small fraction of those referred out actually acted on the referral they were given, citing the difficulty of these issues: 1) finding a private provider with an opening, 2) finding an appropriate provider who took their insurance, or 3) the difficulty of getting to an appointment a mile or more off-grounds. This was particularly the case for first and second year students. Trauma symptoms can make a logistical solution, like taking the bus or a cab, and navigating to an unfamiliar address, very difficult for a survivor at first (or for any student experiencing a significant mental health concern). Added to that difficulty are the very limited number of psychiatrists in Charlottesville who take insurance, much less those who have offices near Grounds, and the paucity of community crisis stabilization resources in Charlottesville.

In addition, some students have identified the location and layout of CAPS as a disincentive to seek counseling in some cases, because of its feel as a medical space—especially when the student is not yet able to name what has happened to them or what they are experiencing, as is common in the initial stages of trauma. This concern was mentioned by a student panel in this Working

Group, and it echoes comments that Women's Center counselors have heard over the past four years. The medical feel of the Student Health building rightly communicates its function. However, for a student who is seeking counseling support for a mental health concern that is an appropriate reaction to an adverse event, it can feel more like a daunting, and potentially stigmatizing admission of weakness.

A further consideration is the need to help students who are at high risk of becoming either victims or perpetrators of sexual violence due to ongoing mental health issues. Poor mental health at a time of rapid psychological development (as occurs from ages 18-24) puts such students at higher risk for self-destructive behaviors than their peers. These students need to be able to readily and easily access timely help. UVa is far behind its peers with regard to counseling resources for its students. From the quick research we were able to conduct, it appears that current student-to-staff ratio is about twice that of UCLA, Vanderbilt, Cornell, and UNC. In order to match our peer institutions, UVA would need to nearly double its counseling staff (both counseling and psychiatry). Although that would require a significant commitment of resources, we believe that sufficient resources to manage emerging mental health concerns is critical to fulfilling the University's mission of extending and strengthening the University's residential culture, and to reducing sexual violence and related concerns on Grounds.

To address these concerns, we recommend the following options:

1. Establish an annual funding pool to help students dealing with sexual trauma to pay for private counseling if no space is available within two weeks of their call to CAPS or the Women's Center. UVA would use this funding to pay either the co-pay or a negotiated fee to providers who sign up to provide this service.
2. Assist in the identification and rental of an office space very near central Grounds, to be shared by private trauma counselors and/or those from SARA who are interested in providing therapy to students who need services on or close to Grounds. Having a space within easy walking distance of the Corner, for example, would dramatically reduce the barrier for many students to seeking help outside of UVA.
3. Designate space on Grounds in easily accessible locations (e.g., at Observatory Hill or Newcomb Hall) for CAPS and/or Women's Center counseling staff to meet with students who need trauma counseling, as a way of providing another counseling support option in situations where doing so would reduce the barrier to seeking help.
4. Hire one or more additional full-time psychiatrists, trained in working with victims of sexual trauma, specifically to see students. The following options might be considered for supporting additional psychiatrists and/or counselors: Teen Health (located at the Kluge Children's Hospital); Region Ten Community Services Board; SARA; CAPS, Student Health, or possibly the Medical Center's West Complex. We do not recommend UVA

Psychiatry at Northridge for this purpose because its location, insurance limitations, and wait time raise barriers to service for many trauma survivors.

5. Support the School of Nursing in increasing its capacity to train Psychiatric/Mental Health Nurse Practitioners that have the skills and knowledge to provide trauma counseling and appropriate medication management. This would require additional training for existing faculty or strategic hiring to ensure that faculty have the ability to supervise these students. This would increase the number of counseling hours available as the NP students gain the supervised clinical hours needed for their degrees and increase the number of fully trained Nurse Practitioners as they graduate. It would have the additional benefit of faculty with trauma-specific skills who could then teach the basics of trauma-informed care to Nurse Practitioners and other health professionals working in a wide variety of settings.

In the longer-term (2015-2019 and beyond), we recommend that UVa make a sustained commitment to expanding the staff at CAPS to come up to par with peer institutions as regards staff to student ratios (prevention outreach, counseling, and psychiatry).

Resources: In order to pay for these resources, we recommend a study of how other peer institutions plan, pay for, and staff these services, as well as creating a priority within the University's development plan that directly addresses this aspect of the student experience at UVa.

3. Refine responder and response-related communications language to be trauma-informed.

Recommendation: The Response Working Group recommends that the University offer clear directions about appropriate response language and that this language be widely shared and used. In order to ensure that response language neither understates nor overstates prohibited conduct, it is critical to work closely with trauma experts at the University and in the community (SARA, police, mental health and medical professionals).

Rationale: First response language and communications are a critical component of response and can improve or impair an individual's broader response experience as well as recovery. The language and approach any responder (e.g., RA, friend, faculty member, ODOS, CAPS, hotline) uses during first response are significant and terminology usage is among standard training components for various first responders. Furthermore, the language used in response communications is equally important in conveying appropriate severity of the prohibited conduct and/or allegations of such behaviors.

Use caution in using applying specific legal terminology in response language: Individuals experienced in working with student victims and research on reporting behavior indicate that the term “rape” beyond its legal application may be a response and reporting deterrent and, as such, should be used in response materials with caution. As experienced group members have expressed and research supports, rape survivors, in particular, may find the term “rape” difficult to state let alone hear another person state to them during immediate or short term response. Similarly, “sexual violence” and “sexual assault” imply violence or force although many cases lack traditional perceptions of physical force. While the terms “sexual violence” and “sexual assault” are commonly used, first responders should be aware of victim perception and reaction to these terms as they relate to reporting. Terminology is critical in the response process and there are unique circumstances that may apply to every case; however, there also may be times when it is appropriate to use “rape” or “sexual violence” in the response arena. As such, it is important for UVA to coordinate with the broader response community to develop response materials and approaches that guide potential UVA responders in terms of how to communicate most effectively during response.

It should also be noted that among the most controversial terms currently still in use in University communications is the term “sexual misconduct.”² The National Center for Higher Education Risk Management (NCHREM) is largely responsible for proliferating the term among the thousands of academic institutions the group works with, despite acknowledgement by the firm’s president Brett Sokolow that “...in pushing to use the term sexual misconduct, I knew such language was a compromise that would underserve victims.” Instead, the Response Working Group recommends that response materials, approaches and communications use alternative terms that support the victim, including prohibited conduct, sexual assault, sexual violation, sexual violence, relationship violence, dating violence and other terms recommended by experts in response, on a case-by-case level. The term “sexual misconduct” should be limited to policy discussion, collegial exchange of information and legal references as the term is codified in various laws.

Resources: In order to ensure that University response language in print and online communications as well as in responder training addresses the needs of both victims and public safety and security, it is important to communicate with those most experienced in working with victims including individuals in CAPS, the Women’s Center, forensic nurses, SARA Charlottesville, and law enforcement. In order to fund additional outreach with these groups and the time and effort of experienced responders, the University will need to enable resources to

² <https://www.ncherm.org/wordpress/wp-content/uploads/2013/03/TNG-TOW-05-05-2014.pdf>

allow for a collaborative approach. Also, a review of existing literature as well as planned training initiatives should include representatives of these groups to ensure that language is trauma-informed.

4. Explore restorative justice approaches to aid community healing.

Recommendation: The Response Working Group recommends that the University explore restorative justice options for individuals and communities (i.e., healing needed to address the rift that often occurs among a friend group or in the community at large after an incident of prohibited conduct comes to light). This must be done in ways consistent with federal guidelines including guidance from the Office for Civil Rights.

Rationale: The Working Group has heard repeatedly that many victims refuse to report either because of fear of damaging relationships within their friend group, fear that people known to them will take sides, or because of fear of social shunning or other social sanctions. They also sometimes fear to report because they do not wish to risk harming the accused with penalties as severe as a criminal conviction or expulsion, or because they expect that available penalties may be insufficient to address their harm. In addition, they are also concerned about losing control of what happens next and being dragged into an adjudication process that is reputed to be overwhelmingly negative experience. Furthermore, following many incidents or allegations of prohibited conduct, conflict grows among and between complainants' and respondents' circles of friends, which often overlap.

In an overview of research on restorative justice approaches to sexual violence, the Sexual Violence Research Institute notes that “Across the world, only a tiny proportion of survivors/victims of sexual violence ever see their rapist punished. There is increasing awareness that the requirements of legal proceedings are often in conflict with the needs of sexual violence survivors/victims. Experiences of the adversarial court processes post-sexual violence are often traumatic, requiring the survivor/victim to confront their assailant, to defend their case and re-live the experience.”

Restorative justice (RJ) is a term that encompasses many approaches to crime or other forms of harm. RJ may be used informally, or it may be used in formal processes but at a variety of times: prior to formal adjudication, used following adjudication but prior to determination of any penalty, and after sentencing. There are models of RJ that involve only a victim and perpetrator and a trained facilitator, and models that involve large circles of families, friends, and leaders of institutions in which a harm has occurred along with a team of facilitators.

Restorative Justice acknowledges that victims find that formal adjudicatory processes often fail to meet their needs: their need for information, for more of the truth about what happened to them,

an opportunity to confront the offenders, and for restitution commensurate with their specific harm. In one study that included felons incarcerated for crimes of severe violence including sexual assault in Texas and Ohio, the most commonly stated reasons that survivor/victims participated were to seek answers to lingering questions, to express the impact, to experience a more human interaction with the offender, and to advance healing. According to Koss and Achilles:

A consensus of published studies is that survivor/ victims need to tell their own stories about their experiences, obtain answers to questions, experience validation as a legitimate victim, observe offender remorse for harming them, receive support that counteracts isolation and self-blame, and above all have choice and input into the resolution of their violation. Victim-sensitive justice capable of responding to these needs would involve processes that respect survivor/victims as autonomous persons, individualize both their needs and the appropriate community responses including avenues for offender accountability, censure, and material reparation if desired, protect physical safety, reduce potential reabuse, and maximize offender fulfillment of commitments.

RJ can also provide an opportunity when appropriate for the circles of affected individuals to participate. For some offenders, this also provides an opportunity to express remorse, to apologize, to provide restitution, and to be reintegrated into a community of trust that had been broken. RJ also can incorporate culturally sensitive approaches to harm, thereby providing a needed opportunity to ethnic, national and religious communities who otherwise view mainstream discipline and justice processes as unfamiliar or even threatening.

Resources: There are options that would require few additional resources other than time of participants. This could be done as a class or as part of an existing class, thesis or dissertation. It also might be a research initiative of the newly forming Institute on Violence, Power & Inequality in which case funding for researchers including graduate assistants would be required.

IMPROVING THE REPORTING EXPERIENCE

5. Support a victim-centered law enforcement reporting program.

Recommendation: The Response Working Group recommends that the University encourage and support efforts of local law enforcement (UPD, CPD, and ACPD) to explore the implementation of the *You Have Options* or similar program.

Rationale: *You Have Options* is a victim-centered approach to reporting, providing victims with a range of options including on-line reporting, third-party reporting, or face-to-face reporting. Victims may choose no investigation, partial investigation or a full investigation. Law enforcement

would work closely with local advocates and receive extensive training in best practices for interviewing survivors of trauma. More information is available at:
<http://www.reportingoptions.org/#!>

This approach is relatively new and therefore has not been extensively evaluated. It offers, however, the possibility that reporting may be increased if the victim/survivors trust that they will know how the information will be used, as has been the case where it has been used in Oregon. We prefer this option to stand-alone web-based reporting systems (such as Callisto - <http://projectcallisto.org/>) as it allows for individuals to meet with law enforcement officers in a supportive environment and build a trusting relationship.

Resources: This approach will require significant collaboration between the University and local law enforcement to ensure that Clery and other reporting obligations are met.

6. Revitalize the community SART (Sexual Assault Response Team).

Recommendation: The Response Working Group recommends that the University request that the local Sexual Assault Response Team (SART) meet to examine current policies, identify areas for revision consistent with recent legislative and Federal policy changes, and create a plan for training and other activities needed to carry out the revised agreements. The new SART team should consider including a University representative outside of law enforcement to serve as a liaison to University Title IX investigators. This will ensure that victims of sexual violence are receiving comprehensive, coordinated services no matter how they first make contact with the legal and/or advocacy systems.

Rationale: Sexual Assault Response Teams (SARTs) exist within communities to provide a coordinated response to victims of sexual violence in the immediate aftermath of an assault. They typically are coordinated by the local Commonwealth's Attorney and include law enforcement, forensic examiners, victim-witness coordinators, and victim advocates. Locally, the SART includes representatives from Charlottesville, Albemarle and University Police. Below is the Virginia statute pertaining to SARTs:

§ 15.2-1627.4. Coordination of multidisciplinary response to sexual assault.

The attorney for the Commonwealth in each political subdivision in the Commonwealth shall coordinate the establishment of a multidisciplinary response to criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, and hold a meeting, at least annually, to: (i) discuss implementation of protocols and policies for sexual assault response teams consistent with those established by the Department of Criminal Justice Services pursuant to subdivision 45 of § 9.1-102; and (ii) establish and review guidelines for

the community's response, including the collection, preservation, and secure storage of evidence from Physical Evidence Recovery Kit examinations consistent with § 19.2-165.1.

The following persons or their designees shall be invited to participate in the annual meeting: the attorney for the Commonwealth; the sheriff; the director of the local sexual assault crisis center providing services in the jurisdiction, if any; the chief of each police department and the chief of each campus police department of any institution of higher education in the jurisdiction, if any; a forensic nurse examiner or other health care provider who performs Physical Evidence Recovery Kit examinations in the jurisdiction, if any; and the director of the victim/witness program in the jurisdiction, if any.

Resources: This would involve little or no cost to the University.

7. Increase support for the forensic nurse examiner team and ensure appropriate examination space in the expanded emergency department.

Recommendation: The Response Working Group recommends that the University of Virginia provide additional support for a forensic nurse examiner to coordinate the forensic nurse examiner team and provide direct patient care, and explore other options to attract and retain additional forensic nurses on an on-call basis. The Response Working Group also recommends that the University commit to a dedicated forensic suite in the expanded emergency department.

Rationale: The University of Virginia maintains the only forensic nurse examiner team in the local area. It serves the entire catchment area of the emergency department. The team currently is composed of a .25 FTE director to manage administrative duties. All exams are conducted by one of only five registered nurses who serve in a rotating on-call basis to ensure uninterrupted services. Because the pay for call hours is quite low, all the forensic nurses have full-time employment elsewhere, making uninterrupted coverage a struggle. This expanded team could take on a wider range of cases than we are currently able to manage, including documentation for intimate partner violence assaults and strangulation assaults.

A dedicated forensic suite in the expanded emergency department would include office/consultation space where patients can meet with the nurse, advocates, and, when appropriate, law enforcement. It also would include a private examination room dedicated to forensic exams, and storage space for needed equipment. This dedicated space would have two key benefits: a more comfortable, less stressful environment in which to provide patient care and fewer concerns about cross-contamination of forensic evidence.

Currently the forensic team uses a small anteroom to store its equipment and supplies. That space is also used for computer servers, which means that the forensic team does not have sole access to the space. Exams are conducted in whatever private examination rooms are available at the time the patient presents. Consultations occur in the examination rooms or other consult spaces within the emergency department. When the emergency department is busy, this can result in a fragmented and stressful experience for the patient.

Resources: This will require the dedicated space and additional funding for a coordinator and additional part-time forensic nurses.

EDUCATING THE UNIVERSITY COMMUNITY

8. Provide relevant education and training for students, staff and faculty.

Recommendation: The Response Working Group recommends the prompt deployment of the following trainings for faculty and staff:

1. An on-line training module, developed by the Office of Equal Opportunities, to ensure staff and faculty compliance with University regulations regarding designation of Responsible v. Confidential Employees. This training should incorporate education for Responsible Employees to ensure that they are prepared to provide a supportive environment and a thoughtful and effective referral to specially trained colleagues, for students who elect to disclose to them.
2. A training module for faculty and staff regarding the Interim Policy and their responsibilities under this policy.
3. Additional availability of the existing (optional) 2.5 hour Survivor Support Network Training for faculty, staff, or departments who wish to be trained in more depth regarding the effective support of and response to survivors of gender-based and intimate partner violence. More information about the SSN training, offered by the UVA Women's Center, is available at <http://womenscenter.virginia.edu/gender-violence-and-social-change/>.

For Students:

1. We propose the development of a required annual, online training module designed to inform all students (undergraduate, graduate and professional) regarding the Interim Policy and their responsibility to it.
2. We propose the development of an in-person course (duration, detailed content, credit status, course format, and instructor criteria to be determined collaboratively by staff in the Office of the Executive Vice Provost and the Office of the Vice President and Chief Student Affairs

Officer). The course content should include, at minimum: University of Virginia Standards of Conduct; the Interim Policy; bystander intervention/Green Dot involvement opportunities and resources; resources for students involved in gender-based and/or intimate partner violence (non-confidential, confidential and law enforcement); resources for students in psychological distress or crisis.

Rationale: Consistent with Federal and State laws, University Standards of Conduct, and President Sullivan's expectation that members of the community embrace fully the values of community of our shared community, we believe that it is critically important to educate fully each member regarding these expected community standards and on prohibited conduct among students, faculty and staff. It is evident that some faculty and staff are viewed as individuals who can be trusted with the most intimate concerns. By providing an option for training, those employees can be better prepared to provide an informed response to such confidences and to understand their obligations as well.

Resources: This will take sufficient funding to staff and administer the additional training.

9. Require a one-credit course for all first year students on gender and power-based violence.

Recommendation: The Response Working Group recommends that all first year, transfer students, and incoming graduate and professional school students be required to participate in a one credit course that would last at least half a semester, meeting more than once a week. This course would engage every member of the student body on the definition, causes, and costs of gender and power-based violence, and ask them to reflect on their individual roles and responsibilities as agents within the cultural systems associated with gender violence.

Rationale: We believe that part of the response to sexual violence on Grounds must be an on-going effort to educate all students—regardless of their background, culture, or gender—on their responsibility as members of the community, to understand how their personal views and behavior help shape the climate and safety on Grounds. On-line training or a short discussion at Orientation can act as a refresher, but it is not effective in engaging students in the deeper conversation that must happen for behavioral and attitudinal change to occur.

Specifically, the course would discuss the relationship between gender, power, and violence, and identify the societal conditions that foster gender violence. It would also engage students in dialogue centered on what prevention and response mean, both culturally and personally. Students would be exposed to historical models focused on changing the behavior of potential

victims (such as models of self-defense, and situational risk reduction) and contemporary models focused on changing the behavior of potential perpetrators (for example, the public health model, social marketing education about what consent actually means, men as mentors and peer educators, and bystander intervention training). The course would also examine the research on these programs' effectiveness and consequences, for example, whether identified practices enact change, or in actuality exclude certain populations and/or unknowingly support the cultural systems that perpetuate gender-based violence.

