



**University of Mary Washington  
President's Task Force on Sexual Assault**

**Report and Final Recommendations**

**March 15, 2016**

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Dear President Hurley:

In December 2014 you created a Task Force to focus on Sexual Assault at the University of Mary Washington. You charged the group with the important task of studying and recommending actions to ensure that UMW's approach to sexual violence meet or exceed best practice. We are hereby pleased to present to you the final Task Force Report on Sexual Assault and Misconduct at the University of Mary Washington.

The report is the result of the work of several members of the University Community who worked tirelessly to approach this very difficult and complex issue with a keen eye and genuine commitment to institutional improvement. Over fourteen months, committee members worked toward the common goal of providing a comprehensive, survivor-centered approach to addressing the issue of sexual assault and misconduct on our campus.

Every student, faculty and staff member must know that the University of Mary Washington is committed to keeping them safe.

Sincerely,

Leah Cox, PhD

Special Assistant to the President for Diversity and Inclusion

Title IX Coordinator

## Introduction and Overview

Recent attention to campus sexual assault and violence has increased awareness regarding a problem that has long been endemic to higher education. Efforts to address this complex issue date back to the 1950s and focused on campus sexual assaults, male aggression and how to create safe educational environments. However, Federal law now mandates that institutions must respond to reports of sexual assault and violence by conducting investigations, alerting the community of threats, taking appropriate and responsive disciplinary measures against those who commit these violations, and supporting a robust set of programs and initiatives designed to eliminate the cause and remedy the effects of sexual violence. Colleges and Universities across the United States are now providing services, educational programs, policies, and adjudication processes in an effort to raise awareness and respond promptly and appropriately to reports of sexual assault and violence.

Federal involvement in the prevention of sexual assault and violence was heightened in 1990 when the U.S. Congress passed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). This legislation focused on improving campus safety through a yearly annual security report and mandates to log crime data and issue timely warnings. In 2011, the U.S. Department of Education's Office of Civil Rights (OCR) outlined expectations for institutions related to sexual violence and sex discrimination as violations of Title IX of the Education Amendments of 1972 (Title IX). In 2014, OCR clarified this guidance further to ensure that campuses work toward consistent enforcement. Additionally, in 2014 the White House issued *Not Alone: The First Report of The White House Task Force to Protect Students from Sexual Assault*.

In the Commonwealth of Virginia, there have been additional efforts to address campus sexual violence. In 1991, Governor Douglas Wilder created a task force focused on the problems of sexual assault on college campuses which recommended that institutions and state agencies work to improve their climates. Under Governor Terry McAuliffe, a new task force focused on campus sexual violence and the increased federal mandates on college campuses. The Governor's recommendations for college campuses with respect to sexual violence were issued in May 2015.

This report is the result of work done by selected members of the University of Mary Washington community. Committee members were charged with addressing issues related to sexual assault, rape, sexual misconduct, dating and partner violence, harassment, and stalking. The committee began its work in January 2015 and convened seven times as a committee of the whole and many more in smaller sub-committees. Each sub-committee was charged with developing a comprehensive list of recommendations that would then be vetted by the Task Force for submission to the President. This report has a number of recommendations, each with an accompanying rationale and implementation suggestions. It should be noted that several of the recommendations contained herein were implemented over the past year as the committee developed final recommendations. Others are in the process of being implemented. The remaining recommendations will be taken under advisement by the President.

## **Appointment, Duties, and Organization of the Task Force**

On December 2014, President Richard V. Hurley appointed 22 members of the University of Mary Washington community to the President's Sexual Assault Task Force and designated Title IX Coordinator, Dr. Leah Cox, as the Chair. The responsibilities of the task force were outlined as follows:

- **To research, outline and recommend best practices for preventing and reducing sexual assault on our campus.**
- **To identify best practices for ensuring that victims of sexual assault feel safe, are willing to report, and are met with a survivor –centered response.**
- **To produce a strategic plan that addresses any injustices or shortcomings of UMW's current approach, includes a formal mechanism for an annual campus climate assessment, and outlines pathways for continued culture change.**

The task force was divided into three subcommittees (see Appendix B) and each group was provided a subcommittee advisor to facilitate the discussion and assigned mission.

Subcommittees were assigned specific areas of focus with the goal of creating a working document with appropriate recommendations, rationales and implementation suggestions.

