



FINAL REPORT:
William & Mary Task Force on the
Prevention of Sexual Assault and
Harassment

June 30, 2015

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William & Mary's Task Force on Preventing Sexual Assault and Harassment

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Introduction

On September 3, 2014, President W. Taylor Reveley, III officially created and issued a charge to William & Mary's Task Force on Preventing Sexual Assault and Harassment. That 21-member team of students, faculty, and staff from across the university has shown deep devotion to understanding this problem in all its complexity and to making meaningful recommendations on what W&M can and should do to strengthen and expand our efforts in all areas – campus climate, education and prevention, training for faculty and staff, and investigation and adjudication.

Over the last nine months, we have actively followed the national conversation around these and related issues, and in subcommittees aligned with the four elements of the task force charge, we have engaged our work in earnest. As was affirmed at the outset, we stepped boldly into a fast-flowing current that required skillful navigation in real time, even as the task force moved forward with deliberate and thorough consideration of multiple issues. William & Mary's efforts to improve, to innovate, and to be responsive to the problem of sexual assault and harassment did not wait until June 30 when the task force completed this report for the president's review. As a result, our report spotlights both actions taken over the course of this year and our recommendations for continued forward movement. We have been and will continue to work in a dynamic environment, the momentum of which inspires us at every turn to do our best work for the students who call this place home.

Virginia M. Ambler, Vice President for Student Affairs and Task Force Chair

President's Charge to the Task Force

"I am extremely grateful to each of you for agreeing to serve. This group has very important work to do for William & Mary.

At the outset, we should be clear that William & Mary is fully committed to providing a safe and supportive environment for our students and all other members of the campus community. This is essential in meeting our ethical obligations to one another. It also recognizes that taking full advantage of the robust education we offer is feasible only when members of the campus feel safe and unharassed. Too, we must meet the federal government's legal mandates regarding sexual assault and harassment. In short, we have an ethical, educational, and legal obligation to provide an environment free of these evils.

You also know that the federal Office of Civil Rights (OCR) has included William & Mary among more than seventy institutions being investigated for Title IX compliance, based on each school's having at least one pending Title IX complaint. This investigation will put additional scrutiny on the effectiveness of our policies and procedures, but it is not what motivates the task force. Rather, our goal is to ensure that our efforts in education, prevention, and response to sexual assault and harassment live up to our own high ideals.

I ask the task force to undertake the responsibilities noted below:

CAMPUS CLIMATE: Conduct a campus-wide survey to assess the scope of the problem of sexual assault and sexual harassment on our campus, to understand the level of awareness of campus resources for responding to both, and to engage any related issues that can guide institutional decision-making. The survey ought to include the collection of both quantitative data (questionnaires) and qualitative data (focus groups, town hall discussions, and the like). The task force's report should include significant findings as well as related recommendations.

PREVENTION & EDUCATION: Assess the effectiveness of our current strategies and staffing to prevent sexual assault and harassment and to educate the campus community (undergraduate and graduate students, faculty, staff and parents) about them. Your report should include recommendations for more effective prevention and education.

TRAINING FOR FACULTY AND STAFF: Examine best practices and avenues for delivering training for faculty and staff. Your report should include recommendations for training to ensure legal compliance and to meet broader institutional goals.

INVESTIGATION & ADJUDICATION: Within the context of compliance obligations and the university's goals of prompt and equitable response to complaints, examine our current practices and procedures for investigating and adjudicating allegations of sexual assault and harassment. Make recommendations regarding investigation and adjudication to whatever extent you find appropriate.

While these matters can affect faculty and staff as well as students, the scope of your charge is the student experience. In conducting your work, please seek broad campus-wide advice and recommendations. Provide the campus with periodic updates. And be sure to coordinate your activities with the relevant offices on campus, especially those of the Dean of Students and the Chief Compliance Officer. In conducting the survey and in carrying out other aspects of your work, you may need additional support; please work with the provost to find the resources needed. Finally, I ask that you report your findings and recommendations to me no later than June 30, 2015.

Sexual assault and harassment on campus pose important issues, ones faced by every college and university throughout the country. Your efforts will help ensure sure that William & Mary deals with them honestly, effectively, and fully."