Resources: This would require funding to develop the curriculum, to teach the course, and for space for this requirement.

10. Improve marketing and communication of key contact information for students in crisis.

Recommendation: The Response Working Group recommends that the University undertake an intensive strategic marketing and public awareness campaign to improve the awareness of and use of existing university and community resources. Component of the campaign should include but not be limited to:

- Visibility on the UVa Homepage (www.virginia.edu), Vice President of Student Affairs (<http://vpsa.virginia.edu>), and Office of the Dean of Students websites (<http://www.virginia.edu/deanofstudents/deanoncall.html>),
- Clarification and promotion of the response resources and approaches by the Dean on Call and CAPS (both daytime and afterhours), the Women's Center, and the webpage on sexual violence resources: <http://www.virginia.edu/sexualviolence/>
- Clarification/Promotion of local law enforcement and medical response resources and approaches
- Clarification/Promotion of additional response and support resources including SARA, SHE, Family & Sexual Assault Virginia, and the Madison House Help line
- Leveraging new technologies to increase public awareness and response resources (e.g. phone app)
- Evaluation and redesign to improve UVa response resource websites to achieve top-level accessibility, consistency and clarity
- Creating additional items (commonly called "SWAG") with appropriate information
- Ensuring that RA's take time in residences to have students add appropriate phone numbers and apps to their phones

- Promotion of the distinction between various reporting options and seeking confidential assistance through the use of counseling or on-line resources.

Rationale: Existing hotline response approaches and advantages are confusing to many individuals. Currently, six phone numbers provide the bulk of confidential support for UVa student victims of sexual and/or relationship violence. Those include SARA, SHE, UVA CAPS, Family Violence & Sexual Assault Virginia, Women’s Center Counseling and the student-run Madison House Help line. Challenges with regard to utilizing these resources include the following:

1. the phone numbers for these resources are not readily known and/or easy to remember;
2. information regarding the purpose and response approaches of these six support services are unclear to victims and the general public; and
3. existing materials in print and online that advertise these resources do not clearly convey the response that a caller can expect.

Advantages of reporting to ODOS and ODOS response approach unclear to student body. While there are various hotlines and support resources, a strategic public awareness campaign should educate the UVa community about the benefits of contacting the Office of the Dean of Students as the first line of student reporting. This will allow them to access the ODOS Dean on Call 24/7 who can refer students to the appropriate resources as well as making immediate arrangements for a student’s safety if needed.

Websites have limited capability. The current ODOS website does not have one-click access to the number for the Dean on Call, nor does it contain a link to the joint ODOS and Women’s Center-maintained page on sexual violence. This lack, in addition to the plethora of choices, may be contributing to student confusion about who to contact for help in the immediate aftermath of an assault.³

Law enforcement and medical response clarification needed. Concerns among this group include that promotion of existing and/or new hotlines may decrease safety in the event of an emergency. Reporting to ODOS or 911 allows University, law enforcement and/or emergency medical officials to enact health and safety measures. Furthermore, reporting to 911 expedites the SART process and facilitates collection of evidence as well as treatment of immediate physical health needs. As such, a marketing and public awareness campaign should include increasing community

³ VCU and Virginia Tech both have well-designed, easily accessible webpages that provide simple access to critical information. See: VCU: http://www.titleix.saf.vcu.edu/help_now/ and see Virginia Tech: http://www.ucc.vt.edu/self_help_support_strategies/support_survivors_sexual_assault/index.html

awareness with regard to the nature of law enforcement and/or medical response resources and approaches.

Resources: In order to examine a range of ideas and determine the best quality and best cost options for a public awareness campaign, the University should consider issuing a Request for Proposals (RFP) that includes the possibility for in-house proposals as well as external proposals. The University should also examine available resources and set a cost estimate and/or maximum budget allowance in the RFP.

11. Improve education and training of Residential Advisors to be trauma-informed and to fully understand reporting and referral options.

Recommendation: The Response Working Group recommends the following:

1. Provide significantly enhanced training for all resident life personnel on behavioral responses to trauma across gender, race and culture, as well as some scripted practice on how to sit with a person in crisis.
2. Have a non-student UVA residence life staff member on call to come be physically present for severe crises.
3. Include training on self-care and stress management for all people in residence life dealing with sexual assault and other crises.
4. Encourage RAs to meet with students frequently throughout the year (possibly after each break period) to remind students of the resources they have.
5. Although members would prefer to increase the minimum age for RAs to 21, we understand that there currently are insufficient students of that age willing to serve as RAs. We therefore recommend increasing the incentives to become an RA in order to increase the proportion of RAs who are 3rd and 4th year students. Such incentives could include higher pay, but other incentives might provide motivation as well, such as highest priority for class registration, priority for tickets to athletic events, extra graduation seats, recognition at graduation, reserved parking at their residence hall, and so forth.

Rationale: An RA may sit with a student in crisis for hours before getting them professional help face-to-face, and needs to have sufficient training to respond appropriately. There is not enough debriefing after an incident, nor emphasis on self-care, which contributes to vicarious trauma. For situations of severe crisis, undergraduate RAs who are nearly the same age as the student they are counseling may not have the emotional maturity and boundaries to handle the in situ stress.

Resources: This will require staff resources for training and, if RA pay is increased, additional funding.

12. Encourage and support department and faculty-driven victim-centered research initiatives.

Recommendation: The Response Working Group recommends that the University actively support and encourage faculty and department research intended to understand and increase awareness, prevention, response and recovery from various forms of prohibited conduct. The University should engage department chairs to determine what ongoing initiatives should be advanced and should support funding efforts and resource acquisition. Examples of such initiatives include efforts to develop the *Violence, Power and Inequality Institute* and the *Take Back the Archive* program.

Rationale: In terms of capacity to address myriad angles of response and recovery from various forms of prohibited conduct, departments and faculty at the University of Virginia represent a wealth of information and initiative. However, the University structure is such that efforts outside of specific departments and disciplines may not reach colleagues in disparate areas. As such, collaborative efforts and efforts that seek to increase collaboration among various disciplines should be supported. As it pertains specifically to response, related areas of research and information include, but are not limited to, various facets of psychology, medicine, gender studies, anthropology, religious studies, criminology and law. Perceptions as well as individual reports that the University has not adequately supported victims exist; however, ongoing faculty and administrative efforts provide not only a means of response but also a counter balance to these perceptions and experiences. Various current efforts to support education, response, prevention and recovery currently rely on limited resources, volunteer support and limited capacity for outreach and promotion.

Examples of existing efforts that the Response Working Group recommends that the University support include (1) *Take Back the Archive*,⁴ a new program using digital humanities tools in documenting, preserving and contextualizing the history of sexual and relationship violence at UVa in a central repository of information, and (2) the *Violence, Power and Inequality Institute*,⁵ a new initiative to create an institute that reaches across disciplinary boundaries to focus on a range of violent and power-based behaviors.

Among the common perceptions of survivors of sexual or relationship violence are a sense of isolation and the sense that others cannot understand their unique burdens and trauma. The

⁴ <http://takeback.scholarslab.org/>

⁵ <http://denisewalsh.weebly.com/uploads/1/2/8/9/12891260/2015-04-21-vpi-draft.pdf>

recommended initiatives as well as other faculty and department efforts can serve as resources to connect the stories of survivors, thereby:

1. supporting the long term mental health and well-being of the individuals who report their experiences;
2. supporting those who have been reluctant to report;
3. providing outreach and recovery beyond the confines of the University community and
4. providing a central resource for documenting histories that can serve as critical resources towards understanding prevention, increasing awareness and strengthening response capabilities. Ultimately, such efforts broaden the scope of response and support long-term recovery.

Furthermore, as it pertains to scholarly approach and academic excellence, these efforts:

1. bring together faculty and students across disciplines to foster research;
2. create innovative models that can be replicated at other academic institutions;
3. increase faculty and student opportunities that can attract and retain a diverse population;
4. provide unique platforms for external research funding;⁶ and
5. position UVA's emerging role as a leader among universities developing innovative and long-term strategies to address sexual violence and power-based behaviors on U.S. campuses and beyond.

Resources: This approach will require significant collaboration between University administration and department chairs to ensure that ongoing and new efforts are recognized, encouraged and provided with adequate funding and resources. Included among the necessary resources are:

- Provide necessary funding to enable staff and faculty time to create and develop new and promising initiatives, introduce these initiatives to the broader UVA community of faculty and students, and invite collaboration from both groups.
- Support the creation and implementation of courses and related undergraduate internships to facilitate the development of innovative efforts like the *Violence, Power and Inequality Institute* and *Take Back the Archive*.
- Make University legal counsel available to faculty and staff so that innovative efforts conform to University policy, Title IX and Clery Act requirements.
- Provide financial support for symposia or other events that will bring together students, faculty, alumni and community members working on similar initiatives, with the goal of promoting best practices for other universities documenting traumatic events, gender-based power and violence, and survivors' histories.

⁶ <http://denisewalsh.weebly.com/uploads/1/2/8/9/12891260/2015-04-21-vpi-draft.pdf>

- Fund undergraduate and/or graduate student internships to support departments undertaking response-related practices and models.

REFINE INTERIM POLICY ADJUDICATION

The Response Working Group approves of the comprehensive approach to adjudicating complaints of prohibited conduct outlined in the new interim policy. We do, however, have three recommendations for improving the adjudication process.

13. Create and maintain a pool of trained advocates to assist and advise students involved in prohibited conduct adjudication process.

Recommendation: The Response Working Group recommends that the University recruit, train, and maintain a pool of advocates to participate in the adjudicative process. These advocates would be available to all students involved in the process - complainants, witnesses, and respondents. Assigned advocates would provide information to their student "clients" regarding their rights and obligations in the process. The advocates would also assist the student clients gather and present relevant information to the Title IX investigator and the hearing panel, if necessary. No student involved in the adjudicative process would be required to use an advocate, so none would be assigned without that student's desire to have an advocate.

The Response Working Group further recommends the pursuit of a clinic at the law school to train law and other graduate student advocates for participation in this process. We also suggest that the pool of available advocates include lawyers in private practice and non-lawyer advocates from the community with particular interest and expertise in sexual violence. All of the individuals on the list of available counselors would receive thorough training provided by the University regarding the rights and obligations of all parties participating in the adjudicative process, outside services available to students involved, trauma-informed care and other mental health issues, and other specific subjects identified by the Title IX Coordinator. Annual training would be required for advocates to remain on the list and participate as assigned counselors within the adjudicative process.

Rationale: Consistent with Title IX, the interim policy regarding prohibited conduct creates an internal adjudication system for resolving allegations. The policy suggests that students involved in the system, as complainants or respondents, will be able to use a "counselor" or "advocate" during the process. We believe the availability of trained counselors to assist students on all sides of this process will greatly enhance the legitimacy and effectiveness of the adjudicative process. These advocates will ensure that complainants, respondents and witnesses are fully aware of their rights and obligations, and they will help identify and provide all relevant facts to the decision-makers.

Creating an available pool of well-trained advocates is essential for there to be a fair process, as it ensures that all students will have access to capable advocates regardless of financial means or ability to retain outside counsel.

Resources: Establishing the pool of advocates would require some University resources. While advocates would receive no compensation for their services to involved students, there would be an administrative cost in identifying the advocates and facilitating their referral to student participants. This cost may be subsumed in the Title IX Coordinator's role as overall supervisor of the adjudicative process, though that office may need additional resources to adequately provide this service. The training provided to the advocates would also involve cost, as it may require the use of outside experts and live programming on a periodic basis.

14. Explore requiring students and employees to maintain, disclose or authorize the release of documents and electronically-stored information pertinent to investigations of sexual assault as a condition of admission or employment.

Recommendation: The Response Working Group recommends that the University explore requiring students and staff to maintain, disclose or authorize the release of documents and electronically-stored information pertinent to investigations of sexual assault as a condition of admission or employment.

Rationale: We believe that the process for adjudicating allegations of prohibited conduct should be as thorough, fair and transparent as possible. Requiring maintenance and disclosure of electronically-stored information enhances that process by ensuring thorough, accurate information is available to decision-makers.

Documents and electronic communications are often relevant to the process of evaluating claims of prohibited conduct. We recommend that the University explore policies that require students and staff to maintain and provide requested material, including information stored electronically. This option would also require students and staff to authorize the Title IX investigator to gather such information from third parties, including telecommunications companies and internet service providers. Consent to access and commitment to affirmatively provide emails, text messages, cell phone data, social media postings and communications, and other forms of electronically-stored information could be a condition of enrollment or employment at the University. Students, faculty and staff would be notified of this requirement upon enrollment or acceptance of employment, and they would be expected to maintain and produce all information that may be potentially relevant to an investigation conducted by the Title IX Investigator.

Requiring the maintenance and disclosure of this information would reinforce the notion that members of the University community have a shared commitment to safety and fair resolution of claims of prohibited conduct. This is not a universal recommendation, as members of our Working Group have concerns about the violation of individual privacy which this access represents. Accordingly, we urge further consideration of the prospect of compulsion of the disclosure of categories of this kind of information.

Resources: The forced maintenance and disclosure of documents and electronically-stored information would entail no cost, as the person from whom such information was requested would be required to provide the information or consent to the receipt of it from third parties.

15. Explore a code of conduct for groups and organizations, including athletic organizations, fraternities, sororities, and contracted independent organizations, that sets clear outcomes and sanctions for patterns of individuals engaging in prohibited conduct.

Recommendation: The Response Working Group recommends that the university explore and define standards of behavior for groups and organizations, including but not limited to athletic organizations, fraternities, sororities, and contracted independent organizations, that set clear sanctions for patterns of repeated individual acts of prohibited conduct.

Rationale: This recommendation seeks to address cases in which prohibited conduct perpetrated by individual actors constitutes a pattern of behavior that implicates the culture of a larger group or organization. The University should clearly state that it will intervene to investigate, separate from individual acts, any organization affiliated with the university when patterns of prohibited conduct are detected. Such an investigation may lead to sanctions including warnings, reductions in resources, or the cessation of all activities. The thresholds for such sanctions should be addressed and vetted by an appropriate panel of officials familiar with university policy on prohibited behavior and organizational agreements and affiliations.

Resources: This will require time invested for officials to determine standards, as well as investigations to be conducted.

PROPOSED RECOMMENDATIONS THAT RECEIVED BOTH SUPPORT AND OPPOSITION FROM THE RESPONSE WORKING GROUP

Two proposed recommendations received both support and opposition during the Response Working Group process. These are included below so that members of the Ad Hoc Group will

benefit from our deliberations and understand the potential advantages and disadvantages of these proposals.

Allow advocates a prescribed role in speaking or presenting information to the Title IX Investigator and Review Panel Hearing. [N.B.: there is consensus within the Response Working Group that advisors should be allowed to speak to the Investigator, but disagreement about speaking to the Review Panel Hearing.]

The Response Working Group did not reach a consensus in favor of this proposed Recommendation. We had a robust discussion about the pros and cons of this Recommendation, and, ultimately, we were unable to resolve the differences. Before developing this recommendation, we studied carefully the new adjudication procedures that are set forth in the Interim Policy, and we debated the question of whether those procedures should be modified so as to enlarge the role assigned to the advisers for the parties. Everyone agreed that the University must develop and offer an adjudication process that is as fair as possible to both parties and that adviser-advocates have an important role to play in that process. During our session, everyone agreed that the advocates should be allowed to speak directly to the Investigator during the process leading up to and culminating in the final investigation report; on this front, it is fair to say that we could identify no sound reason for denying advisers direct access to the Investigator during the time that the investigation was ongoing.

However, we were unable to come to rest on a recommendation in favor of giving advocates the opportunity to speak at the hearing before the Review Panel Hearing. Some of us believed that it would be appropriate to allow the advisers to offer a brief statement at the hearing. Others were very concerned about the extent to which this step would transform the hearing from a limited appellate review into a full-blown, de novo hearing on the merits. If the recommendation were to have that effect, it would interfere with the efforts made by those who drafted the Interim Policy to craft a process that is thorough and fair, but that does not retraumatize the survivor.

We assume that the University will continue to study and monitor the adjudication process, and that, if appropriate, it will revisit the question of what role should be allocated to advisers during the Investigation and Review Panel Hearing.

The full proposed Recommendation:

The Response Working Group recommends that the University permit advocates for complainants and respondents involved in the adjudication process to speak or otherwise present information directly to the Title IX investigator and the Review Panel Hearing.

Rationale: We believe that the process for adjudicating allegations of prohibited conduct should be as thorough, fair and transparent as possible. Allowing advocates to directly participate in the

investigation enhances that process by ensuring thorough, accurate information is available to decision-makers.

The current draft interim policy includes the right of all persons involved in the adjudicative process - complainants, witnesses, and respondents - to utilize the assistance of a counselor or advocate to help inform their participation. We have recommended that the University create a program to train interested advocates to serve this important function and ensure that all persons have access to trained advocates regardless of financial capacity (see Recommendation 6). The interim policy does not, however, allow these advocates to directly participate in the process by speaking at any hearing or submitting written materials. We believe the advocates should have the ability to directly participate, including addressing the investigator and hearing panel. Forcing potentially traumatized victims to speak directly has the potential to further victimize them. Allowing advocates to present information on behalf of the victims ensures that reliable information is put before the panel without negatively impacting the victim. Similarly, respondents may prefer that an advocate present their facts and arguments, as a trained advocate will more dispassionately and effectively convey the respondent's position. We think allowing advocates to speak will promote the goal of gathering and considering all relevant information. We do not believe that allowing advocates to speak or submit written materials to the hearing panel will create any imbalance in representation or resources, as every participant in the adjudicative process would have access to a skilled advocate, trained by the University.

Resources: The involvement of advocates for complainants, witnesses and respondents is addressed separately. Allowing them to speak and directly participate would entail no additional cost.

Investigate 211 as a Community Resource Number

The Response Working Group did not reach a consensus in favor of this proposed Recommendation. Although 211 may be useful in communities, there was substantial concern that because 211 includes information not related to prohibited conduct of Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual or Gender-Based Harassment, and retaliation, it may be distracting to students seeking quick answers. Also, because 211 would not be controlled by the University, there is concern that the information related to prohibited conduct may be altered in ways not desired by the University.

There was interest in a 3-digit number that would be used for information and access to resources, including reporting; however, the process of securing a 3-digit number is so difficult that it was not considered worth pursuing.