## **Task Force Recommendations**

The Task Force approved 44 recommendations for presentation to the President. Three distinct areas of focus emerged during conversation and they reflect the complexity of the issues discussed during committee and subcommittee meetings. It was determined that a multi-faceted approach is required to combat sexual violence on the University of Mary Washington's campus along three areas:

1. Providing the campus community with proactive comprehensive prevention;
2. Minimizing barriers to reporting; and
3. Continuing improvement to campus policies and ensuring compliance.

### **Proactive Comprehensive Prevention Strategies**

Universities often focus on a crisis centered response to sexual violence. However, the Task Force believes that prevention efforts offer a more proactive response to these issues. A proactive prevention strategy will allow UMW to prevent future victimization by increasing awareness, changing attitudes, and modifying behaviors in order to change the campus' climates and social norms. Given that an estimated 90% of acquaintance sexual assaults are by serial offenders, effective intervention also constitutes effective prevention since an offender not held accountable is likely to reoffend. Therefore, prevention practices also include effective policy and procedures for holding offenders accountable (tertiary prevention, i.e., relapse prevention).

According to the Centers for Disease Control and Prevention (CDC), effective prevention strategies are comprehensive, incorporate multiple sessions, are administered by well-trained staff, utilize varied teaching methods, and include outcome evaluation. Proactive Prevention efforts should occur before students arrive on campus and should begin the messaging of fostering and culture of respect and equality.

#### **Professional Prevention Personnel**

1. Hire a full-time sexual assault prevention and response coordinator to centralize all efforts including coordinating and disseminating information to the university.

*Rationale:* Sexual assault prevention and response is an important part of University's prevention efforts of education, training and response. There is a need for an office on campus to develop and organize these efforts for the campus community.

*Status:* The University developed a position and hired a specialist in fall 2015

## **Dissemination of Information to the UMW Community**

2. Periodic open forums on sexual assault and related topics will be held each year.

*Rationale:* The topic of sexual assault on college campuses needs to be discussed by the entire UMW community periodically, as it affects the entire community. A consistent message to the campus community can provide information, education, resources and a coordinated approach to addressing topics of prevention.

*Status:* The University has implemented a series of monthly informational sessions to address the multiple issues related to sexual violence, assault, harassment and dating violence.

“Tuesdays with Title IX” program began in August 2015.

3. The President will produce a video for required viewing by all members of the University community stating the University’s commitment to a culture of respect for all, to eliminating violence of all kinds and to providing resources for all campus constituents.

*Rationale:* Strong statements by those in power have been shown to reduce the incidence of sexual harassment, which is a risk factor for sexual assault. A video format allows all community members to become acquainted with those who can help with prevention and intervention and is a user-friendly introduction to campus resources.

## **Training and Education**

4. All first year and transfer students will be required to complete a one-credit, peer facilitated course on violence prevention before arrival to campus, to include the following topics: respect for human dignity, components of sexual consent, gender role scripts and their relationship to sexual assault, the role of alcohol, the psychology of victim blaming, misperceptions of social norms around risky behaviors, the issue of false reports of sexual assaults, and importantly, bystander intervention skills.

*Rationale:* We cannot expect students to respond appropriately and conform their behavior to expectations if we do not help them understand the issues in detail and help them to learn the skills necessary to intervene as bystanders in dangerous situations. This “bottom up” approach has been successful in reducing sexual assault on college campuses and in the military.

*Status:* All students as of September 2015 have been required to take the online course, “*Think About It*” provided by Campus Clarity. Students examine the interconnected issues of hooking up, substance abuse, sexual violence, and healthy relationships through a variety of interactive, realistic scenarios and guided self-reflection. The course promotes a healthier and safer campus environment for everyone. Consideration of a one-credit course is being discussed by the Sexual Assault Prevention Specialist.

5. Develop a peer educator program. Peer educators will receive course credit and or monetary remuneration for participating in the development and implementation of a one-credit course for all first year and transfer students. They will undergo extensive training during the academic year as well as a one to two-week intensive training in summer. The sexual assault prevention specialist will be responsible for this training and program implementation.

*Rationale:* Peer education is an evidence-based strategy for increasing awareness and willingness to intervene as bystanders (Gidycz, 2013). Moreover, peer educators will gain valuable skills from participating in this program.

*Status:* Development of the Peer Education Program known as TEAL (Team for Advocacy, Empowerment and Learning) began November 2015.

6. All new faculty and staff will be trained during their initial day-long orientation upon hire.

*Rationale:* Campus cultures can facilitate or inhibit respectful attitudes toward others. All staff are a part of this culture and need to have clear expectations regarding their roles in contributing to solutions, as well as a thorough knowledge of policies and procedures around sexual assault and misconduct.