W. Taylor Reveley, III, President
(See Appendix A)

Committee Membership

Virginia Ambler, Vice President for Student Affairs, Task Force Chair
Kiersten Boyce, Chief Compliance Officer, Title IX/ADA Coordinator
Deb Cheesebro, Chief of Campus Police
Carla Costello, President's Office, Staff to the Task Force
David Dessler, Associate Professor of Government, President of the Faculty Assembly
Jodi Fisler, Director of Student Affairs Planning & Assessment
Eric Garrison, Assistant Director of Health Promotion
David Gilbert, Associate Dean of Students, Director of Student Conduct
Chon Glover, Chief Diversity Officer
Alex Greenspan, Undergraduate Student, Class of 2015
Susan Grover, Vice Provost for Academic & Faculty Affairs
Peel Hawthorne, Associate Athletic Director for Student Services
Donna Haygood-Jackson, Senior Assistant Dean of Students, Director of Care Support Services
Rowan Lockwood, Associate Professor of Geology, Faculty Co-Chair of the W&M Women's Network
Deb Love, University Counsel
Anna Martin, Vice President for Administration (retired February 2015)
Jenny Putzi, Director, Gender, Sexuality & Women's Studies
Helis Sikk, Graduate Student, Ph.D. Program in American Studies
Marjorie Thomas, Dean of Students
Mallory Tucker, Undergraduate Student, Class of 2015
Cynthia Ward, Professor, School of Law

Task Force Organization

The task force met monthly as a committee-of-the-whole from September 2014 through May 2015, including an extended retreat day in January (See Appendix B for meetings agendas and minutes). Organized around the specific areas of focus described in the president's charge, four separate subcommittees were formed with the following leadership, and our March 2015 meeting involved only these subcommittee leaders with the task force chair. In between the task force's meetings-of-the-whole, each subcommittee maintained a regular meeting schedule as they each planned and executed their work over the course of the nine months.

Campus Climate Subcommittee – Jodi Fisler (chair)

Prevention and Education – Anna Martin (chair, Sept-Feb) and Deb Cheesebro (chair, Feb-June)

Training for Faculty and Staff – Chon Glover (chair)

Investigation and Adjudication – David Gilbert (chair)

Committee Member Education

Professional Development Activities

Members of the task force recognized how essential it was for us to be as educated as possible around the complex issues facing colleges and universities in the area of sexual assault and harassment. Appendix C includes a partial listing of educational programs attended by one or more task force members this year.

Media Monitoring

As a task force, we also recognized the need to understand how the issue of campus sexual violence was being discussed at the national, state, and local levels. A weekly email was sent to members of the task force with links to relevant media coverage. Those links were also posted simultaneously to the Task Force website under the heading “Sexual Assault and Harassment in the News.” Our goal was to increase awareness and knowledge for ourselves and the broader W&M community so that campus-wide conversations might be richer and more nuanced. Stories on the website are categorized by month, though there is a separate heading for the flurry of media activity following the now-discredited *Rolling Stone* article about an alleged assault at the University of Virginia. (See Appendix C)

Task Force Activities/Accomplishments

- Campus Panel Discussion: William & Mary's Sexual Assault and Harassment Policy (Nov) -- sponsored by the task force with members serving as moderator and panelists
- “Gender-Based Discrimination and Violence at W&M: An Open Conversation” (Feb) – a campus-wide evening of conversation in large and small groups, led by students on the task force
- Student Focus Groups – conducted in order to better assess campus climate
- Faculty/Staff Focus Groups – conducted to solicit perspectives on campus climate for students
- National Sexual Misconduct Campus Climate (NSMCC) Survey – a quantitative campus climate assessment sent to all William & Mary students (27% response rate)
- Faculty/Staff On-Line Training – 100% of faculty and staff completed mandatory, on-line training on sexual violence/harassment prevention and reporting obligations
- Sexual Misconduct Policy Revisions – mid-year changes approved by the president
- Study of Various Campus Sexual Misconduct Adjudication/Resolution Models
- Review of Policies, Sanctions, Procedures, Records and Access – to inform recommendations
- Participation in Legislative Hearings – task force presence at General Assembly hearings
- Coordination with the Governor’s Task Force – regular briefings by AVP Fran Bradford
- [Task Force Website](#) – created to keep community informed and to solicit feedback on-line
- Presentations and Discussions about the Task Force’s Work – engaged a variety of on- and off-campus groups in discussions about sexual assault on campus, to include the Board of Visitors, W&M Deans & Vice Presidents, W&M Parent & Family Council, All-Together (community group), fraternity and sorority chapter advisors, University Advancement staff, Student Affairs staff

- Compilation and Sharing of Sexual Assault Incident Data – sexual assault statistics from 2011-2014 were compiled to supplement the information provided in the Annual Safety Report (Clery Act). Incident data was shared with the *Flat Hat*. Title IX Office posted the data online. (See Appendix D)
- Comprehensive Inventory of Existing Education and Prevention Efforts – information collected as part of the Office of Civil Rights’ comprehensive review of our practices; used to inform the education and prevention subcommittee’s work and recommendations (See Appendix E)
- Title IX Initiatives on-going – work in the Title IX Office continued even as the task force work was progressing. Related activities have been catalogued by the Title IX Coordinator and noted as complete effective July 1, 2015 (See Appendix F)