The full proposed Recommendation:

The Response Working Group recommends that the University work with local sexual assault and domestic violence support resources and services to update 2-1-1 Virginia to include additional Charlottesville resources via the on-line “Update/Add Your Agency” system; (2) communicate with the 2-1-1 Virginia State Director and the Council of Community Services in order to obtain additional information about the application and promotion of 2-1-1 Virginia at UVA; and (3) include a description of 2-1-1 Virginia in print and on-line UVA media among other potential resources for additional information.

Coordinate with 2-1-1 Virginia in order to ensure that needs such as multiple languages, diversity awareness and trauma-informed response are components of local 211 support services.

Rationale

Among the recommendations discussed during Response Group meetings and in the Response Group Town Hall meeting on March 3, 2015 included leveraging existing hotlines and/or creating a new hotline as well as supporting technologies. Inherent challenges (e.g., Federal Communications Commission (FCC) guidelines, state public utilities limitations) exist in terms of altering existing numbers to a three-digit model. However, since 2000, the FCC has reserved the three digit number, 2-1-1, as a social services number implemented across the U.S. as a social services resource to meet a variety of needs. The number has been leveraged to increase the ease of use for the public to access critical information and to decrease the burden on 911 in terms of addressing a broad range of public safety and social service needs.⁷ In the Commonwealth, the existing 2-1-1 Virginia can be accessed by phone or by computer and connects users to a range of services including mental health, domestic violence and lawyer referral services.

Various parties have suggested the development and implementation of single contact source such as a 3-digit telephone number and an associated app that could be utilized to seek sexual assault and relationship violence information and support services in addition to other existing confidential and other resources (please see the “Stand-alone center,” Recommendation 1). Currently, several hotlines serve the needs of both students and community members (e.g., community members may call the UVA student-run hotline at Madison House while students utilize community resources such as SARA). These numbers are not easy to remember; however, the ability to change existing hotline numbers to three-digit numbers is limited and unlikely considering recent past unsuccessful⁸ national-level efforts to implement new three-digit numbers as emergency hotlines. As such, this team has recommended increased public awareness of existing numbers (please see the “Improve marketing and awareness” recommendation, Number 10). Also, in lieu of changing existing hotline numbers, the University should consider leveraging the existing

⁷ <http://www.kktv.com/home/headlines/KKTV-Receives-2015-Colorado-Nonprofit-Association-Excellence-In-Media-Award-297419711.html>

⁸ <http://fox13now.com/2014/03/10/lawmaker-wants-311-used-for-mental-health-hotline/>

2-1-1 Virginia number as an additional resource for students who are seeking services related to legal and public safety resources.

As a free resource that can be accessed by phone or computer, 2-1-1 Virginia is an accessible and cost effective means of contacting a community resource specialist equipped with information about local organizations that provide critical services.⁹ Specifically, existing 2-1-1 Virginia capabilities to provide lawyer referral and domestic violence resources via phone or on-line access allow users to find information quickly. Additionally, the on-line resource is fast, efficient and easy to use in our experience; however, current resources on sexual assault are limited while domestic violence resources and lawyer referral are useful, this gap should be addressed prior to leveraging this tool as a resource.

OPTIONS CONSIDERED BUT REJECTED

Suggestions from the Town Hall forum

- Each department on grounds should have one sexual assault first-responder trained faculty member. Participation in this program should be tied to tenure or career development goal fulfillment.

This was rejected in favor of training available to all faculty and staff. There was much discussion regarding faculty incentives to participate in training to provide support for students. Many faculty members spend considerable time addressing student needs, including specifically concerning sexual violence. The suggestion of designating a single member in each department would place undue burden on one individual and discourage other faculty members from engaging in these issues. The load needs to be more equally distributed among faculty members. Many faculty members feel that their dedication to student support and participation in training programs has been unacknowledged. There was considerable support for promoting faculty and staff involvement in these issues by incorporating in career development plans, faculty and staff activity reports, and tenure tracks.

- A “student bill of rights” in regard to sexual assault proceedings—for example, students should have the right to turn in assignments late, drop a class during the semester, leave for multiple semesters for trauma counseling without reapplication to the University, or drop poor grades from their transcript.

These are already in place, but some students may not know about them until they speak to a dean or faculty member.

⁹ <https://211.getcare.com/about.php>

- Members should consider addressing a loophole in HIPAA that allows judges to subpoena counseling records in sexual assault cases. This is often used by the defense to portray the victim as mentally unstable.

This was viewed as out of our scope of influence.

- Many individuals (including those submitting written comments to the University) would like to see mandatory expulsion, or mandatory sanctions for specific violations. The following mandatory sanctions were suggested at the Town Hall forum: suspension for guilty verdict for one violations and expulsion for two or more guilty verdicts.

The Working Group did not support mandatory sanctions. Although there was concern expressed about the absence of any expulsions at the University, imposing mandatory sanctions may have unintended consequences, such as reducing reporting. There also may be more appropriate sanctions that address the specific nature of the offense, and that at the same time may demand far more from the offender and expulsion alone provides. In those cases, as was pointed out to us, suspension rather than expulsion is the only motivation for completing these other sanctions, which may include mandatory training, restitution, mandatory counseling, "restorative remedies", and community service (see the Interim Policy Appendix A, p. 18.)

Other suggestions received by email or other communication that did not receive approval follow:

- Remove adjudication completely from the hands of the University.
As long as federal law requires universities to provide adjudication, adjudication will be offered.
- Contract adjudication services to a body completely independent from the University.
Because there is currently no infrastructure that exists to contract adjudication services externally, and no precedent to do so, we believed that this option was beyond our capability to assess.
- Response should ultimately encourage victims to go to the police and the hospital. Although victim choice is important, medical and legal components are critical.
Members spent considerable time exploring ways of increasing the numbers of victims who report to law enforcement. But we agreed that these goals should not supersede the goals of caring for the victims, respecting their choices, and prioritizing their recovery from trauma above reporting except when the immediate safety of the community takes priority.
- Provide at-home forensic exams for victims
These are legally impossible and physically inappropriate. Furthermore, evidence obtained outside of a medical environment does not hold up in court.

Appendices

Membership list

Hawa	Ahmed	Student, College of Arts & Sciences
Hanadi	Al-Samman	Faculty, College of Arts & Sciences
Laurie	Casteen	Office of the Dean of Students
Donna	Chen	Faculty, School of Medicine
Anne	Clougherty	Parent
Anne	Coughlin	Faculty, School of Law
Heidi	Davies	Graduate Student, Darden School of Business
Katie	Deal	Student, College of Arts & Sciences
Frank	Dukes (Chair)	Faculty, Institute for Environmental Negotiation
Margaret	Edwards	Trauma Counselor, Women's Center
Lee	Eschenroeder	Medical Student
Melissa	Fielding	UVa Police
Barbara	Fried	Board of Visitors
Tim	Heaphy	Alumni
Kelley	Hodge	Alumni
Chris	Johnsen	Alumni
Katrina	Kernodle Walsh	Alumni
Jordan	Lassiter	Student, College of Arts & Sciences
Kathryn	Laughon	Faculty, School of Nursing
Sherri	Moore	Faculty, School of Commerce
Katie	Pelland	Graduate Student, School of Engineering & Applied Science
Melvin	Wilson	Faculty, College of Arts & Sciences

The Response Working Group was staffed by:

Phil	Trella	Assistant VP for Graduate and Postdoctoral Affairs
Sarah	Burr	Graduate student, School of Architecture

List of experts/resource people

The Response Working Group heard from the following individuals during their meetings:

- FOIA and related issues - Barry Meek, Office of the University Counsel
- Current policies and practices -Laurie Casteen, Office of the Dean of Students

- Factors in young adults development that affect sexual assault on grounds – Margaret Edwards, Women’s Center
- Connecting with diverse stakeholders - Andrea Iglesias, Assistant Director of Outreach and Liaison Programming, CAPS (Counseling and Psychological Services)
- 2015 Virginia General Assembly legislation and Governor’s amendments - Barry Meek, Office of the University Counsel
- Panel of students with diverse experiences, including LGBTQ, international, and sorority/fraternity life
- Data about the numbers and types of incidents of prohibited conduct and their resolution was provided by the Office of the Dean of Students; this was the material provided in response to FOIA requests by news media.
- Two current students who are survivors of sexual assault.

Schedule of meetings, including Town Hall session

The Response Working Group met at the following dates and times:

- Friday, February 13 from 9:00 to 12:00
- Friday, February 27 from 10:00 to 12:00
- Friday, March 6 from 9:00 to 12:00
- Friday, March 20 from 9:00 to 12:00
- Friday, March 27 from 9:00 to 12:00
- Friday, April 3 from 9:00 to 12:00
- Friday, April 10 from 9:00 to 12:00
- Friday, April 17 from 9:00 to 12:00
- Friday, April 24 from 9:00 to 1:00

An open town hall session was held from 9:00 to 11:00 on Tuesday, March 3 in the Great Room of Garrett Hall.

Supporting Documents

Narrative: A Firsthand Account of Sexual Assault Response and Victim Recovery April 8, 2015

This narrative is a firsthand documentation of one person’s sexual assault incidents, reporting and response, short-term impacts, and long-term recovery (each allegation is outlined in these terms). The goal of this information is to encourage (a) those seeking to provide recommendations on policy and/or practice and (b) those to whom sexual assault is reported to consider (1) the spectrum of sexual assault behaviors and victim impacts that make reporting to others as well as

response by others challenging; (2) the need for immediate medical attention in many cases due to psychological and/or physical trauma; (3) the challenges and benefits of different types response and responders; (4) short and long term impacts impacted by response.

This also may promote discussion relevant to UVa response and recovery in terms of providing insights into how responses to sexual violations impact a victim's trauma-experience as well as immediate, short and long term recovery impacts of different response methods. Accounts are brief and intended to provide a "snapshot" of each allegation.

Additionally, recent vitriolic reactions regarding UVa and false allegations, mental health, victim credibility and journalistic integrity in the media and on social media are extremely disturbing to those who have experienced rape-trauma. As such, a secondary purpose of this account is to provide insights (see number 5) in regard to questions on victim credibility, trauma experience and mental health.

As it relates to credibility, the writer has held security clearances with DOD and DHS having been vetted through a rigorous application and assessment process. Additionally, her report of rape, trial testimony and interactions with law enforcement are a matter of record and can be validated by contacting the lead detective involved in the case or FBI victim's specialist (name and contact information provided upon request). Also, the five incidents discussed here stand out to the writer as anomalous incidents versus a "rape culture."

Note: The author's bias is to engage police and medical support immediately after sexual assault; however, several of the personal experiences outlined here do not support this bias and, instead, suggest alternative response approaches based on victim perception of trauma. It should be noted that, between December 2014 and April 2015, the author has conducted face-to-face, telephone interviews and/or email inquiries on response with a forensic nurse, a prosecuting attorney, an FBI victim's specialist, a detective (with special victim's experience), a police officer (with special victim's experience), a former federal sex crimes prosecutor, a Title IX and Clery Act expert, the Chair of SARA Charlottesville and the CEO of the One Love Foundation. The prevailing wisdom among those interviewed is to advocate for reporting and response by law enforcement and/or medical involvement (SANE exam) from the earliest stages to preserve evidence and create a DNA trail even if additional charges and/or prosecution are not planned and/or not successful.

1) Incident: Unwanted physical contact. First year at UVA at age 17, my sexual experiences were limited entering college (I had not had intercourse). I had begun dating a young man, also a first year, whom I liked very much. On one of our early dates, we attended a tailgate and football game and were both very intoxicated when we left the game to go to a private home. At the home, we were kissing when he removed his pants and put my hand on his genitals. I said "no" and moved

my hand away. He repeatedly repositioned my hand. Each time I pulled my hand away and said “no” and that I did not want to do that. I felt dismayed and distressed by his repeated contact.

Reporting and Response: Friends only. I reported the incident to my roommate. She was horrified and concerned about future behaviors. I talked with other close friends who suggested talking with him. I talked with him and he was remorseful and apologetic.

Impacts and Recovery: Minimal. We continued to date throughout most of the remainder of first year. Although ensuing behaviors were always mutual and consensual, I never had sexual intercourse with him and he did not push boundaries again (even when we were both heavily intoxicated). I had no notable long term impacts or recovery. He expressed concern that others at UVA perceived him as “aggressive” after our relationship ended because another woman he dated heard about his experience with me. At the time, I felt regretful for having contributed to this impression. I have never felt traumatized in thinking about this experience or this person.

Relevance to UVa Response Working Group: What impact would reporting to campus authorities or police have had on my college experience vis-à-vis trauma (I was a minor and he was 18. Because of our slight age difference and my status as a minor reporting this incident could have had serious impacts)? Although his behavior may qualify as a form of sexual assault by definition, the trauma impact was limited and resolved between us. How would a different reporting approach have impacted each of us? How do we craft recommendations on response to accommodate similar circumstances? Friends are likely “first responders” and if this group is encouraged to move up the reporting ladder to campus and/or local authorities, what possible traumatic impacts, negative experiences and distractions to the educational experience are plausible and how can those be mitigated?

2) Incident: Unwanted physical contact. While interning abroad at age 19, a businessman (family friend and married man with a family) placed his hand on my upper leg in a taxi and I tried to pretend that I did not notice his advances. He tried to kiss me as I exited the cab. I returned to my homestay family and burst into tears.

Reporting and Response: Friend only. I told the homestay daughter (approximately my age) about his behavior and why it was disturbing (his age, my previous respect for him as a powerful businessman and company executive and family man, and friendship with my parents).

Impacts and Recovery: Immediate impacts only. I felt depressed and discouraged by this man’s behavior. I felt disturbed that a married family friend would make advances towards a young person more than 30 years his junior. I felt isolated being abroad and unable to reach out to close friends. I never told my family. I had no notable long term impacts.

Relevance to UVa Response Working Group: There are challenges in reporting an incident of this nature. If a business professional and/or powerful person assaults someone very junior in a private setting the “he said/she said” complexities are significant as are concerns for ramifications. Possibilities in a university setting abound in terms of power differentials and potential abuses of power dynamics (e.g. fourth year/first year, RA/resident, student/faculty, junior faculty/senior faculty, contract worker/employee). What response resources should UVA have to improve prevention and response to this facet of violating behaviors?

3) Incident: Unwanted physical contact. Third year at UVA (I was 19), I was aggressively groped at a private fraternity/sorority mixer dancing in a large group of people. An invited guest fraternity member, also a 3rd year, approached me from behind and wrapped his arms around me tightly pressing into me. I tried to move apart; however, he pulled me closer and shoved his hands down the front of my pants. I tried to pull his arms and hands away to no avail and was only able to get away from his grip by using force to twist and push him away. Both of us were intoxicated; however, he was so heavily intoxicated that his eyes could not focus and he stumbled away without comment.

Reporting and Response: Friends only. I reported the incident to several sorority sisters immediately around me saying “stay away from him tonight.” No one saw the incident occur in the middle of the room surrounded by people.

Impacts and Recovery: None. This incident did not have any traumatic impact on me and, on the occasions that I encountered this person in years to come; I have never felt any trauma related emotion.

Relevance to UVa Response Working Group: See incident #1. I would like to note that had this person cheated on a test in my presence, I would have seriously considered and discussed with him and/or others the responsibility to report his violation based on the strong sense of honor and integrity honed at UVA vis-à-vis cheating, lying and stealing. What impact would instilling a stronger sense of integrity with regard to violations of fellow human beings have at UVA? Recommendations to adopt language within the honor code to include honor and integrity with regard to how we treat other individuals have been submitted to UVA officials. I concur with this recommendation.

4) Incident: Non-consensual/Incapable of consent sex. Fourth year at UVA at age 21, I began dating a friend whom I had known throughout my years at UVA. I had told him that I was not ready to have sex with him after our first date and that I was still a virgin and continually iterated that sentiment on various dates. On all of our dates, both of us ended the evening heavily

intoxicated and we engaged in sexual behaviors in this state. On one occasion, he asked “why do you sometimes let me and sometimes not?” I was confused by this question at the time as I was heavily intoxicated. Subsequent conversations with him revealed that we did have intercourse. Ultimately, we had consensual sober sex which I (incorrectly) considered “my first time” more than a year later when we resumed dating upon my return visit from working abroad after graduation. I returned to work abroad with a renewed long distance relationship.

Reporting and Response: Friends, religious acquaintance, medical professionals. I spoke with close friends about the sexual experiences I had with this person - we did not view any behaviors as alarming. Upon return to working abroad, I met an acquaintance through a new church (which I did not know to be an evangelical church that strongly discouraged premarital sex). She asked about my thoughts on premarital sex and I expressed some degree of ambivalence and related my experiences. She said that she was so sorry for me, that sex when too drunk to remember or consent was wrong and that she would pray for me. I continued to go to this church as an outlet for friendship and English language conversation; however, the emphasis on premarital sex and nonconsensual behaviors was increasingly disturbing and I began to experience extreme insomnia and periods of high anxiety. I was very concerned about my mental health, quit my job and returned to the U.S. Within days of being home, my mental health deteriorated and I sought treatment from my general practitioner who suggested I seek psychological counseling for anxiety. Within days, I called my then-boyfriend screaming that “I was a virgin....you raped me!” I called back later to apologize. The relationship ended. I called 911 in a state of high anxiety and stress, EMTs arrived and I was assessed in GWU ER, hospitalized and heavily medicated. I began mental health therapy which lasted more than one year with a GWU psychiatrist.

Impacts and Recovery: No immediate impacts; however, severe long term impacts and recovery. The response approach taken by the devout religious person proved to be very detrimental. Other factors during that timeframe, including a high pressure job environment in international media, culture shock, lack of a friend network and/or support system, and daily exposure to a traumatic situation (I was living with a family whose child was in a persistent vegetative state in the same dwelling), contributed to my mental health decline; however, the immediate impact of this person’s response, caused me to burst into tears and experience high anxiety (room spinning, nausea, walls closing in, not enough air). Upon return to the U.S., I remained under mental health care with the same professional for more than one year.

Relevance to UVa Response Working Group: The response approach of the devout religious person, though well-intended, was devastating. The lack of urgency expressed by my general practitioner when I reported high anxiety, insomnia, racing thoughts, and job loss (e.g., she did not prescribe anti-anxiety medication or urgent need for mental health support) were detrimental. Hospitalization and mental health care that focused primarily on diagnosis and medication versus

counseling were limited in effectiveness. How can UVa help equip potential “first responders” to be supportive versus detrimental? What groups (e.g., religious groups) have the potential to provide a strong support network and, conversely, if response is inadequate, to undermine an individual’s recovery?