*Status:* The Human Resources Department will launch in 2016 a comprehensive on-line training program and require all new employees to complete it within a week of being hired. An in-person review of policies and information will take place during orientation. All new employees will receive the link to the sexual and gender based harassment policy along with resource materials and information on reporting.

7. Designate specific first-year orientation training on a culture of respect and bystander intervention.

*Rationale:* Bystander intervention is an evidence-based strategy for reducing sexual assault. Students must learn about its importance and begin to develop skills in this area at the earliest opportunity.

*Status:* New students received live instruction on bystander intervention and UMW policy and expectations at orientation 2015.

8. All police officers will receive training on how to receive a complaint from a victim/survivor and on the neurobiology of sexual trauma. New officers will receive this training at the earliest opportunity following their hiring. Booster sessions should be undertaken every year for all officers.

*Rationale:* It is a well-established fact that poor response to sexual trauma victims results in survivors disengaging from the legal process and thus in the failure to hold offenders accountable

for their crimes. When investigators are well trained, they are more likely to keep the victim engaged.

*Status:* Officers received this training in May 2015 for new officers' training.

9. All residence life staff will undergo extensive training and be required to educate all residents every year.

*Rationale:* Residence life staff are often first responders to incidents of acquaintance sexual assault. They need to understand the issue in its complexity and guide the victim to appropriate services.

*Status:* Training began in 2015 for all Resident Assistants and Orientation Leaders.

2015.

10. All student clubs will undergo required trainings as a condition of accessing student activity fees. Clubs will be encouraged to identify members who are interested in undergoing advanced training and educating other club members.

*Rationale:* The best way to reach all students is to go through those groups that exist for other purposes and thus have an effect on the subculture of that group.

11. Athletic teams will go through required prevention and bystander intervention training every year. Each team will identify members who are interested in undergoing advanced training and do peer facilitated trainings with their teammates.

*Rationale:* Male athletes in the contact sports are at higher risk for offending than men in the general population and thus merit special attention in bystander education even though the vast majority of them are not offenders (Crosset, 1998). The best way to reach all students is to go through those groups that exist for other purposes and thus have an effect on the subculture of that group.

*Status:* Athletic teams began training fall 2015 continued spring 2016

## **Climate Assessment**

12. All students will be required to complete a survey to measure the true incidence of sexual assault experiences as victims/survivors and offenders. These data will be collected every year to evaluate the proportion of reported/unreported assaults and the effectiveness of prevention/intervention programming.



*Rationale:* Sexual assault criminal reports and campus judicial reports are but a small percentage of the actual incidence of this crime. We need to survey the entire student body to understand the true scope of the problem and, going forward, to assess our efforts at prevention and intervention. The climate survey will also ask students about intention to intervene as bystanders in dangerous situations and if they have actually intervened. Students who undergo the violence prevention course in the spring semester will be used as a control group after the fall semester to measure the effectiveness of the course.

*Status:* This climate survey has been mandated by the Virginia Governor's Task Force on Sexual Assault for every higher education institution in the State. The University's climate survey was distributed by the Title IX office, February 2016.

### **Climate of Inclusion for Cultural Change**

13. The University will establish and fund a Women's Center on campus with at least two full time employees.

*Rationale:* Sexual assault disproportionately affects women and although UMW is a historically women's college, it has no central place for women to voice their concerns and be supported. Moreover, although women are a fairly large majority of the student body, UMW remains largely a male-dominated campus. A women's center is critical for ensuring that gender equality is addressed in a comprehensive way.

14. Social norms marketing will be undertaken each year to inform all members of the community that healthy attitudes are the norm and unhealthy ones are in the minority even though many people believe the contrary.

*Rationale:* Those who hold unhealthy attitudes (e.g. sexism and disrespect) believe that their behavior is normative when in fact it is not (this phenomenon is known as false consensus). Those who hold healthy attitudes (e.g. egalitarianism and respect) often believe that they are in the minority when in fact they are in the vast majority (this phenomenon is known as pluralistic ignorance). Social norms marketing informs the community that the healthy attitude is commonplace and there is evidence that a well-executed social norms campaign makes it more likely that people will intervene when they witness the unhealthy attitude (Kilmartin, 2008). The members of the Title IX office will work with University Relations to promote a marketing campaign on healthy attitudes.

15. All senior staff members (Cabinet members, Deans, senior administrators) will receive training on their roles in establishing a campus climate of inclusion and respect.