Campus Initiatives Supported by Members of the Task Force

- William & Mary's Women's Law Society Panel Discussion: The Law of Sexual Assault on Campus – task force members served as moderator and panelists
- Opening of the Haven – a newly created “safe space” in the Campus Center for anyone dealing with sexual assault or relationship violence and for those wanting to learn or serve as advocates
- Red Flag Campaign – a national relationship violence awareness initiative; a task force member coordinates W&M’s participation and serves on the national board of directors
- Screening of *The Hunting Ground* –the task force was a co-sponsor of the first-ever on-campus screening of this film which was featured as part of the W&M Global Film Festival; the task force prepared and distributed information about campus resources at the showings, counselors were on-hand for support, and nearly every member of the task force attended one of the two showings
- National College Health Assessment (NCHA) – a Health Promotion-sponsored assessment that includes selected data points related to sexual misconduct
- W&M Police Statement on Handling Sexual Assault Cases – new document affirming sensitive and appropriate response to students who report having been a victim of sexual violence
- W&M Police Officer Training – by August 2015, all W&M police officers will have received advanced training on campus sexual assault investigation, including trauma-informed interviewing techniques
- Website updates – both the Dean of Students Office and the Compliance Office made important updates to their websites; further work on the websites continues this summer
- Emergency Contact Information on ID Cards – the Campus Climate subcommittee worked with Auxiliary Services to update emergency contact information on student ID cards
- Bystander Intervention Initiative in the Mason School of Business – members of the task force are providing support as requested for a new school-based prevention initiative
- Policy Review and Updates with Reves Center for International Studies – the Title IX Office and Dean of Students have worked with the Reves Center to improve resources for students,

including by designating a confidential resource specifically for students participating in international programs and international students.

- Enhanced Support for the Haven – staff responsibilities are being realigned in the Dean of Students Office in order to provide more robust professional staff support to the Haven

RECOMMENDATIONS

Each of the four subcommittees submitted a comprehensive report summarizing the group's efforts as part of the task force and outlining recommendations related to their specific area of focus. However, a number of recommendations appear across subcommittee reports and/or were raised up by the task force as a whole for inclusion in our final report.

Overarching Recommendations

Centralize Oversight and Responsibility

Currently, the responsibility for addressing sexual violence on campus is distributed across multiple individuals, committees, units, and departments. Given the complexity of this issue and the level of coordination needed in order for us to be effective in our education, prevention, intervention, investigation, student support, and compliance efforts, W&M should clearly identify one individual/office as having centralized oversight responsibility. In order to comply with federal expectations as outlined in the Office of Civil Rights' April 24, 2015 Dear Colleague Letter, the appropriate university official is the Title IX Coordinator. (See Appendix G)

Create a Permanent Coordinating Committee

In order to support our institutional efforts to address the problem of sexual assault and harassment (education, prevention, investigation, adjudication, etc.) the task force recommends the creation of a coordinating committee, with membership to be determined. Much of our progress this year is a direct result of the task force's diverse composition and focused effort. Although the task force's work is now complete, regular coordination, communication, and planning in all these areas must continue in a sustained and focused way. Working to support the Title IX Coordinator/Office, this proposed coordinating committee would pick up where the task force's work has ended, advancing our efforts to address the issue of sexual assault and harassment through careful planning and coordination.

Enhance the Role of the Violence Education and Prevention Committee

The varied and broad nature of prevention work lends itself to committee involvement. State law also mandates this, by charging a committee on each campus in the Commonwealth of Virginia – the Committee on the Education and Prevention of Violence – with the responsibility of overseeing institutional efforts in this area. Sexual violence and Violence Against Women Act (VAWA) crimes are a subset of violence. The statute is not intended to prevent dedicated offices such as Health Promotion

from performing prevention and education activities. Rather the committee might serve to advise that and other key offices in their work, as well as catalog all education and prevention activities, identify gaps, and identify problem areas or opportunities for improvement. The committee could also help ensure delivery of “core content” such as the importance of consent.

Develop a 3-5 Year Strategic Plan for the Prevention of Sexual Assault and Harassment

As this task force report illustrates, there are many ways in which to focus the university’s efforts to prevent sexual assault and harassment. In order to further examine and prioritize this task force’s recommendations and to make thoughtful decisions about which ones to implement and on what timeline, we recommend that William & Mary develop a 3-5 year strategic plan. Further, we suggest that the proposed coordinating committee, working directly with the Title IX Coordinator, would be an appropriate group to charge with developing this plan.