5) Incident: Rape. While travelling abroad at 24, I met two women at a train station who said they were going to a lecture and invited me to join. During the lecture, I asked several questions and the presenter invited me to speak with him afterward. Later, I was isolated with him in a room alone when he raped me. I had expressed no physical interest in him, had not consumed any alcohol and was repulsed by his actions; however, I did not push him away and/or attempt to hurt him. I “froze” despite my repeated verbal protests.

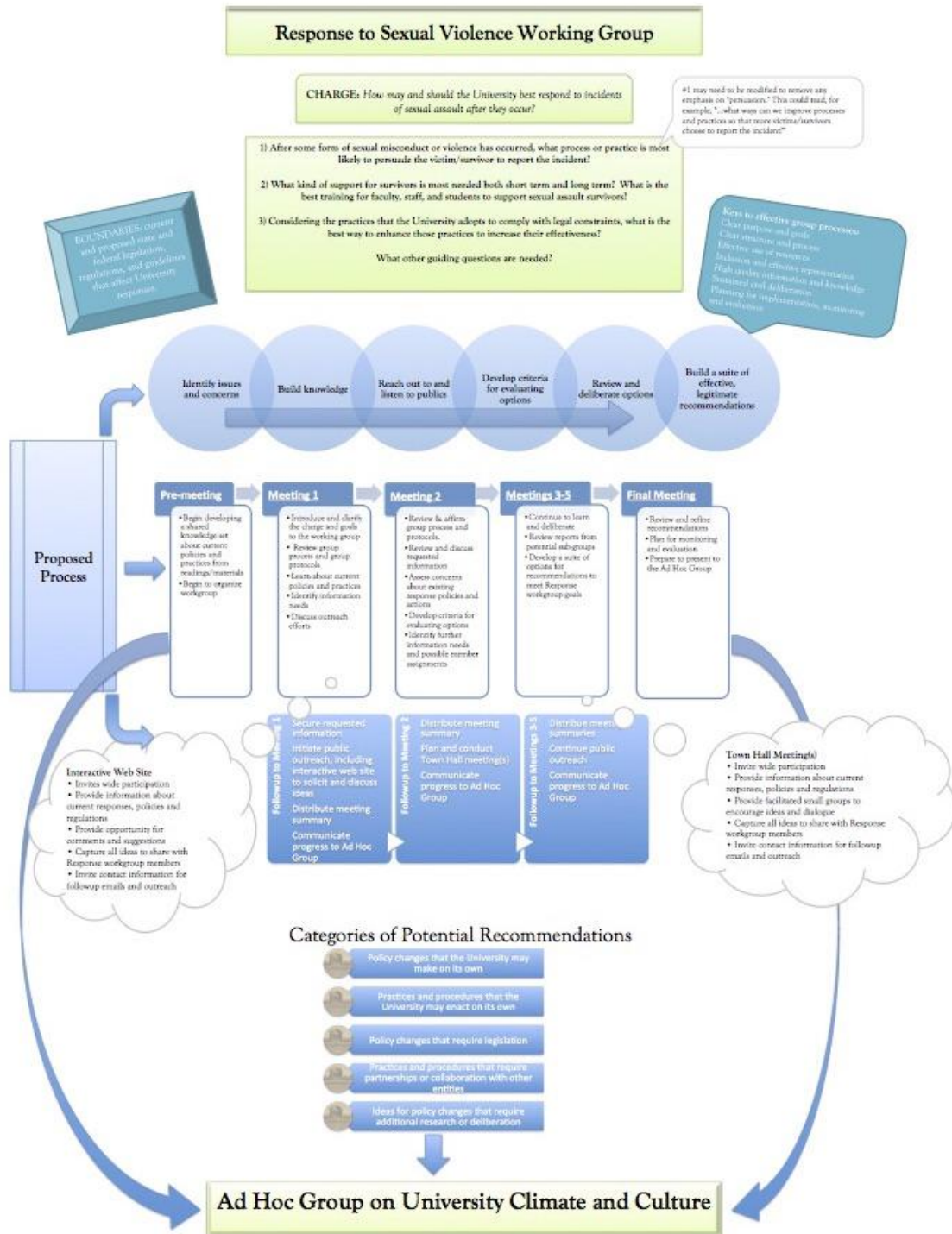
Reporting and Response: Mental health professionals, friends, police, and trial testimony. I left the room where he raped me a different person. I was disassociated from myself, in a daze and confused. My behavior in the weeks before I returned home was erratic and unpredictable. My mental state for those weeks was not normal; however, it was not recognizable as traditional trauma (I was not depressed, suicidal, etc.) Upon return home, my parents and friends pushed to have me hospitalized again without knowing why I had become suicidal and strange. I reported the rape to the mental health professional in the hospital first. I also spoke in French with a fellow patient because I found it easier to relay the incident in a foreign language. The psychiatrist there became my therapist for almost six years until his death. Initially, I also sought treatment from the psychiatrist I had seen previously; however, I preferred the more holistic approach of the other doctor. It took over a year to speak to a close friend who, upon my telling her I was raped, questioned my memory. This response was devastating and I told another close friend later that day. As years passed, I told a small group of close friends and boyfriends. Ultimately, my husband, after he communicated with his friend in law enforcement who suggested reporting to the police (ten years after the fact), encouraged me to report to the police. I did and learned that a trial was being planned for his serial offenses. I testified against him in 2009 over a period of several days for several hours/day and again in 2010 due to a mistrial. During the second day of my testimony for the second trial the defense asked why the first psychiatrist would have stated that he believed that I had consensual sex. I was stunned and screamed. At no other point during my testimonies had I lost composure; however, this revelation was shattering. Several months after the second trial, the lead detective contacted me to share the good and bad news-the accused was convicted and jailed for rape but not on all counts including mine. Since the Rolling Stone article in November, I have reported my experience to a broad range of UVa stakeholders. To date my parents, grandparents and other close relatives are not aware of the rape and/or trial.

Impacts and Recovery: Significant immediate, short and long-term.

My inability to speak about the details of this incident in the early stages, including discussing the lecture and lecturer in a positive light (the lecture was indeed interesting and the many attendees seemed genuinely fascinated), undoubtedly colored other's perception of my truthfulness and my account (including the GWU psychiatrist). In addition, the defense attorney pointed out numerous holes in my account and changing details of my statements. The support of friends, my husband and other medical and mental health professionals proved to be key to both short and long term recovery. The strong support of the lead detective and his colleagues on this case were validating as was the guilty conviction. As discussed, my mental health was immediately impacted; however, medical support and counseling made a huge impact in my healing and recovery. Even so, news reports about rapes periodically cause high anxiety. In 2002, I experienced a 6 month period of night terrors and insomnia. To date, when my husband travels, I experience high anxiety. After no medical treatment for more than 10 years, the disappearance of Hannah Graham, the Rolling Stone article and ensuing involvement have prompted me to seek regular appointments with my general practitioner to discuss anxiety and insomnia levels and treatment.

Relevance to UVa Response Working Group: SARA Charlottesville has noted that the availability of mental health professionals in the region who have expertise to address sexual assault is limited and, as a result, SARA counselors are filling a gap not only for UVA students but also the community at large. Trauma-informed response is critical not only by mental health providers, law enforcement, other medical personnel, but also among friend groups and other social support networks. Because so many news articles, pundits, and public commenters have labeled Jackie's account as the "UVa Rape Hoax" without ever having interviewed "Jackie," I have grave concerns about the misinformation that has been proliferated regarding rape trauma and the impact this misinformation will have on response. While the focus has been on Sabrina Erdely's journalistic integrity, the greater concern I have is the need to counterbalance the incomplete journalistic efforts of many writers who did not or could not interview the subjects of their stories (Erdely and "Jackie") in questioning and/or condemning the actions of one or both subjects. Journalistic response is a key means of communicating to broad groups and has the ability to impair or improve recovery of not just the subject of the story but others in the general population. How can UVa support trauma informed journalism?

Response Working Group Process Diagram



Response Working Group Meeting Summaries

February 13, 2015

Executive Summary

The Sexual Assault Response Working Group has been tasked by the Office of the President with presenting the President's Ad Hoc Committee on Climate and Culture its recommendations for "how the University should best respond to incidents of sexual assault after they occur." The Working Group met for the first session on Friday, February 13, 2015 to explore the group's charge, to begin to learn about the existing responses to sexual violence, and to plan the rest of the process. The charge was clarified to include intimate partner violence. Members expressed a strong need to understand the current situation, including the scope of the problems and University policy and actions.

Followup

- Chair Frank Dukes and staff Phil Trella will work to obtain the requested data.
- Members are encouraged to study the resources available in the UVaBox folder and to notify leadership and staff (Frank, Phil and Sarah) of any questions or of any additional information that they think may be relevant.
- The Working Group will convene again on Friday, February 27, 2015 in room 236, New Cabell. Call-in information will be sent out later.
- Kathryn Laughon will forward information about the program "You Have Options" (see <http://www.reportingoptions.org/>) that she suggested was promising.
- Frank will send out information about the two conferences (Virginia's and the national conference in New Orleans) discussed.
- We will meet on March 6 rather than March 13 (all meetings are from 10-12 and in 236 New Cabell). That meeting will include more information about current policies and procedures and members are asked to think about their desired outcomes that should be the goals for UVa's responses to sexual violence. **Summary** The meeting began with introductions of members. A number of members shared their own personal experiences with sexual violence. There is considerable expertise and experience within the Response Working Group.

Freedom of Information Act (FOIA)

- UVa Associate General Counsel Barry Meek encouraged members to use discretion when using written communication throughout the process and consider the following:
 - Although Working Group meetings are not public, the media and general public have access to Working Group documents through FOIA (Freedom of Information Act) requests, which likely will occur during this process.
 - FOIA requests may apply to individuals who work for the University of Virginia and the group as a whole. Use care when crafting all communication.
 - Be sure to clearly label drafts of any recommendations or reports as such. o Respect the privacy of those involved in sexual assault cases.

Current responses to sexual violence at UVa

• Guest Emily Renda, project coordinator in the Office of the Vice President of Student Affairs, shared the following principles that guide how university response currently operates:

- Mandatory reporting in terms of faculty and staff is inflexible. o UVa has aimed to focus on victim autonomy by respecting the rights of the assaulted to choose whether or not to report and pursue either university or criminal justice.
- An official Sexual Assault Response Team (SART) works in tandem with the police following a report.
- Contact with SART also triggers response from the Sexual Assault Resource Agency (SARA).
- Students do not always know about response mechanisms. We must better communicate with students about what resources are available.
- A wide range of consequences should be available. Victims/survivors may not want perpetrators expelled, for example. We must be equipped to carry out the wide range of Title IX responses.
- The University of Columbia recently released their sexual assault data. This speaks to the value of looking at the successes of other universities with regard to these issues. What are the barriers to data release? How can we achieve this, as well?

- Members of the Working Group raised the following issues during discussion of current responses:
 - “Flow Chart” of current sexual assault response is provided on UVa’s “Student Sexual Misconduct, What You Need to Know” document. A comprehensive list of resource is provided at the following link: www.virginia.edu/sexualviolence/resources
 - Many of the assaulted feel “re-victimized” during the reporting process.
 - Trauma response is different in young adults than in fully developed adults.
 - Response policy should consider this and be sensitive to the particular vulnerabilities of college-aged individuals. Victims need time to make decisions and choice at every step.
 - University of Virginia Office of the President Sexual Assault Response Working Group, Spring 2015
 - Elements of the SART agreement have not been fully executed for a variety of reasons.
 - Police department patrol officers are often the first on the scene of an assault, but are sometimes not well trained for these issues.
 - Vast under-reporting complicates the task at hand. Under reporting is not unique to UVa, to our knowledge.

The Response Working Group’s Charge

- Chair Frank Dukes noted that the Response Working Group’s effectiveness will depend on the legitimacy of our recommendations in the eyes of the President’s Ad Hoc group as well as policymakers. He noted that staff has developed a matrix that includes recommendation, problem(s) it responds to, pros and cons, and other considerations.
- Members suggested that the charge be understood to include intimate partner violence.

- In addition to outlining a clear and effective response policy, members would like to put measures into place that reduce incidences of assault overall. There must be a balance between victim choice and accountability for perpetrators/public safety.
- Although the charge focuses on victim experience following assault, the Working Group should also outline what the experience of accused perpetrators should be.
- The charge is difficult to fulfill without addressing the Virginia Criminal Statute, which includes a limited definition of rape. **Discussion**
- Members made a strong request for data in order to carry out the Working Group's charge. In order to help solve the problem, we must know the nature of the problem at UVa. Members would like to know:
 - How many cases are being investigated at UVa?
 - How many reports by students have been made in the past 5 years (at least)?
 The data requested may not be readily available, as there are many ways for students to report incidents and not any one data collection protocol.
- Members agreed that although implementing Title IX is challenging for UVa and other universities, the Working Group's recommendations should allow for better implementation by providing tools and strengthening partnerships.
- Response must also include support for students that ultimately decide not to report, although this process should aim to reduce barriers to reporting.
- In preparation for further discussion, two books were recommended: *Trauma and Recovery* by Judith Herman; and *Why Does He Do That? Inside the Minds of Angry and Controlling Men* by Lundy Bancroft.

Members Present or on telephone:

Hanadi Al-Samman—faculty, Middle Eastern and South Asian Languages and Cultures

Laurie Casteen—staff, Dean of Students Office
Donna Chen—faculty, School of Medicine

Anne Clougherty—alumnae and parent, Class of 1982

Anne Coughlin—faculty, School of Law

Heidi Davies—student, Darden School of Business

Katie Deal—student, College of Arts & Sciences

Frank Dukes (chair)—faculty, Institute for Environmental Negotiation, School of Architecture

Margaret Edwards—staff, Trauma Counselor at the Women's Center

Melissa Fielding—staff, University Police Department

Tim Heaphy—alumnus

Kelley Hodge—alumnae

Chris Johnsen—alumnus

Katrina Kernodle Walsh—alumnae

Jordan Lassiter—student, College of Arts & Sciences

Kathryn Laughon—faculty, School of Nursing

Sherri Moore—faculty, McIntire School of Commerce

Troy Stanfield—alumnus

Melvin Wilson—faculty, College of Arts and Sciences

Guests Present

Barry Meek—Associate General Counsel, UVa

Emily Renda—Project Coordinator, Vice President for Student Affairs Office
Pace Lochte—Office of the Executive Vice-President and Chief Operating Officer
Staff Phil Trella—Assistant Vice President for Graduate and Postdoctoral Affairs
Sarah Burr—Graduate Intern

Friday, February 27, 2015

Executive Summary

The Sexual Assault Response Working Group has been tasked by the Office of the President with presenting the President's Ad Hoc Committee on Climate and Culture its recommendations for "how the University should best respond to incidents of sexual assault after they occur." The Working Group met for the second session on Friday, February 27, 2015 to discuss how the university currently responds to sexual assault, to learn about trauma responses among young adults, and to plan the rest of the process. Members expressed a strong need for more time in meetings to develop recommendations.

Follow-up

- The Working Group will begin its meetings from now on at 9 a.m.
- The Working Group will consider the possibility of meeting every week rather than every other week, and/or the establishment of smaller subgroups within the working group [n.b. this will be discussed on March 6).
- Members are encouraged to attend the public town hall meeting on Tuesday, March 6, 2015 from 9:30 a.m. to 11:30 a.m.
- Members are encouraged to study the resources available in the UVaBox folder and to notify the chair or staff (Frank, Phil and Sarah) of any questions or of any additional information that they think may be relevant. Essential readings will be noted.
- Tim Heaphy will draft suggested language that includes reducing the number of incidences of sexual assault to include in the working group's charge.
- The Working Group will convene again on Friday, March 6, 2015 in room 236, New Cabell from 9 a.m. to 12 noon. Call-in information will be sent out later.

Summary The meeting began with re-introductions of members. A number of members shared their own personal experiences with sexual violence. There is considerable expertise and experience within the Response Working Group.

Guidelines for the process

- Members shared their own aspirations for the process. Members stated the following:
 - "At Our Best"—goals to guide the process:
 - Chair is not shy to move the group along.
 - Small groups within the working group that reflect highest priorities.
 - Discussion remains on-task.
 - Attention to emotions.
 - All questions and statements are welcome in a safe environment.
 - Process is accessible and open.
 - Consideration of the audience for these recommendations.

- “At Our Worst”—what we’d like to avoid as a group:
 - Restating what’s already been said
 - One person dominating the conversation
 - Irrelevant or off-task discussion
 - Insular
- Other requests were raised as listed below:
 - We are unsure what changes will come with new legislation. For the time being, we should focus on becoming familiar with current policies.
 - Members requested that the charge include something about reducing the actual number of incidences of sexual assault. Member Tim Heaphy volunteered to draft this language.
 - Members would like policy to address consequences for accusations that are demonstrably false, even as such accusations may be rare.

Overview of Current University Response

- Working group member Laurie Casteen of the Office of the Dean of Students shared the following principles that guide how university responses currently function. She noted that the presentation simply describes the “current landscape” of response at UVa, not how things “should” be.
 - The data distributed to members regarding reporting figures operates within a **broad definition of sexual assault**. For example, sexual assault could mean anything from unwanted touching to penetration.
 - Members should **prioritize reading Title IX materials on UVaBOX and the “Dear Colleague” Letter**.
 - Referrals to the Office of the Dean of Students come from **many sources** (CAPS, Police Dept., RAs, faculty, friends, and so forth)
 - If complainants **do not authorize** the police to report, the Office simply receives an **anonymous report**.
 - Anyone acting in an official capacity on behalf of the university is **required** to report. This includes resident assistants and teaching assistants. Medical and counseling staff are **exempt** for mandatory reporting if provider-patient relationship is in place.
 - Initial response is key. Pushy, judgmental, or interrogative responses discourage victims to pursue resources or disciplinary action. **Victims need choice and time to make those choices**.
 - **If public safety is threatened**, the Office of the Dean of Students may override confidentiality in order to ensure safety. **This is made clear to students from the onset**.
 - The Office of the Dean of Students reserves the right to **remove accused perpetrators** from classes or residence halls and notify faculty, even before adjudication.
 - The university always gently but persistently **encourages students to report** to the police and may take steps to ensure a safe environment for reporting (for example, a plain clothes officer on-grounds). Still, **only a tiny minority** of students go to the police.
 - An overwhelming majority of victims choosing not to report cite **“social suicide”** as their reasoning. Many also state that they **“don’t want to get anyone in trouble.”**
 - The current process **provides advisors to both parties** (complainant and accused) throughout the process.