Ensure Adequate Resources

It is critical that William & Mary invest the resources necessary (both personnel and operating) to accomplish our goals in preventing sexual assault and harassment. Several of the subcommittee reports point to areas of anticipated need, particularly as we (1) are experiencing increased caseloads due to more effective education and outreach and (2) recognize the need to expand education and prevention efforts to annually reach upperclassmen, graduate students, and special populations known to be at greater risk of sexual violence on our campus, such as sorority/fraternity members and LGBT students. An infusion of operating dollars is critical to supporting the task force’s recommended education and training efforts. In addition to expanding operating support, we recommend the addition of four new professional staff positions in the coming years, beyond those in existence as of June 30, 2015:

- A full-time Sexual Assault Educator/Prevention Specialist – position needed to ensure robust, effective and on-going education and prevention around the issues of sexual assault and harassment for all students, as well as faculty and staff; this position will allow us to expand and target our efforts to high risk populations, and to deliver educational programs that are specifically designed to meet the needs and experiences of graduate students and upperclassmen (not merely a repeat of the education new students receive)
- A second full-time Investigator for the Office of Compliance – position may be needed in the coming years to ensure timely processing of complaints and to provide for the appropriate separation of roles between the Dean of Students Office and the Office of Compliance/Title IX
- An additional position in the Dean of Students Office, if necessitated by an increased caseload, to support the professional staff tasked with implementing the university’s procedures for sexual misconduct adjudication. We must remain attentive to the amount of staff time required to ensure that all complaints are resolved promptly, expertly, and equitably.
- A second crime-prevention specialist in the W&M Police Department.

Subcommittee Recommendations

The following sections summarize the recommendations coming out of each of the four subcommittees of the President's Task Force on Preventing Sexual Assault and Harassment. Note that each recommendation is described in fuller detail in each subcommittee's comprehensive report as attached (Appendices H- K).

Campus Climate Subcommittee Recommendations

- Assess campus climate with respect to gender-based discrimination and violence regularly, to include a campus-wide survey every other year and targeted focus groups every three years
- Develop a pervasive community message that addresses gender-based discrimination and violence and asserts that such conduct will not be tolerated in our community
- Designate a single person or office with the centralized responsibility for the issue of gender-based discrimination and violence on campus
- Increase transparency about policies, procedures, and data related to gender-based violence and discrimination, as well as available resources to provide support when violence occurs
- Develop pro-active communication strategies
- Improve the user experience with regard to websites, brochures, posters, and other methods of campus-wide communication
- Ensure streamlined and timely communication with reporting and responding parties
- Increase administrative oversight of peer education and peer support programs
- Include a focus on gender and racial climate issues in the new COLL curriculum
- Increase support for and assessment of The Haven
- Include the Consensual Amorous Relationships Policy in the *Student Handbook*
- Strengthen sanctions on students found responsible for non-consensual sexual intercourse
- Develop and implement policies on reporting and adjudication for study abroad programs
- Extend the work of the task force to include gender climate issues among faculty and staff
- Mandate and expand training options for faculty and staff
- Develop/review and update policies and procedures related to faculty misconduct
- Impose strong interim measures for pending faculty/staff cases
- Develop educational programming targeting relevant subpopulations
- Implement mandatory programming for leaders of relevant subpopulations
- Consider delaying sorority and fraternity recruitment
- Review the current staffing structure for fraternity and sorority houses

Education and Prevention Subcommittee Recommendations

- Craft and adopt a student welfare value statement as part of the university's explicitly stated core values
- Align W&M practices with the new value statement

- Designate one entity to lead and coordinate all prevention, intervention, and postvention efforts
- Establish and maintain a strategic management plan/system for all efforts to address gender-based discrimination and violence
- Assess adequacy of resources to achieve established goals and tasks
- Provide highly visible, easily accessible resource materials
- Provide a unified and consistent approach to all related topics in education and prevention
- Ensure that the W&M website always includes up-to-date, comprehensive information
- Evaluate the effectiveness of existing and future educational programming
- Identify effectiveness measurement options and incorporate them into new programming
- Rework the current educational model, which places a heavy emphasis on first-year students
- Design first-year programming to be a year-long effort
- Consider a required first-year course as an addition to the new COLL curriculum
- Implement effective educational programming for returning students
- Broaden our educational approach to include cultural issues and intersect with and affect the state of sexual violence in the community
- Enhance targeted efforts towards high-risk populations
- Evaluate the time frame allowed for new students to join a sorority or fraternity
- Continue to consider criminal history and school disciplinary records as factors in admission
- Enhance crime prevention through environmental design efforts
- Educate students about the laws, legal process, and availability of support from W&M Police
- Increase reporting and the likelihood of consequences for violations of law and/or the Student Code of Conduct

Faculty/Staff Training Subcommittee Recommendations

- Shift oversight of faculty/staff training to the Office of Compliance and Policy
- Conduct mandatory campus-wide training every two years
- Create a more goal-oriented training that is specific to William & Mary
- Determine how mandatory training will be conducted in 2017
- Update the Title IX website to provide more direct navigation and easier access to information
- Sponsor a forum to explain to students what confidentiality means (in the context of Title IX issues) and how it relates to faculty and staff
- Include graduate/teaching assistants and other non-faculty academic partners in mandatory training
- Provide volunteers who work directly with students an opportunity to take the training
- Ensure the list of W&M employees is kept up-to-date
- Strongly encourage members of the Board of Visitors to complete the on-line or in-person training
- Develop and display posters that describe the process of making a report
- Consider providing in-person training or a webinar for employees at VIMS
- Provide additional training to faculty who will lead study abroad trips

Investigation and Adjudication Subcommittee Recommendation

- Determine the appropriate model to be used in the resolution of student sexual misconduct incidents
- Evaluate whether one model can be used to resolve all complaints of sexual harassment/misconduct (ie. complaints against students as well as complaints against faculty or staff)
- Provide sufficient personnel and other resources to ensure that we can conduct fair, prompt, and thorough Title IX complaint resolution while also attending to the core functions of the Offices of Student Conduct, the Dean of Students, and Compliance & Policy, including oversight of the Title IX prevention, education, and remediation efforts
- Require rigorous and sustained training of all members with responsibility within the system including investigators, advisors, hearing panel members, and appellate review authorities
- Compensate hearing panel members and advisors for their time and service with stipends, recognition leave, or other appropriate forms of compensation
- Designate a group of faculty and administrators to serve as designated advisors to the reporting party and respondent, respectively
- Modify the explanation of consent through further study of other models/explanations of consent in order to improve the current explanation offered in the Student Code of Conduct
- Modify the definition of incapacitation
- Require the decision-maker to consider state-of-mind for stalking allegations
- Explain how the types of misconduct covered by the policy relate to sexual assault and sexual violence as defined by law
- Clarify and expand situations in which other incidents of sexual misconduct may be considered
- Consider expanding the policy to cover (apply to) faculty and staff, in order to comply with the Clery Act
- Retain the current minimum sanction of two semesters' suspension for non-consensual sexual intercourse (an increase in minimum sanction that was approved and instituted in February 2015)
- Emphasize that the typical practice is to suspend for the duration of the other student's enrollment at W&M and that readmission will not occur until satisfactory completion of all secondary sanctions
- Modify the current panel composition to include a faculty member
- Define a hearing panel as consisting of two administrators and one faculty member with an optional *ex officio* student member who can bring a student perspective to the process
- Define/clarify the case administrator's role
- Modify the role of advisor to allow the advisor of the student's choice. Clarify and limit the role of advisor to speak on the student's behalf or participate in any hearing or meeting
- Explore retaining one or more trained appellate reviewers who will have the necessary time and experience and can serve as appellate officer on the Provost's behalf

- Make minor procedural additions and modifications, and add role of Title IX review team to comply with new Virginia law.
- Provide copies of the investigation summary report to the parties, with personally-identifiable information redacted to the extent required by law
- Require parties and advisors to sign a confidentiality agreement that prohibits unauthorized disclosure to third parties
- Ensure that the university's practices regarding transcript notations denote disciplinary actions taken or pending, or enrollment actions as a result of pending cases.

Appendix A: Memo to the Task Force from President W. Taylor Reveley, III (September 3, 2014)

Appendix B: Task Force Meeting Agendas and Minutes

Appendix C: Committee Member Education – Professional Development and Media Monitoring

Appendix D: Sexual Misconduct Incident Data for W&M, 2011-2014

Appendix E: Inventory of Existing Education and Prevention Efforts (as provided to OCR)

Appendix F: Summary of Title IX Initiatives Completed in 2014-15

Appendix G: U.S. Department of Education's April 24, 2015 Dear Colleague Letter and attachments

Appendix H: Subcommittee Report – Campus Climate

Appendix I: Subcommittee Report – Education & Prevention

Appendix J: Subcommittee Report – Faculty & Staff Training

Appendix K: Subcommittee Report – Investigation & Adjudication

Respectfully Submitted on June 30, 2015



Virginia M. Ambler, Vice President for Student Affairs, Task Force Chair