- Most cases handled by the Office of the Dean of Students are “**word-word**” case, e.g., no witnesses to testify to the extent of intoxication, occurs between two people in a closed environment, is not associated with serial behavior.
- Most students seem to have a **limited understanding** of university policy and legal notions of consent.
- Many victims have been victims of previous sexual assaults or other types of abuse. **“Revictimization” is common.**
- This issue is complex. If members have any further questions, Laurie is always available as a resource.
- Working Group members raised the following issues following the presentation:
 - Members are concerned that the Office of the Dean of Students does not have the resources to deal with the volume of requests. Laurie suggested that the workgroup recommendations may include specific requests for increased funding and staff, and that she would prioritize increased counseling.
 - Kathryn Laughon of the forensics nursing team, which collects and documents evidence of the assault for the entire region, also added that their ability to respond is limited by funding and staff time.
 - Margaret Edwards, counselor at the Women’s Center, voiced similar needs.
 - Students on the workgroup expressed their unfamiliarity with mandatory reporting policies and a lack of training for students across grounds.
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Recognizing Trauma Response in Young Adults

- Working group member Margaret Edwards, Trauma Counselor at the UVa Women’s Center, shared the following insights regarding trauma response among young adults. A PowerPoint presentation summarizing trauma response has been made available to group members for reference.
 - Young adults exhibit a **different trauma response** that older adults with fully developed brains.
 - Individuals who feel as if they are themselves responsible are **not protected** from biological trauma response.
 - College communities are more likely to “**close ranks**” and protect a perpetrator. ○ After boundaries have been violated, victims may feel out of control and **participate in even riskier behaviors.**
 - The social effects associated with PTSD are **more pronounced** in this age group.
 - **Memory** can also be affected. Regaining narratives may occur piece by piece, rather than linearly.
 - Many individuals attempt to **forget** about what happened, finally dealing with trauma **months or even years after the event.**
 - UVa response should aim to **educate men and women about negotiating and communicating their own boundaries** and understanding the boundaries of others.

Working Group members raised the following issues following the presentation:

- Again, students on the Working Group expressed the need for more training aimed at peers and bystanders.
- The One Love Foundation has a program and film dealing with identifying abusive behavior that should be shared.
- The University Police Department officers are trauma-informed and have completed training. This may or may not be true for city and county police officers.

Discussion

- Members expressed frustration that data cannot be compared to that of other institutions since assault categories are so broad and others are unwilling to publish reporting figures.
- Members expressed intent to work closely with other working groups, e.g. concerning resources, particularly the prevention group. If more than one working group makes a recommendation, it may have more weight in decision-making later on.
- Members found both presentations to be extremely helpful, but wish to move forward with more content at the next meeting.
- Members suggested establishing a timeline for the process in order to ensure that our recommendations are on track for April 30th delivery to the President's Ad Hoc group.

Members Present or on telephone

Hawa Ahmed—student

Hanadi Al-Samman—faculty, Middle Eastern and South Asian Languages and Cultures

Laurie Casteen—staff, Dean of Students Office

Donna Chen—faculty, School of Medicine

Anne Clougherty—alumnae and parent, Class of 1982

Heidi Davies—student, Darden School of Business

Katie Deal—student, College of Arts & Sciences

Frank Dukes (chair)—faculty, Institute for Environmental Negotiation, School of Architecture

Margaret Edwards—staff, Trauma Counselor at the Women's Center

Lee Eschenroeder—student, School of Medicine

Melissa Fielding—staff, University Police Department

Barbara Fried—Board of Visitors

Tim Heaphy—alumnus

Kelley Hodge—alumnae

Chris Johnsen—alumnus

Katrina Kernodle Walsh—alumnae

Jordan Lassiter—student, College of Arts & Sciences

Kathryn Laughon—faculty, School of Nursing

Sherri Moore—faculty, McIntire School of Commerce K

atie Pelland—student, teaching assistant

Troy Stanfield—alumnus

Melvin Wilson—faculty, College of Arts and Sciences

Guests Present

Jerilyn Teahan—Office of the Executive Vice President and Chief Operating Officer

Working Group Staff

Phil Trella—Assistant Vice President for Graduate Studies

Sarah Burr—Graduate Intern

Response Working Group Meeting

Friday, March 6, 2015

Executive Summary

The Response Working Group has been tasked by the Office of the President with presenting the President's Ad Hoc Committee on Climate and Culture its recommendations for "how the University should best respond to incidents of sexual assault after they occur." The Working Group met for the third session on Friday, March 6, 2015 to discuss the feedback received at the town hall meeting on Tuesday, March 3, to envision desired outcomes and identify gaps in current policy and practice, and to establish subgroups for deeper research. Members decided to meet every Friday (rather than just every other Friday) beginning on March 20 and to continue to extend the meetings to three hours each from 9:00 am to 12:00 p.m.

Follow-up

- The Working Group will convene next on Friday, March 20, 2015 in room 236, New Cabell from 9:00 a.m. to 12 noon. Meetings will continue weekly thereafter through April 24. Call-in information will be sent out later.
- Members are encouraged to study the resources available in the UVaBox folders, especially the folder "Priority Readings," and to notify leadership and staff (Frank, Phil and Sarah) of any questions or of any additional information that they think may be relevant.
- Workgroups will convene either by phone or by email in the next week to begin completing tasks. Sarah will initiate contact and Phil can provide a phone number for conference calls.
- Next Tuesday March 10 from 11 to 12:30 Det. Carrie Hull with the *You have Options* program in Ashland will be speaking by conference call to the meeting of the Governor's Task Force on Combating Campus Sexual Violence. This will be at Newcomb Hall, South Meeting Room (3rd Floor).
- Phil Trella will ask the Director of the LGBT Center to speak with the workgroup, as well as CAPS counselors with special training in multicultural affairs or other multicultural leaders on grounds, and a representative from athletics.
- Katrina Kernodle Walsh will share information in regard to the Oregon HIPAA legal case.

Establishment of Subgroups

Four workgroups were formed in order to perform specific actions or analyze resources. The workgroups tasks and members are as follows:

- Survivors Speak—members will find and invite survivors of assault who have engaged with the university process to share their experiences and suggestions for improvement. Speakers should not be involved with on-going investigations.
 - Kelley Hodge
 - Anne Clougherty
 - Hanadi Al-Samman
 - Margaret Edwards
 - Barbara Fried [asked to be added after the meeting]

- “You Have Options”—members will analyze the Oregon “You Have Options” program as well as other online options such as Callisto, and report findings to the rest of the working group.
 - Kathryn Laughon
 - Katie Pelland
 - Sherri Moore
 - Tim Heaphy
 - Anne Coughlin
 - Melissa Fielding

- Safe Space—members will explore the possibility of a place that would be welcoming for all students, including the possibility of a “one-stop-shop” reporting and resource center.
 - Anne Clougherty
 - Sherri Moore
 - Margaret Edwards
 - Kelley Hodge
 - Anne Coughlin

- Student Suggestions—members will solicit members of the student body to speak to the workgroup and articulate perceived institutional barriers to reporting.
 - Lee Eschenroeder
 - Jordan Lassiter
 - Katie Deal
 - Katie Pelland
 - Sarah Burr

Once the University’s new policy is released, a sanctions group will be formed to examine sanctions for categories of sexual misconduct. Other workgroups may be formed later as well.

Summary

Despite the hazardous driving conditions as a result of winter weather, most of the Response Working Group was able to attend the meeting either in person or by phone. The meeting began with members sharing their experiences at the Tuesday, March 3 Town Hall. Members noted a number of promising ideas raised by the students, staff and faculty. Members were asked to write up notes from the Town Hall and send them to Frank or Phil. Other members offered information gathered from other community meetings or meetings with legislators. The members then divided into small groups to envision and articulate recommendation goals. Finally, four subgroups were formed to engage in deeper research and small group discussion.

Updates

- The Working Group approved revisions to the charge written in the agenda, which will need to be forwarded for approval to President Sullivan’s staff [see below as well for what was approved]. There was discussion about how the term “sexual misconduct” is not favored by some advocates for survivors, as the term “misconduct” connotes a minor offense. The counter argument was made that terms such as “rape” and “violation” are tied to antiquated laws and “misconduct” allows for a broad range of offenses. Frank noted that the term is not in the power of the Working Group to change as the language is a product of University policy. One member requested that a note be made of concerns with this language in our recommendations, which will be done.
- Frank reiterated that the Response Working Group recommendations will go to the President’s Ad Hoc group and then may need support from a variety of stakeholders, including legislators. They should be as robust as possible and would be stronger if coming as an authentic consensus –one that represents the best thinking rather than lowest common denominator - from all our members. The Working Group’s report will include a list of ideas, the concerns and goals those ideas respond to, pros and cons of each idea, and our recommendations. He also reminded members to consider existing response protocols and practices on grounds that are effective, rather than just pointing to what is wrong.
- A Working Group member shared an overview of a recent meeting with the staff of Senator Kaine and Senator Gillibrand regarding proposed sexual assault legislation.
 - The “Teach Safe Relationships Act” requires consent, intimate partner violence, and healthy relationship curricula in public high school sex education. Legislators are attempting to pass this measure in tandem with No Child Left Behind, but it is not expected to pass soon.
 - The “Campus Accountability and Safety Act” outlines establishment of new campus resources, training standards, transparency requirements, uniform discipline process, and penalties for Clery Act violations. It has broad bipartisan support as well as support from survivor advocates and is anticipated to pass. The Working Group should consider using the language in the bill as a blueprint, and then we will be prepared for when it becomes law. Working Group members are urged to read the summary provided as well as the bill.
- Phil Trella encouraged members to access the new prioritized resource folder on UVaBox.
- Members shared their experiences at the Town Hall meeting on March 3. The level of discussion, with only some exception, was productive. Issues raised are as follows:
 - All online resources and infographics should be made available in many different languages for international students.

- Training and awareness among graduate students should be increased.
- Resources should take language, religion, race, ethnicity, gender, and sexual orientation into account.
- The varieties of resources can be overwhelming. Communication of resources should be concise, widespread, and as clear as possible.
- The University should consider a simple 24-hr hotline with a number that is easy for students to remember. It should be staffed with a real person, rather than an automated response.
- The Women's Center resources for sexual misconduct should have a more inclusive name. The name "Women's Center" may prevent non-female victims from reporting.
- Co-location of services should be explored (CAPS, Women's Center, SARA).
- In order to increase counseling resources, the University should create a system that allows Charlottesville counselors to work on behalf of the University in times of demand.
- Issues with insurance can provide a barrier to reporting. For example, with the student health insurance policy, the co-pay for a counseling visit is \$40 a session. This may provide a financial barrier. Additionally, sessions are listed as "counseling" and may be visible to the students' parents.
- Policy should consider the experience of the accused and their process.
- Each department on grounds should have one sexual assault first-responder trained faculty member. Participation in this program should be tied to tenure or career development goal fulfillment.
- Although completely false accusations are not a problem in terms of scale, the rights of the accused, the perception of widespread false accusations, and incidents of false accusation must be addressed.
- The University should consider 24-hour intake at the Student Health Center. Students might feel more comfortable going there than to the ER.
- Because students are comfortable using technology, an app may be an effective way to allow reporting and resources.
- Faculty training should be widespread and mandatory.
- The group should consider making the philosophical recommendation, "The University should remove ALL barriers to reporting." For example, if insurance co-pays are preventing a student from seeking counseling, the university should eliminate the financial barrier.

Envisioning "how the University can best respond to incidents of sexual misconduct after they occur"

Members divided into small groups to envision goals and desired outcomes for the University's response to reports and incidents of sexual misconduct. Upon reconvening, the following desired outcomes were stated:

- UVa as "state-of-the-art," a leader in sexual assault response with a system that inspires true confidence.
- Zero tolerance in organized groups on grounds (fraternities, sororities, athletics, marching band, etc). This does not mean required expulsion, but that a response of some kind would be offered. Members of organized groups on grounds should know that if they commit sexual misconduct that a transparent process will occur and they will be held accountable. Consequences should consider a spectrum of violations.

- The response process allows ample time for victims to make decisions.
- Apps or “game-ification” to help students learn about bystander response through simulation.
- Policy that addresses the particular needs of racial and ethnic minorities.
- Policy that addresses the LGBT community.
- Policy that addresses those with disabilities.
- Education programming that is culturally targeted and appropriate.

A number of specific ideas for solutions were also generated during this time, including the following:

- A stand-alone center that addresses the tension between mandatory reporting and confidentiality
- A “student bill of rights” in regard to sexual assault proceedings—for example, students should have the right to turn in assignments late, drop a class during the semester, leave for multiple semesters for trauma counseling without reapplication to the University, or drop poor grades from their transcript. Many of these are in place, but students do not know about them.
- Memorandum of Agreement between UVa and the Police that outlines university notification process, training requirements, and mandates a coordinated response. It was noted that many of these goals would be fulfilled if the SART agreement were fully executed.
- A multipurpose “one-stop-shop” for resources and reporting—this space would be strengthened by being multi-purpose (i.e., be intended for issues other than sexual misconduct as well. If it is a place where students already gather, there will be fewer stigmas associated with the location.
- Policy modeled after the Oregon “You Have Options” program
- A legal advocate not subject to mandatory reporting is assigned to both parties for case management.

Discussion

- Members were reminded that a section the new sexual misconduct policy will be released soon for comment. This may inform many of our recommendations. Many of the issues discussed in the Working Group represent content that has not yet been crystalized in the new policy.
- Members should study a recent court case in Oregon regarding HIPAA in sexual assault cases. More information will be coming from Katrina Walsh in the coming days.
- Members should consider addressing a loophole in HIPAA that allows judges to subpoena counseling records in sexual assault cases. This is often used by the defense to portray the victim as mentally unstable.
- Additionally, those on ROTC scholarship, applying for security clearance, Peace Corps or other organizations may be concerned about counseling listed on their medical records.
- April 10 was suggested as a date for guest speakers recruited by the workgroups.
- One barrier to reporting is that the population of UVa students is made up of incredibly driven and academically focused individuals. The University should strive to relieve academic pressure for those going through a sexual assault proceeding.
- Many members would like to see mandatory sanctions for specific violations. The following mandatory sanctions were suggested: suspension for guilty verdict for one violations and expulsion for two or more guilty verdicts. The new policy will include sanctions and that is an appropriate topic for review once the policy is released.

- The large majority of offenders at UVa are unlikely to reoffend. Thus, education about consent and sexual misconduct for these individuals is key.
- Members should anticipate negative press, particularly the release of the documentary “The Hunting Ground” in April. The criticism will be scathing. The interviews are extremely victim-focused and may not account for nuances in university responses.

Members Present or on telephone

Hanadi Al-Samman—faculty, Middle Eastern and South Asian Languages and Cultures

Laurie Casteen—staff, Dean of Students Office

Donna Chen—faculty, School of Medicine

Anne Clougherty—alumnae and parent, Class of 1982

Anne Coughlin—faculty, School of Law

Heidi Davies—student, Darden School of Business

Frank Dukes (chair)—faculty, Institute for Environmental Negotiation, School of Architecture

Margaret Edwards—staff, Trauma Counselor at the Women’s Center

Lee Eschenroeder—student, School of Medicine

Melissa Fielding—staff, University Police Department

Tim Heaphy—alumnus

Kelley Hodge—alumnae

Chris Johnsen—alumnus

Katrina Kernodle Walsh—alumnae

Jordan Lassiter—student, College of Arts & Sciences

Kathryn Laughon—faculty, School of Nursing

Sherri Moore—faculty, McIntire School of Commerce

Katie Pelland—student, teaching assistant

Staff

Phil Trella—Assistant Vice President for Graduate Studies

Sarah Burr—Graduate Intern

Charge approved by Response Working Group

1. After some form of sexual misconduct has occurred, what can we do to remove the barriers to increased reporting? What process or practice is most likely to support/encourage the victims in their decision whether or not to report the incident?
2. What kind of support for survivors is most needed both short term and long term?
3. What improvements are necessary to ensure that the University's institutional response to allegations of sexual misconduct diminishes the overall level of such misconduct and enhances the safety of our community?
4. What is the best training for faculty, staff, and students to support sexual misconduct survivors?
5. Considering the practices that the University adopts to comply with legal constraints, what is the best way to enhance those practices to increase their effectiveness?

Response Working Group Meeting

Friday, March 20, 2015

Executive Summary

The Response Working Group has been tasked by the Office of the President with presenting the President's Ad Hoc Committee on Climate and Culture its recommendations for "how the University should best respond to incidents of sexual assault after they occur." The Working Group met for the fourth session on Friday, March 20, 2015 to hear from the Assistant Director of CAPS Outreach and Liaison Programming Andrea Iglesias about addressing the needs of diverse communities, to further assess the Ashland, Oregon "You Have Options" reporting model, and to envision next steps. The next meeting will focus on evaluating and prioritizing the matrix of suggestions thus far.

Follow-up

- The Working Group will convene next on Friday, March 27, 2015 in room 236, New Cabell Hall from 9:00 a.m. to 12 noon. Meetings will continue weekly thereafter through April 24. Call-in information will be sent out later.
- Members are encouraged to study the resources available in the UVaBox folders, especially the folder "Priority Readings," and to notify leadership and staff (Frank, Phil and Sarah) of any questions or of any additional information that they think may be relevant. After the interim policy becomes available, it is imperative that working group members understand federal guidelines outlined in the Cleary Act and Title IX.
- Workgroups will continue to meet between meetings and address assigned topics.
- Anne Clougherty has reached out to other universities regarding changes to sexual assault policy (particularly Vanderbilt and Harvard) and will share findings with the Working Group.
- Kathryn Laughon will provide an update on the Greet Dot Program rollout.
- Frank Dukes will deliver an interim report next week to the President's Ad Hoc Committee.
- Working group leadership will invite Barry Meeks to return to speak with the group regarding new legislation from the General Assembly.

Establishment of Subgroups

An additional subgroup was established to explore the appropriate way in which to acknowledge concerns of fraternities in our working group recommendations. Subgroup members are as follows:

- Katrina Walsh
- Katie Deal
- Anne Clougherty
- Frank Dukes

Ashland, Oregon "You Have Options" Discussion

- Kathryn Laughon and other workgroup members outlined the merits of the "You Have Options" program. The "You Have Options" program:
 - Is intended to be a victim-centered approach in order increase reporting

- Aims to improve law enforcement response and produce accurate judicial outcomes
- Gives victims three options for reporting
 - No investigation
 - Partial investigation
 - This may include victims having the ability to choose which witnesses are spoken to.
 - Full investigation
- Is still subject to law enforcement’s decision to proceed with an arrest or prosecution in situations in which public safety is threatened. Law enforcement must maintain 100% discretion to arrest and prosecute despite a victim’s will.
- Requires that law enforcement officials are trauma-informed in a substantial way
- Allows a spectrum of reporting from anonymous online to verbally, face-to-face with an investigator
- Has had some success prosecuting old or inconclusive sexual assault cases
- Has doubled reporting rates in the region
- Took about 22 months to fully implement
- The members of the workgroup speculate that adapting the “You Have Options” program in Charlottesville would:
 - Require a joint MOU between city and county police departments and the university itself
 - Be well received by the local law enforcement community.
 - Require an implementation process that is somewhat lengthy (22 months or so) and with additional costs
 - Represent a pilot effort that could be applied to similar university communities
 - Provide potential for older cases to be prosecuted. Members were reminded that there is not statute of limitations for felonies in Virginia.
- Callisto, an app under development and another reporting tool evaluated by the subgroup, is not actually launched yet. The group concluded that the “You Have Options” program includes all the positive qualities of the Callisto program. Callisto is less focused on law enforcement than “You Have Options.”

Andrea Iglesias—Assistant Director of Outreach and Liaison Programming for CAPS

- Andrea Iglesias introduced herself and described her work at CAPS. In addition to seeing students individually, she works to foster community wellness at UVa and reach a multicultural audience.
- She hopes that in reaching faculty and staff, trauma-informed and multiculturally literate actions will “trickle down” and positively impact student experience.
- Ms. Iglesias opened her discussion with a statement of support for the task of the working group. She then turned to the issue of race on grounds, citing the recent arrest of a black student on the Corner. She stated that violence of that sort is connected to sexual violence, that many people feel unsafe on grounds, and that underreporting may be even more common in communities of color. Violence takes many forms including small comments that represent microaggressions and the implicit bias of faculty, staff, and other students toward students of color.
- Members added the following:

- Black students feel a lack of support for the institution and will not report any acts of violence if they do not feel supported and protected by the university.
- Harm to one is harm to all.
- A strong distrust of law enforcement contributes to the problem of underreporting. We must work to humanize local and university law enforcement and build relationships.
- The Corner is a particularly unwelcoming place for students of color and efforts to make it safer for some, with increased policing, have created the reverse perception for some of them.
- UVa's particular racial history may contribute to a lack of trust among students of color and could decrease reporting among these groups.
- There is widespread mistrust that is well founded. Many cited institutional and non-institutional mistreatment of gendered and ethnic bodies.
- University response to recent incidents has felt disconnected and detached. Students' feelings are invalidated and administration appears to exhibit a lack of empathy.
- Reporting in communities of color many carry more social consequences since they are smaller than majority populations.
- "Safe Space" training is effective, but very specific to LGBT issues. It does not address race specifically.
- Students of color need faculty mentors who share their background.
- "Social justice" does not seem as prevalent at UVa when compared to other universities.
- The following recommendations were made in regard to reaching diverse communities at UVa:
 - Individuals should have the option to report to a trauma-informed intake specialist that share their racial, ethnic, or linguistic background (for example, a trained sexual assault responder who is Muslim and trained responders who speak many languages)
 - The staff of the women's center should be more diverse.
 - Recommendations should avoid a "neutral" approach. When we make something "neutral," it codes as "majority." Response and education should reach all kinds of students in environments in which they already feel comfortable.
 - All communications should include language regarding diversity and inclusion.
 - Black Alumni weekend is arriving soon, and should include these kinds of discussions. Many alumni are concerned.
 - Referral to someone they trust or already know can make students feel more comfortable. For students of color and LGBT students, referrals can make all the difference.
 - Law enforcement officers must work to build relationships with all students. Many students of color feel less safe with increased policing following the Hannah Graham incident and Rolling Stone article.
 - Training for faculty and staff must be on going and address implicit biases.
 - "First Year Focus" program of the 1990s may be an effective way to address these issues and make resources available through a multi-day process.
 - The University should consider integrating a curriculum requirement such that all students take a Women's Studies, Asian American Studies, African American Studies, or related

course (a multicultural credit requirement) before graduation, or a course that includes these elements.

Updates

- The workgroup assigned to speak with survivors and bring feedback to the working group should focus on initial intake process and gather feedback on our recommendations thus far.
- Margaret Edwards has provided a document summarizing the reasons students do not report gathered during counseling sessions. This list is available on the UVABox folder under “resources.”
- Tim Heaphy reminded the group of on-going state processes to address campus sexual misconduct. He encouraged the group to reach out to the Governor’s Office for more details. The state taskforce conducted by Attorney General Mark Herring is said to be considering the following:
 - Creation of a database to track students that are found responsible of sexual misconduct.
 - Indication on official transcripts of students found to be responsible of sexual misconduct
 - Indication on official transcript is student under investigation withdraws during adjudication before a conclusion can be reached
- Of the changes and additions to the working group’s charge, the President’s Office accepted all but number three: “What improvements are necessary to ensure that the University’s institutional response to allegations of sexual misconduct diminishes the overall level of such misconduct and enhances the safety of our community?” The President’s Office is concerned that this language could be misconstrued. The rejection of this particular amendment to the charge does not prevent our group from including this point in our recommendations.

Discussion

- Many suggestions made up to this point need further discussion, particularly recommendations to do the following:
 - Create a simple, easy to remember hotline number. A hotline currently exists through Madison House, but is not specific to sexual assault and is more frequently used by community members than university students.
 - Remove adjudication completely from the hands of the University (this is complicated by federal guidelines)
- Members envisioned a reporting environment similar to that of medical amnesty in cases of alcohol-related illnesses. Since amnesty, more students are seeking the attention they need. Yes, it appears that the sheer numbers of unwanted behavior have increased, but in actuality more people who were drinking anyway are now getting the help they need. The working group emphasized that the university should, in turn, expect reports of sexual misconduct to increase. As a community, we must clearly communicate that it does not signify an increase in incidences, but an increase in the delivery of appropriate resources.
- It was noted that the university already offers an online reporting system. The reports received through online, anonymous reporting currently appear in our Cleary data. Members discussed why “You Have Options” is a superior model to the online model currently in place. The workgroup concluded that “You Have Options” is superior because it is housed in law enforcement, mandates a coordinated response, and employs a structure that makes a strong victim-centered statement.

- Members also cited cases in which prosecutors do not pursue cases due to “lack of physical evidence.” The working group would like to improve the ability of the system to prosecute these cases. A lack of “good physical evidence” presents a huge barrier to reporting. We must “demystify” the reporting and prosecution process in the eyes of victims.
- Recommendations should consider that victims experiencing trauma are characterized by cycles of empowerment. This may not fit neatly into the criminal investigation process.
- An opportunity for a victim to confront a perpetrator without the involvement of law enforcement may provide restorative justice. The working group will explore this issue further.
- University response should be coordinated with community and law enforcement response. A collection of guiding documents resulting from this process would be helpful (similar to special victims unit procedures in other jurisdictions).
- Response should ultimately encourage victims to go to the police and the hospital. Although victim choice is important, medical and legal components are critical.
- Response should address off-grounds programming.
- This group should further explore adjudication and disciplinary measures executed by organizations on grounds. (For example—proceedings within a fraternity following an accusation)
- Response must emphasize training for RA’s. RA’s are ill equipped to deal with these issues.

Members Present or on telephone

Hanadi Al-Samman—faculty, Middle Eastern and South Asian Languages and Cultures

Hawa Ahmed—undergraduate student

Laurie Casteen—staff, Dean of Students Office

Anne Clougherty—alumnae and parent, Class of 1982

Heidi Davies—student, Darden School of Business

Katie Deal—undergraduate, College of Arts & Sciences

Frank Dukes (chair)—faculty, Institute for Environmental Negotiation, School of Architecture

Margaret Edwards—staff, Trauma Counselor at the Women’s Center

Lee Eschenroeder—student, School of Medicine

Tim Heaphy—alumnus

Kelley Hodge—alumnae

Chris Johnsen—alumnus

Katrina Kernodle Walsh—alumnae

Jordan Lassiter—student, College of Arts & Sciences

Kathryn Laughon—faculty, School of Nursing

Sherri Moore—faculty, McIntire School of Commerce

Katie Pelland—student, teaching assistant

Guests

Andrea Iglesias—CAPS

Staff

Phil Trella—Assistant Vice President for Graduate Studies

Sarah Burr—Graduate Intern

Response Working Group Meeting Friday, March 27, 2015

Executive Summary

The Response Working Group has been tasked by the Office of the President with presenting the President's Ad Hoc Committee on Climate and Culture its recommendations for "how the University should best respond to incidents of sexual assault after they occur." The Working Group met for the fifth session on Friday, March 27, 2015 to hear updates from work groups working on specific recommendations, review the matrix of recommendations, and plan the completion of the final report. The next meeting will be held on Friday, April 3 from 9 a.m. to 12 noon and will focus on continuing to evaluate and prioritize the table of response recommendations.

Follow-up

- The Working Group will convene next on Friday, April 3, 2015 in room 236, New Cabell Hall from 9:00 a.m. to 12 noon. Meetings will continue weekly thereafter through April 24. Call-in information will be sent out later.
- Kathryn Laughon is writing the recommendation about supporting the implementation of You Have Options. She also will draft new language regarding the community SART. She will also share plans for an emergency department suite for forensic exams as UVa's emergency department expands.
- Hawa Ahmed will further develop recommendations pertaining to RAs (Residential Advisors).
- Anne Coughlin will consult with Susan Davis about her intention. She then will draft language about a stand-alone intake center separate from the Office of the Dean of Students.
- Tim Heaphy will draft a recommendation to provide more students with the option to have legal representation. Assignment of a lawyer should not be mandatory.
- Sherri Moore will draft language about Student Health being open 24 hours a day.
- Two additional work groups were established to explore the following:
 - Hotline—consider the value of a single hotline or a way to streamline existing hotlines (using a 3-digit number). This group may also explore the use of an app.
 - o Jordan Lassiter
 - o Hawa Ahmed
 - o Laurie Casteen
 - o Melvin Wilson
 - o Katrina Walsh
 - o Anne Clougherty
 - Faculty Support—draft language to promote faculty involvement in these issues by incorporating in career development plans, faculty activity reports, and tenure tracks. This group may also explore way to offer further resources to faculty so that individuals are better prepared to support students.
 - o Melvin Wilson

- o Sherri Moore
 - o Anne Coughlin
 - o Kathryn Laughon
- Members of the student work group will bring students to share perceived barriers to reporting at the April 3 next meeting.
 - Frank Dukes will provide additional resources regarding restorative justice as well as share an email received from the parent of a victim that included criticism in regard to a university press conference. He will also reach out to the university administration about the utility of providing estimated costs for each recommendation.
 - Members are encouraged to study the resources available in the UVa Box folders, especially the folder “Priority Readings,” and to notify leadership and staff (Frank, Phil and Sarah) of any questions or of any additional information that they think may be relevant. After the interim policy becomes available, it is imperative that working group members understand federal guidelines outlined in the Cleary Act and Title IX. The release of the interim policy is expected any time [n.b., the policy documents are now in the Priority Readings folder].

Updates

- Anne Clougherty is in touch with Vanderbilt University and learning more about their stand-alone intake center. She will provide more updates in the coming weeks, but her impression is that Vanderbilt has found a way to protect the anonymity of victims without violation of mandatory reporting.
- Katrina Walsh reminded the group that legislative initiatives with regard to adjudication are moving forward. She will provide more information in the coming weeks.
- Frank Dukes met with the Ad Hoc Committee on Climate and Culture to provide the working group’s interim report. He emphasized that the committee expressed their support for our work. Recommendations for more residential colleges and a second year on-grounds living requirement are gaining traction among other working groups. Additionally, additional counselors are already being added as well as three additional investigators.
- The working group was reminded that the new sexual misconduct policy is imminent.
- Barry Meek will return to speak with the group next week regarding Virginia’s new legislation.
- Laurie Casteen reminded the group that the interim sexual misconduct policy is bringing more mandatory training for faculty and staff.

Discussion

- Members expressed concern that the new sexual misconduct policy is still unreleased since its review constitutes a large part of the workgroup’s charge.
- Members expressed additional concern that our recommendations due on April 30th would come too late since the new policy is almost ready for release. The chair and other working group members addressed this concern and reassured the group that the forthcoming interim sexual

misconduct policy is somewhat limited. Many of the ideas recommended by this workgroup represent additional support not included in the sexual misconduct policy. That document is more about legal definitions and procedure. If the recommendations coming out of the working group are robust and well vetted, the Ad Hoc committee will welcome them.

- Members reiterated their commitment to creating the best practices university model that could be implemented all over the country. The working group aims to establish a national standard.
- Frank Dukes stated that the university administration is aware that many of these recommendations require financial and staffing resources and have stated that they are prepared to seek support for what is needed.
- Members expressed that victim preference is anecdotal—many prefer to handle the issue on-grounds, while others only want to work with law enforcement. Response should allow for a variety of choice.
- Many expressed the need for reestablishment of a community of trust following the Rolling Stone article. For example, many students may feel less safe going to the Dean of Students Office now than before the article. Recommendations should aim to demystify the on-grounds adjudication process and rebuild trust between students and administration, as well as between student and law enforcement.
- Laurie Casteen reminded members that an intensive Cleary Act review and assessment process is being held by university administration. This may bring many changes, particularly in reference to timely warnings. Members debated the merit of sending these warning to parents and concluded that it may serve to create unneeded concern.

Reviewing the Matrix of Recommendations

Chair Frank Dukes invited members to view the matrix of recommendations thus far with the following questions in mind:

- Is the recommendation clear and understandable?
- What edits need to be made?
- Can any of the recommendations be combined?
- Is the recommendation worth pursuing?

Members voiced the following concerns or requests for edits:

The You Have Options program would be largely in the hands of local jurisdictions; it would not be implemented by UVa. Kathryn Laughon will draft language framing this as a recommendation that UVa support local law enforcement in developing this program.

- There was discussion regarding whether or not the working group should attempt to estimate costs for each recommendation. Some members suggested that addressing costs is vital to the success of the recommendations, especially since higher education is facing such severe financial constraints, while others argued that this would yield inaccurate estimates. Chair Frank Dukes is going to reach out to the university administration and other workgroups to gather feedback on whether or not the working group should in fact estimate costs.
- Members added that calling for additional allocation of funding and staff support should be a recommendation in itself.

- Members discussed the creation of a new hotline with a simple, easy to remember number. Some suggested that this would duplicate existing phone lines, while other expressed that multiple hotlines cause confusion. One parent on the working group confessed to not knowing what number to call in the wake of an incident. A work group was formed to further explore this issue.
- Members concluded that a legal advocate would ideally be made available to all students, but would not be assigned without a student's request. Many students will not want to see a lawyer, but the option should be available. Availability of pro bono legal advocacy may be welcome support for victims, and could be especially valuable for those who could not afford it otherwise.
- The potential labeling attached to a stand-alone center may be even more intimidating for victims. Many do not call what happened "assault" until weeks or months after the incident.
- Current student health intake is during business hours. Off-hours students are encouraged to go to the Emergency Room. One recommendation should be to demystify the intake process at the hospital. Many students are unaware, for example, that insurance co-pays are not required in cases of sexual assault. There are many logistical barriers to 24-hr intake at the student health center. Sherri Moore agreed to write a recommendation for making student health available at all times.
- One member expressed a desire to have 24-hr in-person services at the Women's Center to handle an array of issues. Its location on the Corner is a benefit.
- Members expressed their desire for an education and awareness campaign as effective as that of the honor system. Ideally, any member of the university community could recite response protocol and resources similar to an ability to state the honor code.
- At-home forensic exams are legally impossible and physically inappropriate. This suggestion was struck from the recommendations due to the fact that evidence obtained outside of a medical environment does not hold up in court. That being said, we should consider stand-alone forensic exam facilities. In Virginia, none exist currently.
- There was much discussion regarding faculty incentives to participate in training or support for students. Many faculty members spend considerable time addressing student needs, including specifically concerning sexual misconduct. The suggestion of designating a single member in each department would place undue burden on one individual and discourage other faculty members from engaging in these issues. The load needs to be more equally distributed among faculty members. Many faculty members feel that their dedication to student support and participation in training programs has been unacknowledged. There was considerable support for promoting faculty and staff involvement in these issues by incorporating in career development plans, faculty and staff activity reports, and tenure tracks. A work group was formed to address this issue.
- Laurie Casteen reminded the workgroup that the university already contributes funding to SARA and SHE. Should this amount need to be increased, a request from SARA or SHE is required. Since funding already exists, this recommendation was struck.
- Recommendation for a multicultural credit requirement or mandatory one-credit class is being considered. The interim policy will include annual training. We will ask visiting students next week for more feedback.
- Although survivors often want an opportunity to confront the individual or individuals who committed an offense, and that has been an option facilitated by staff of student affairs, this likely

will no longer be allowed as it might be at odds with Title IX requirements. Frank Dukes offered to bring additional information to the working group.

- Members would like to see an improved and fully executed SART agreement; the current one is largely dormant. Kathryn Laughon will draft this language.
- Members emphasized their intention to add all the staff necessary to implement an effective response system. For example, there are only six individuals dealing with crises of all kind for about 23,000 students. These six individuals are overwhelmed and could use much more staff support.

Members Present or on telephone

Hanadi Al-Samman—faculty, Middle Eastern and South Asian Languages and Cultures

Hawa Ahmed—undergraduate student

Laurie Casteen—staff, Dean of Students Office

Donna Chen—faculty, School of Medicine

Anne Clougherty—alumnae and parent, Class of 1982

Anne Coughlin—faculty, School of Law

Frank Dukes (chair)—faculty, Institute for Environmental Negotiation, School of Architecture

Melissa Fielding—staff, University Police Department

Tim Heaphy—alumnus

Kelley Hodge—alumnae

Chris Johnsen—alumnus

Katrina Kernodle Walsh—alumnae

Jordan Lassiter—student, College of Arts & Sciences

Kathryn Laughon—faculty, School of Nursing

Sherri Moore—faculty, McIntire School of Commerce

Katie Pelland—student, teaching assistant

Melvin Wilson—faculty, College of Arts and Sciences

Staff

Phil Trella—Assistant Vice President for Graduate Studies

Sarah Burr—Graduate Intern

Response Working Group Meeting

Friday, April 3, 2015

Executive Summary

The Response Working Group has been tasked by the Office of the President with presenting the President's Ad Hoc Committee on Climate and Culture its recommendations for "how the University should best respond to incidents of sexual assault after they occur." The Working Group met for the sixth session on Friday, April 3, 2015 to hear updates from work groups developing specific recommendations, review new state legislation, and hear feedback about obstacles to reporting and related issues from a diverse

panel of current students. Members were urged to complete draft recommendations by Wednesday, April 8 to ensure an opportunity for review prior to the next meeting. That meeting will be held on Friday, April 10 from 9 a.m. to 12 noon and will focus on continuing to evaluate and prioritize the table of response recommendations, as well as evaluating the newly released interim policy.

Follow-up

- The Working Group will convene next on Friday, April 10, 2015 in room 236, New Cabell Hall from 9:00 a.m. to 12 noon. Meetings will continue weekly thereafter through April 24. Call-in information will be sent out later.
- The working group meeting with survivors will meet immediately after in the Dean's Conference Room, 504 New Cabell Hall.
- Those who offered to draft recommendations for specific topics were urged to complete draft recommendations by Wednesday, April 8 to ensure an opportunity for review prior to the April 10 meeting.
- Margaret Edwards will draft language regarding the need for increased support at Counseling and Psychological Services (CAPS).

Updates

- A complete draft of our Report needs be available for Response working group members to review by April 24th in order to meet the April 30 deadline.
- Following Chair Frank Dukes' inquiry on behalf of the working group about the need to estimate costs, Jerilyn Teahan of the Office of the President emphasized that anticipated costs are not necessary or expected. He also reached out to the chairs of the working groups on culture and prevention; the culture working group is not estimating costs while the prevention working group is estimating FTE needs when applicable. The administration anticipates that there will be substantial expenses and that funds will need to be raised to meet those expenses. Frank emphasized that our recommendations will benefit from estimating costs to the extent possible. Katrina Walsh shared that she has been working with a team to ask the university to submit a proposal to the Department of Justice regarding a pilot study of on-campus adjudication. The university has decided not to do so; a number of members asked for information about the study to be shared and Katrina agreed to do so.
- The long-awaited interim policy is now available. The next working group meeting will begin by discussing this policy. Response working group members expressed overwhelmingly that the new policy is a substantial improvement over the old, even as needs remain.

Reviewing New State Legislation

- Barry Meeks of the Office of University Counsel provided an overview of pending state legislation. The legislature passed three bills, which have been under review by the governor. One has been signed (The Mutual Aid Agreement Bill) and two are waiting for reconsideration by the legislature of the governor's amendments. Barry stated that passage is likely. In response to questions, he noted that the interim policy was drafted with these bills in mind. Details of the bills are as follows:

- The first bill (SB1193) would require notification on student transcripts in cases of suspension, dismissal or withdrawal during investigation of a violation of the institution's code, rules, or set of standards governing student conduct. The governor's proposed amendment limits this to incidents involving sexual violence. Although each university would have different standards and notations, this bill would set the floor for all Virginia public colleges and universities. UVa currently uses the general term "disciplinary action." The bill prescribes language that would be used in the notation. This requirement would not represent a FERPA violation since students control the disclosure of their transcript, but would serve as a warning to other colleges and universities who require transcripts for transfer applications. Once a student observes a term of suspension and completes any conditions required, thus re-establishing good standing with the university, the notation *must* be removed from the transcript. This creates an incentive for students to return to their university and to complete all required conditions, such as counseling. Another governor's amendment is that institutions *may* adopt a policy for removing dismissal and withdrawal notifications on a student's transcript after waiting at least two years after the incident. UVa's current policy is to remove suspension notifications while expulsion notifications remain forever. If a university sees a notification, they are permitted to communicate with the student's former university. At this point, it is unclear whether or not this communication would require a release from the student.
- The second bill (HB1785, The Mutual Aid Agreement Bill) represents an amendment to the existing powers of the university police department. It has been signed by the governor. The legislation affects campus police who have an agreement with either Virginia state police or local police for the investigation of felony sexual assault and unintended deaths. In instances of investigation of felony criminal sexual assault, the campus police department is required to notify the local commonwealth's attorney within 48 hours. To our knowledge, the UVa police department already does this. The bill uses language outlined in federal Cleary legislation. Although notification already occurs, our mutual aid agreement may require modification and new procedures to meet requirements.
- The final bill (HB1930/SB712) adopts wholesale the Cleary Act definitions for geography and Title IX definitions for "reporting employees," "sexual violence," and "Title IX coordinator." This bill creates an evaluation panel of the Title IX coordinator, a member of campus law enforcement, and a representative from student affairs. It may include others. UVA has an existing threat assessment team that could fulfill this requirement. Within 72 hours of an incident being reported to the Title IX coordinator, the evaluation panel must convene to determine if a threat to health and safety exists. This group will have access to law enforcement records, university medical records, and the full breadth of institutional records. The university should make a clear statement about accessing medical records in order to address anxiety in the advocacy community. This bill also requires MOU's with relevant organizations outside the university and that institutions inform students of said MOUs. The Governor's proposed amendments provide that law-enforcement officers make the report to the local law-enforcement agency rather than the Title IX Coordinator or designee, and clarified that the reporting requirement does not apply for instances outside the U.S. Finally, this bill requires an annual review and re-certification of sexual misconduct policies.
- Panel of Current Students

- Chair Frank Dukes welcomed visiting students and thanked them for coming. He invited students to share candidly, stated that members of the Response working group would respect confidences, and offered appreciation for their participation.
- The following questions were posed (responses listed for each):
- Who are students most comfortable reporting to? Are there concerns about reporting to the Office of the Dean of Students? What would make you feel more comfortable reporting?
- Students expressed that the term “reporting” connotes “law enforcement” to many students. This can serve to discourage students from reporting to the university.
- One student who is familiar with law enforcement voiced that she would likely go to law enforcement first since the university seems to have an interest in protecting and serving both parties.
- Many students feel afraid to contact law enforcement or go to the ER because they are worried they will get in trouble for underage drinking.
- Students feel that walking into a police station is intimidating and feels “too decisive,” especially if a victim is unsure what has occurred.
- There was agreement that friends of victims are the first to know. Friends need to know who to contact and how to support a victim.
- Students with personal relationships to administration are well equipped to connect victims with administration. An educated friend of a victim can mean the difference between reporting and not reporting. The “Stall Street Journal” (bathroom stalls) is an effective way to disseminate information, but it does not tell students what happens after a report. Students need to know what happens after a report is made.
- Many students, especially international students, fear that parents will find out what has happened if they report to the administration.
- Some students may feel that what happened to them is “not significant enough” to warrant reporting.
- Many students have anxiety about their academic record. They do not want their grades to be negatively impacted or for those viewing their records in the future to know that an incident has occurred.
- Students may not report on behalf of a friend because they feel they are taking too much agency on behalf of the victim. They do not want to “drag a victim into a process that he or she does not want to be a part of.”
- Would you use an anonymous online reporting system? A 3-digit hotline?
- Five of seven student participants stated they were unaware of the current anonymous online reporting tool (Just Report It).
- Several students noted that the online tool does not feel anonymous, given how frequently hacking occurs.
- Students expressed that they would feel more comfortable calling a hotline if another student would answer rather than an employee, who is required to report. Student volunteers would not be mandatory reporters.
- What are the social ramifications of reporting?

- Students stated that there is so much doubt surrounding instances of sexual assault, that many people do not believe survivors.
- Students also cited the need for better relationships with the police. Most do not see the police as someone they trust.
- Male victims often feel left out. Male victims exist and cannot be ignored.
- What would you like to see changed? What is success?
- Seeking help is more than reporting. Students would like to see more transparency about what happens after a report occurs. Students need to know “what happens next?”
- Success is not achieved simply by making a report. Support must continue for survivors even after a perpetrator is held accountable.
- University policy language is likely confusing to students. After an incident, students don’t need a legalistic policy. They need a simple map with tangible, actionable steps and transparency regarding reporting processes.
- Success means different things for different people. There is no “one-size-fits-all” process for all victims. Victims want different outcomes and choice throughout the process.
- All the information regarding resources is overwhelming to students.
- Students added that the location of CAPS (through the student health center) makes students feel extremely visible, as though they are labeling themselves. Additionally, services provided by CAPS are limited. Many cited that the five-appointment limit discourages them from seeking help in the first place. Two participants shared their own stories of finding counseling invaluable, but far too limited.
- Because perpetrators are often repeat offenders, true success is an ability to prevent further incidents.
- CAPS should be able to provide more resources to students.
- Lack of consequences for perpetrators encourages sexual violence and discourages victims from coming forward.
- Signage, like the “Stall Street Journal” on the back of bathroom stall doors, should be in every building on campus and have inclusive language.
- Space could be set aside in O-Hill or Newcomb to create a student-run intake center.
- Mandatory student training and completion of a challenging quiz may be an effective way to spread information.
- Green Dot Training is a step in the right direction, but is mostly reaching students who already “get it.” How can we reach students who are not engaged?
- Students need resources to handle situations in which they are not in immediate emotional or physical danger. For example, if a student needs counseling for an incident that may have occurred years before UVa, they are not sure whom to turn to.
- A single hotline number may be easy to remember, but transparency issues still exist. Students need to know “what will happen next.”

Discussion

- After the student panel, the working group was left with the impression that most students are unfamiliar with current resources. There is an enormous gap between resources that are already available and students' awareness of those resources, let alone willingness to use them.
- We need an effective social marketing campaign to reach all students. The suggestion was made to bring in experts in social marketing or to use the Idea Lab at Darden as an incubator. This will be costly but must be done professionally to be done well.
- Demystifying the process following a report is challenging because there is no "general" case. Each case takes its own path.
- Messaging may be more effective if it focuses on educating friends of survivors—how to avoid triggering language, how to provide trauma informed support, basic resources available, how to connect a victim to the Office of the Dean of Students, and so forth. Messaging must emphasize also that there are resources equipped to handle these issues and provide counseling.
- Students need to own their concern for peers and not feel guilty that someone will "get in trouble."
- So many groups on grounds are already working on these issues. We need to connect these groups to one another before we add duplicative outside assistance.
- There seems to be less awareness of threats to public safety and larger consequences for the community. Friends are willing to support victims but hesitant to demand accountability. Marketing should not focus on fear, but should promote the idea of community responsibility to one another.
- Because student volunteers are not subject to mandatory reporting, student volunteers may be in greater demand. We must increase resources for peer supporters.
- "Mandatory reporting" sounds intimidating to students, when in actuality it does not mean law enforcement involvement or investigation.

Interim Policy

- Members briefly discussed the new interim policy. They overwhelmingly find it far better than the previous policy. Due to lack of time, the first issue tackled at the next meeting should be the interim policy.

Members Present or on telephone

Hawa Ahmed—undergraduate student

Laurie Casteen—staff, Dean of Students Office

Donna Chen—faculty, School of Medicine

Anne Clougherty—alumnae and parent, Class of 1982

Katie Deal—undergraduate student

Frank Dukes (chair)—faculty (and alumnus), Institute for Environmental Negotiation

Margaret Edwards—Trauma Counselor, UVa Women's Center

Tim Heaphy—alumnus

Kelley Hodge—alumnae

Chris Johnsen—alumnus

Katrina Kernodle Walsh—alumnae

Jordan Lassiter—student, College of Arts & Sciences
Kathryn Laughon—faculty, School of Nursing
Sherri Moore—faculty, McIntire School of Commerce
Katie Pelland—student, teaching assistant
Melvin Wilson—faculty, College of Arts and Sciences

Staff

Phil Trella—Assistant Vice President for Graduate Studies
Sarah Burr—Graduate Intern

Guests

Barry Meek Associate General Counsel
Panel of 7 current students

Response Working Group Meeting

Friday, April 10, 2015

Charlottesville, Virginia

Executive Summary

The Response Working Group has been tasked by the Office of the President with presenting the President’s Ad Hoc Committee on Climate and Culture its recommendations for “how the University should best respond to incidents of sexual assault after they occur.” The Working Group met for the seventh session on Friday, April 10, 2015 to hear updates from work groups working on specific recommendations, review the interim policy, and then review draft recommendations. The next meeting will be held on Friday, April 17 from 9 a.m. to 12 noon and will focus on evaluating draft response recommendations and constructing the final report for the Ad Hoc Committee.

Follow-up

- The Response Working Group will convene next on Friday, April 17, 2015 in Newcomb Hall from 9:00 a.m. to 12 noon. The final meeting will occur the following week on Friday, April 24. Call-in information will be sent out later.
- Members are encouraged to study the resources available in the UVaBox folders, especially the folder “Priority Readings,” and to notify leadership and staff (Frank, Phil and Sarah) of any questions or of any additional information that they think may be relevant. Now that the interim policy is available, working group members should understand federal guidelines outlined in the Cleary Act and Title IX.
- The work group organized to hear directly from survivors is scheduled to meet following this meeting on Friday, April 10, 2015 and will report back to the working group with notes and possibly further recommendations.
- Phil Trella will send a template for university policies that can be adapted as a template for our recommendations.

- Those who offered to prepare revisions of recommendations or new recommendations will continue to do so:
 - Kathryn Laughon, Anne Clougherty and Laurie Casteen will further develop recommendation 5 concerning the stand-alone center including partnering with SARA to provide victim support.
 - Margaret Edwards will continue to develop recommendations 7 and 9.
 - Tim Heaphy will submit recommendations to the interim policy concerning allowing advocates a more active role in the hearing process and about mandating access to electronic communication in cases of sexual assault.
 - Melvin Wilson will continue to edit recommendation 6.
 - Sherri Moore will share resource information card developed by her students.
 - Kelley Hodge will continue working with Anne Coughlin on the adjudication “rubric” or “decision tree” for perpetrator consequences.
 - Hawa Ahmed is developing recommendations in regard to the role of RA’s.
 - Laurie Casteen will develop a request for increased staffing at the Dean of Students Office.
 - Frank Dukes will provide a draft concerning restorative justice practices.

Assessing the Interim Policy

- Members expressed their overall satisfaction with the interim policy and gratitude for the hard work of its authors.
- Members discussed the reasoning behind preventing advocates from speaking during the formal hearing process. The following concerns were raised:
 - University personnel are concerned about allowing advocates (particularly lawyers) to speak during the hearings because it is not a legal process.
 - Other members expressed their desire to have advocates of any kind speak during the process (e.g. a parent, attorney, friend). Both complainant and respondent would also have this right.
 - Advocates allow for a level of comfort on each side. Complainants often need advocates to voice concerns such as “She/he needs a break.” or “I think you misunderstood the last statement made.”
 - Currently, the university provides both complainant and respondent with access to trained advisors to help develop questions and statements. If an individual has an attorney, they are permitted to bring the attorney to the hearing. Advocates are not supposed to be permitted to speak, but breaks for consultation are permitted. The university strives to make clear that this is not a legal process. In some cases, the respondent can afford an attorney and the complainant cannot. This may cause complainants to feel that they cannot win. Complainants can bring any advocate, but often they chose to come alone since the information in the hearing is often very personal in nature. Many students choose not to have family members attend for this reason.
 - The suggestion to allow advocates to speak is motivated by disparities in resources between complainants and respondents. A pool of talented advocates (both lawyers and otherwise) much like public defenders in a court of law could be invaluable and provide a balance of power that currently is often not present. Lawyers included in this pool would be subject to certain requirements.

- Must act at the request of the complainant or respondent.
 - May be allotted a limited amount of time.
 - May be removed from the advocate pool at any time if the advocate is not acting appropriately.
- Although some Working Group members noted that the university administration overseeing these hearings would not support allowing advocates to speak at any time for either of the parties, some members agreed to draft recommendations. Frank noted that we will want the Ad Hoc Group to know every option that we have considered and the reasons why any option did not receive the support of the whole group. Tim Heaphy offered to draft language about an advocate's role.
- Members discussed the ability of the university to access personal communications of students.
 - One member suggested consent to access of personal communications as a condition of enrollment.
 - Many cited that this would represent a legal challenge. Others encouraged full transparency in order to provide a full record for consideration by university, rather than just a partial record of the events occurred. Currently, universities are being held accountable for decisions made based on partial evidence. Proper adjudication many require the sacrifice of privacy.
 - If not required by the university, the same result can be achieved with a criminal subpoena. It was noted that many victims choose not to involve the police.
 - Currently, the university has access to any exchanges that occur on university owned platforms (@virginia.edu email accounts, for example).
 - Many questioned the university's ability to sift through so many communications with limited resources.
 - Many stated that this consent may provide an additional barrier to reporting. If victims feel that all details of their private lives are available for consideration, they may choose not to report.
 - Tim Heaphy offered to draft a recommendation for access.
- Members addressed lack of a mandatory expulsion requirement in the interim policy.
 - The group was reminded that the Honor Code policy does not apply to sexual assault whatsoever.
 - Currently, the university considers expulsion as a consequence for every case and then decides whether or not expulsion is appropriate. Suspension and other consequences (mandatory counseling, for example) are much more common. With expulsion there is no motivation for a student to complete any form of actions that the university might require in order to be readmitted.
 - Expulsion almost never occurs. Expulsion is reserved for the types of cases that usually go to law enforcement in the first place (e.g. use of force, multiple perpetrators, victim is unconscious). Criminal processes move quickly and the university does not wish to run a parallel process that could disrupt the criminal case or affect evidence.
 - Expulsion is "always on the table," but the vast majority of cases addressed by the university involve issues with alcohol and consent or groping. These offenses are not expellable.

- Members expressed support for expulsion in cases of established patterns of predatory behavior, even for excessive minor incidences and premeditation.
- Members suggested the use of a “decision tree” for those evaluating cases and assigning consequences. Each case is different, but expulsion should remain on the table. Consequences are not mandatory, but a rubric could be used to score severity. Based on this rubric, those assigning consequences would be required to track and explain their reasoning. It was noted that Anne Coughlin is part of a group that is currently working on sentencing guidelines. Kelley Hodge offered to help with a decision tree.
- Some members suggested a mandatory expulsion for two guilty verdicts. Members did not agree with a single sanction expulsion requirement, but would like to see a system that addressed the reluctance of the university to hold perpetrators accountable.

Reviewing Recommendation Draft Language

Members reviewed the draft language for items listed below. Frank explained that the Ad Hoc Group would like to see the recommendation, rationale, and any resources associated with each recommendation.

Discussion was as follows:

- “7. Increase ease of use of hotlines, consider supporting three-digit hotline, and develop an app for existing hotlines.”
 - An app would not be used for reporting but would provide information including all hotlines.
 - All recommendations must be consistent. At this point, some recommendations advocate for the creation of an app, while others do not.
 - A 3-digit number could work similarly – that is, it could provide information about what is available, rather than connect directly with a person.
 - Some members expressed that adding an additional number is confusing and would prefer better communication of existing hotline resources.
 - There are many successful case studies using easy to remember three digit numbers.
 - Marketing the Dean of Students phone number more effectively would achieve the same goal and provide a real person at the other end of the line. Live transfer of calls to the Dean of Students to other resources, such as SARA, is not possible at this time.
 - The crisis hotline should be texted to parents periodically.
- “6. Develop an on-Line course that informs the University community of the policy of prohibition of misconduct.”
 - Members wish to support the Prevention Working Group’s call for a one-credit course. This would be peer-led with faculty supervision and pass/fail. Members like that it occurs outside of orientation during which students are already overwhelmed with information.
 - Victim’s perspectives must be included, as well as discussions about trauma and effects of trauma on behavior.
 - Class should prepare students to recognize predatory behavior and intervene or report appropriately.

- Online training is already being developed. Members would like to support this in their recommendations. Members would like to see a yearly online refresher course to ensure continuous messaging.
- This may require further discussion and compromise. Some faculty pushback is expected. Many are concerned about academic standards and additional faculty time spent.
- “5. Establish a stand-alone center dedicated to sexual misconduct prevention and response on the UVa Grounds that is welcoming and easily accessible to all students.”
 - Some of this language duplicates other recommendations and may need further editing.
 - Language mirrors federal law.
 - A central place creates a single point of contact and someone to help navigate the victim through the process.
 - Rather than creating a new group of advocates, let’s bring SARA advocates to grounds. With limited exceptions anyone advocate employed by the university is subject to mandatory reporting. We must be clear about roles. Perhaps rather than locating SARA on-grounds, we could bring SARA closer to grounds.
 - Currently, “confidential advisors” and “advocates” are separate. We should ensure that our recommendations communicate this clearly.
 - University resources are “silo-ed” around grounds. This would house all resources in one place.
 - The current location of CAPS does not serve victims.
- “4. Create and maintain a pool of trained advocates to assist and advise students involved in sexual assault adjudication processes.”
 - Anne Coughlin and others at the law school are currently developing an idea for a sexual assault law clinic with the School of Law (similar to Student Legal Services Support Center).
 - Members would like to hear from the outside group that is interested in funding a pool of advocates.
 - Again, we must ensure that “advocate” is used in a consistent way. For example, SARA advocates also use this title.
- “9. Increase options for counseling for survivors and others impacted by sexual assault.”
 - This recommendation is designed to encourage more victims to come forward. We need so many more resources to even handle the current caseload. This recommendation would seek to bring in counseling from off-grounds with funding and on-grounds location. It would create a pool of funds to pay private therapists to come to grounds and supplement CAPS and other resources.
 - Currently, CAPS is about half the size of services at similarly sized universities, approximately 1:1500. (UNC, for example, is 1:900.)
 - Graduate students also need resources.
 - Financial aid given to victims of assault are purposeless if we cannot support them and help them to finish their degrees.

- Charlottesville’s mental health providers are capable of meeting the needs of victims experiencing trauma as a result of sexual assault, but many cannot accept any more patients or require cash payment upfront, particularly for psychiatry.
- Approximately ten local therapists have already expressed interest in being involved.
- Members suggested contacting Dean Dory Fontaine at the School of Nursing.
- Psychiatric Nurse Practitioners can counsel and prescribe medication. We already have many well-trained psych NPs. Members would like to see a nationally renowned center for psychiatric NP training and sexual assault response at UVa.
- We need more general resources for anxiety and depression. We must care for all students in a non-academic way.
- The Women’s Center and CAPS need more physical space. There is little room for additional growth and office space.
- Members would like to see CAPS success stories clearly communicated and spread around grounds. This may encourage individuals to seek counseling.
- Conversations regarding the future of the Hospital’s West Complex are already in progress. We should contact the Office of the Architect with our requests for space.

Discussion

- Faculty and staff roles are not clearly defined. We need separate faculty policies and procedures. To what extent do we wish to include faculty and staff when we say “students” in many of the recommendations?
- Members encouraged the work group hearing from survivors to focus on forward-looking criticism. Ask survivors:
 - What was positive about the process following the assault?
 - What recommendations would you make to amend or improve the current university adjudication process?
- Members expressed that they have received complaints about privately contracted security guards on and off grounds. Students may view these individuals as part of the police force. Others cited that officers appear to be unengaged and idle. Other students feel uncomfortable due to increased surveillance. Because developing a positive relationship between students and police is vital to increased reporting and building a community of trust, it is imperative that private security forces are well-trained to handle these issues confidently and to participate in community policing. Members added that the university is bound by a contract to work with this particular security firm. Members would like to ensure that private security guards are properly trained and monitored and represent a positive presence on grounds.
- Members suggested that these committees (Ad Hoc and Working Groups) remain standing to revisit the policy each year.
- Members would like to further discuss the number of ongoing surveys around grounds (SARA Client Satisfaction, Women’s Center Data, Climate Survey, and others).

Members Present or on telephone

Laurie Casteen—staff, Dean of Students Office

Anne Clougherty—alumnae and parent, Class of 1982
Katie Deal—undergraduate student
Frank Dukes (chair)—faculty, Institute for Environmental Negotiation, School of Architecture
Margaret Edwards—Trauma Counselor, UVa Women’s Center
Lee Eschenroeder—student, School of Medicine
Tim Heaphy—alumnus
Kelley Hodge—alumnae
Chris Johnsen—alumnus
Katrina Kernodle Walsh—alumnae
Jordan Lassiter—student, College of Arts & Sciences
Kathryn Laughon—faculty, School of Nursing
Sherri Moore—faculty, McIntire School of Commerce
Melvin Wilson—faculty, College of Arts and Sciences

Staff

Phil Trella—Assistant Vice President for Graduate Studies
Sarah Burr—Graduate Intern

Response Working Group Meeting

Friday, April 17, 2015

Charlottesville, Virginia

Executive Summary

The Response Working Group has been tasked by the Office of the President with presenting the President’s Ad Hoc Committee on Climate and Culture its recommendations for “how the University should best respond to incidents of sexual assault after they occur.” The Working Group met for the eighth session on Friday, April 17, 2015 to hear updates from work groups working on specific recommendations, discuss the adjudication process of the new interim policy, and formulate the final report. The next and final meeting will be held on Friday, April 24 from 9 a.m. to 1 p.m., with lunch included, and will focus on reviewing the language of the draft final report.

Follow-up

- The Working Group will convene next on Friday, April 24, 2015 in room 236, New Cabell Hall from 9:00 a.m. to 1:00 p.m. [note the later ending time, with lunch provided]. This will be the final meeting. Call-in information will be sent out later.
- Margaret Edwards will continue to develop recommendations 9, 5, and 7. Margaret will also draft language regarding the inclusion of the health system and language to outline the ability of alumni to donate to sexual violence prevention and response programs.

- Tim Heaphy will draft revisions to the role of advocates during the adjudication process per the meeting's discussion.
- Melvin Wilson will submit edits to recommendation 6.
- Hawa Ahmed is developing recommendations concerning training and roles of resident advisors (RA's).
- At the request of the Working Group, Laurie Casteen will develop a rationale for increased staffing at the Dean of Students Office.
- Phil Trella will draft recommendation regarding response to organizations on grounds (fraternities, clubs, athletic teams, etc.).
- Frank Dukes will submit revisions to the restorative justice recommendation focusing on healing community.

Updates

- A complete draft of the Report will be available for Working Group members to review by the meeting on April 24th. The final Report must be submitted to the Ad Hoc committee on Thursday, April 30th.
- The Prevention subgroup was asked to share a draft of their recommendation regarding a one-credit course once it is finished.
- Next week, we will seek consensus on recommendation language, record rationale for each item, and list pro's and con's for items that do not reach consensus.
- Frank noted that we will want to share with the Ad Hoc group all the options that we have considered. These will fit in one of three categories:
 - those recommendations that after our discussion and modification we all are willing to support, along with our rationale and need for additional resources;
 - those options that have been suggested that we have discussed and that we agree we do not support (e.g., one single sanction for all prohibited conduct), along with our reasons for opposing;
 - for any option where there will be no consensus, we would nonetheless share with the Ad Hoc group so that they understand that we considered it as an option, and the arguments for and against.
- Frank spoke with President Sullivan who she stated that after the Ad Hoc group has an opportunity to review our Report, the Report will be shared with the public.

Reviewing Draft Recommendation Language

Members reviewed the draft language for items listed below. The final report should include for each recommendation a rationale (explanation) and whenever possible a description of needed resources associated with each recommendation. Discussion was as follows:

- When reviewing a new set of draft recommendations concerning the adjudication process, based largely upon the meeting conducted by the Survivor work group, the Working Group was reminded that much of what is currently practiced in terms of adjudication would change with the implementation of the interim policy. Furthermore, almost all of the rest of what was being recommended is already done.

- Members provided the following insights into the current process:
 - Court reporters record all parts of the process except for deliberation. These records are kept in perpetuity.
 - Both parties participate in a pre-hearing conference call.
 - Complainants often request to be located outside of the room during the process. The Office of the Dean of Students has never received the request for the accused to be located elsewhere; rather, most complainants request to participate from another location through Skype. This means that the respondent would be free to be in the room with the Review Panel.
 - Complainants decide whether or not the process will continue beyond a normal workday. The panel does not take testimony late at night, but deliberations will continue if complainants wish in order not to have to return another day.
 - Advocates for either party cannot speak or provide anything in writing to the Review Panel, but they usually play a major role in helping both parties to draft statements and parties may take breaks at any time to consult with their advocates.
 - The Review Panel is able to ask clarifying questions. The non-voting chair of the board voices questions provided by one party to the other. Parties are never permitted to address one another directly.
 - The Title IX investigator first completes a full investigation. This is followed by review by the Review Panel.
 - The Review Panel is only privy to previous accusations for the purposes of sentencing.

- Members expressed the following concerns with the current adjudication process:
 - Allowing for the accused to be located in the room with the Review Panel and the complainant by Skype exhibits a power differential—the accused may have more of an ability to exhibit non-verbal cues to elicit sympathy. Others added, though, that if a student’s status at the university is at stake, the respondent must given the right to due process by being in the room with the board.
 - Extraordinarily long proceedings late into the night may be re-traumatizing for complainant. Post-care for victims is much more effective if the adjudication process is less traumatic.

- It is our understanding that the interim policy will bring the following changes:
 - The Title IX investigator will compile a complete report for limited appellate review by the Review Panel.
 - There will be no trial-like hearing and the time in front of the Board should be reduced significantly.
 - Before review, each party has the opportunity to read the report and provide critiques and comments.
 - There will be one investigator per case.

Upon completion of the discussion, members expressed general satisfaction with the changes that the interim policy will provide, with the exception of the role of an advocate. Members discussed the pros and cons of allowing an advocate to speak during the hearing. There is concern, though, about advocates asking inflammatory questions or engaging in victim blaming, which over the long term could ultimately decrease the desire to report. There also are imbalances when one party can afford to hire expensive counsel and the other cannot. All members agreed that the university would have to provide a pool of advocates of very high quality so that every student would have confidence in the system.

Given the changes to the hearing process, members agreed to the following:

- Both parties should have access to a pool of well-trained advocates without having to pay.
- Advocates should be permitted to speak to the Title IX investigator outside of the hearing.
- Advocates should be able to make a statement during the hearing, with guidelines for what may and may not be said about the other party.

Tim Heaphy will draft revisions to the role of advocates during the adjudication process per the meeting's discussion.

- Members discussed draft recommendation 13, "Explore requiring University students and staff to disclose or authorize the release of documents and electronically-stored information pertinent to investigations of sexual assault as a condition of admission or employment."
 - Access to all correspondence would provide investigators with a full record of evidence.
 - Many members expressed concerns that perpetrators would "be one step ahead" of investigators and find a way to either delete damaging information or create records in support of a narrative that is untrue.
 - Other expressed that electronic communications have a bias. Many communications take place in person. Members asked if the university would have access to communications between complainants and their families.
 - If the university were to uncover other incriminating evidence of a criminal act (evidence of drug use, for example), would they have a duty to act? Would they have the resources to act?
 - Members added that in the criminal justice system, there are checks and balances in obtaining information that do not apply to on-grounds investigations. Some members indicated that this places too much power and responsibility into the hands of the investigator.
 - Members suggested a less-stringent disclosure requirement—for example, "You are prohibited from deleting any communications related to this incident." This could serve to preserve evidence without too much privacy infringement.
 - Members speculated backlash on behalf of libertarian groups or student rights groups.

Members concluded that this recommendation does not have time to be fully vetted and needs to be reviewed by expertise that is not in the room, but should be presented to the Ad Hoc committee with concerns highlighted and a recommendation that it is worth of further study and consideration.

- Members discussed draft recommendation 7, “Increase ease of use of hotlines, consider supporting a three-digit hotline, and develop an app for existing hotlines.”
 - Members expressed further support for revision of current marketing practices and the creation of an app that would provide information about available support.
 - RA’s and orientation leaders should lead students in saving important numbers (Dean of Students Office, SafeRide, etc.) in their cell phones.
 - Others cited compelling evidence for a 211 number and advocated for its inclusion in the recommendations. Numerous case studies show its effectiveness. This would be a joint effort between Charlottesville and Albemarle. Katrina Kernolde Walsh offered to revise the recommendation.

- Members discussed draft recommendation 14, “Convene a working group of students, staff, faculty and alumni to investigate and make recommendations concerning restorative justice approaches to add to the options provided to the complainant and respondent.”
 - Restorative justice approaches would serve those who either do not want a formal process or feel a formal process has not fully resolved concerns. It could also provide an opportunity for community or organizational healing when impacts of incidents go beyond the immediate parties (complainant and respondent).
 - Restorative justice has seen particular success in indigenous communities for whom formal adjudication processes may seem foreign and intimidating.
 - Members cited that restorative justice is particularly controversial in cases of relationship violence or physical violence. There is not a lot of data about how effective these techniques are in addressing sexual violence.
 - Currently, an option for informal resolution exists. This is usually only chosen in cases dealing with issues of consent, not those that involve force.
 - Title IX and OCR seem to be fundamentally opposed to restorative justice models in cases of sexual assault.
 - The word “mediation” should be avoided as it suggests two parties are equal and merely have a disagreement.
 - There is an existing student-run organization for mediation services, but it is underused and never deals with sexual assault. Most cases involve roommate issues, for example.
 - Handling sexual assault issues in this way is fraught with legal concerns in regard to libel, defamation, and slander.

Members concluded that a recommendation be made to further study this issue with a focus on community healing. We could create a working group for community healing at UVa. Currently, there is some talk of creating a Center for Violence, Power, and Inequality. This could be a part of that effort. Frank will revise this proposal.

Reviewing General Alumni Comments Following Rolling Stone

- Many alumni expressed their desire to give specifically to these programs. Our recommendations should urge the university to better solicit these contributions.
- An overwhelming majority of comments received from alumni by the Office of the President following the Rolling Stone article were regarding Greek Life. A number of comments indicated that penalties for organizations where prohibited behavior occurs should be significant. Discussion was as follows:
 - The Working Group recognizes the difference between an offense committed by an individual who is a member of an organization and an offense that reflects institutional responsibility.
 - For repeated singular offenses in the same location or affiliated with the same group, the university should be able to establish a pattern of behavior and take necessary action. Temporary suspensions are currently employed on a case-by-case basis.
 - Many members cited the need for more behavioral standards and self-policing requirements to be placed on organizations.
 - Our recommendations should clarify the response policy for suspending or eliminating any organization. Making this protocol clearer to the general public (much like the hazing policy) is needed.
 - The university currently has the ability to communicate with national Greek leadership in order to resolve issues with local chapters. How can UVa best exert pressure on national Greek life leadership to hold local chapters to higher standards?
 - Many felt that our recommendations should focus on the University's relationship with individual, local organizations. If there is a repeated pattern of behavior or a specific threshold is met, the university should be able to take action.
 - The recommendations should serve to seek balance. Our main goal is to encourage reporting. If reporting brings harsh consequences for large groups of people, it may deter individuals from coming forward.
 - The Working Group would like more information about Fraternal Order Agreements. There needs to be greater clarity of expectations between the nationals and the university.

Discussion

- The recommendations will include an example of anonymous, first person testimony to help illustrate the effects of trauma and the experience of victims throughout the legal process.
- Members expressed uncertainty in regard to a student's responsibility to report an accusation to a professional school. If a student in one of the professional schools (nursing, law, business, etc.) is accused, the school is not contacted by the university. The recommendations should strongly encourage individuals to explore professional consequences in regard to degree completion, professional standards, and licensure. Currently, most schools require the self-reporting of any arrests.
- The medical school and other schools on grounds are often left out of university-wide initiatives. The recommendations should seek to include these groups to the greatest extent possible.

- Many members expressed support that this working group and others remain standing committees to revisit the sexual assault policy regularly. This has been expressed to President Sullivan, but will also appear in the final Report.

Members Present or on telephone

Laurie Casteen—staff, Dean of Students Office
 Anne Clougherty—alumnae and parent, Class of 1982
 Anne Coughlin—faculty, School of Law
 Heidi Davies—student, Darden School of Business
 Katie Deal—undergraduate student
 Frank Dukes (chair)—faculty, Institute for Environmental Negotiation, School of Architecture
 Margaret Edwards—Trauma Counselor, UVa Women’s Center
 Tim Heaphy—alumnus
 Kelley Hodge—alumnae
 Katrina Kernodle Walsh—alumnae
 Jordan Lassiter—student, College of Arts & Sciences
 Kathryn Laughon—faculty, School of Nursing
 Sherri Moore—faculty, McIntire School of Commerce
 Katie Pelland—student, teaching assistant
 Melvin Wilson—faculty, College of Arts and Sciences

Staff

Phil Trella—Assistant Vice President for Graduate Studies
 Sarah Burr—Graduate Intern

Response Working Group Meeting

Friday, April 24, 2015

Charlottesville, Virginia

This meeting was devoted to reviewing the draft Report, including the listing of problems identified by the Working Group and subsequent goals. Each recommendation was then reviewed, revised as necessary to reach consensus, and tested for consensus. The Working Group endorsed a call to reconvene six months following our work and a call to have the recommendations costed within three months of the Ad Hoc Group’s report. Due to the need to finalize the Report by April 30, the meeting summary was not completed.

Members Present or on telephone

Hawa Ahmed-Student, College of Arts & Sciences
 Laurie Casteen—staff, Dean of Students Office
 Donna Chen-Faculty, School of Medicine
 Anne Clougherty—alumnae and parent, Class of 1982
 Anne Coughlin—faculty, School of Law

Heidi Davies—student, Darden School of Business
Katie Deal—undergraduate student
Frank Dukes (chair)—faculty, Institute for Environmental Negotiation, School of Architecture
Margaret Edwards—Trauma Counselor, UVa Women’s Center
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Kelley Hodge—alumnae
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Chris Johnson—alumnus
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