*Rationale:* The "top-down" training of those in powerful positions has been attributed to a reduction in military sexual assault. Since leaders have an important role in influencing campus

culture and in allocating resources for intervention and prevention, they should undergo extensive education about the scope of the problem and its solutions.

### **Minimizing Barriers to Reporting**

Students who are victims of a sexual assault may often be reluctant in reporting to the police or other officials due to multiple obstacles. Their hesitancy may be due to a variety of concerns: fear of not being believed or concerns about the response from law enforcement, friends, family, and campus personnel. When sexual violence is unreported victims may often not receive the services that are needed. Victims must also feel that their disclosure will be supported, handled professionally and with sensitivity.

#### **Dissemination of Information**

16. Offer information sessions at orientation about available resources related to sexual assault prevention and response, and inform students about how to access these resources.

*Rationale:* This is common practice for universities. The University should continue to update the materials presented to students during orientation as new resources are created or existing resources are modified.

*Status:* The University offers training to new freshman each year during orientation. Students also receive Bystander Intervention training.

17. Create and post informational flyers and brochures that inform the campus community about resources related to sexual assault prevention and response.

*Rationale:* This is common practice for universities. These mechanisms for disseminating information are important because resources and policies may change from the time students participate in orientation and it is necessary to update the student body. The University should work to increase its social media presence related to sexual assault prevention and response since this is one of the primary means through which students currently access information.

*Status:* Multiple methods of disseminating flyers, on-line resources, materials and passive prevention methods are being utilized.

18. Create an “emergency information” link for the university’s online homepage to include resources and information related to sexual assault, suicide, medical emergencies, non-sexual crime, missing students, campus threat, etc. This link will take users to a page that lists the types of emergencies that are most common on college campuses. The user can then click these links to access more specific information about on-campus and off-campus resources

and offices, recommended actions to take, university policies, and important contact information.

*Rationale:* The purpose of this recommendation is to provide students and faculty/staff a centralized, easy-to-navigate, and conveniently located resource guide on important topics. The response provisions provided by the University are only effective and useful to the community if students and faculty/staff are aware of and know how to access the resources. This online resource will be essential to guiding community members to the appropriate resources. It is best practices among universities to have a centralized electronic resource guide related to campus emergencies.

*Status:* University Relations and the webmaster are currently developing an emergency page to launch fall 2016.

19. Print emergency information and contact information on the back of the student and faculty/staff identification cards (i.e., Eagle One Card). This information may include UMW and local police contact information, UMW and local sexual assault resource contact information (e.g., Title IX coordinator, RCASA), and recommended actions to take in emergency situations.

*Rationale:* This is recommended because students typically carry their Eagle One cards everywhere since the cards are necessary to gain access to on-campus buildings (e.g., residence halls), to purchase food, and to engage in on-campus activities (e.g., gym, library). This would be a way to increase student access to potentially life-saving or useful emergency information in situations when they may not have their computers or smartphones.

## **Clinical Services**

20. Offer peer-led support groups for sexual assault survivors at the Talley Center for Counseling Services that are overseen by a Talley Center therapist.

*Rationale:* Support groups foster survivor safety, decrease social isolation, normalize survivor reactions, give survivors the opportunities to learn from others, and increase understanding of sexual assault (Macy et al., 2009). Support groups are considered a core component of clinical intervention for sexual assault survivors (Macy et al., 2009). UMW should continue to offer these services on a regular basis and adequately advertise this service to the community.

*Status:* Survivor support group counseling began fall 2015 led by the Talley Center.

21. UMW should increase the number of trained clinical providers at the Talley Center for Counseling Services.

*Rationale:* The Talley Center currently has three full-time clinical psychologists or counselors, one nine-month case manager, one part-time counselor, one part-time psychiatrist (present for 6 hours a week), and one office manager who also oversees all administrative duties. That results in a ratio of approximately 1 clinical psychologist or counselor to 1,200 undergraduate students, and 1 psychiatrist to 4,000 undergraduate students. The Talley Center is experiencing a high and steadily increasing demand for clinical services, which creates quite a challenge for the providers. There is substantial evidence that college students today are experiencing greater stress and more emotional difficulties than previous generations (Brunner et al., 2014). This has resulted in an increase in the severity of concerns that students present, such as more extensive histories of psychological difficulties and greater levels of suicidality (Kitzrow, 2009). Therefore, this is not a challenge that is going to disappear, but will likely increase for university counseling centers. In order for the Talley Center to be able to provide high quality clinical care, this imbalance between student demand and available resources needs to be immediately resolved. To do so, UMW should add at least two additional full-time clinical psychologists or counselors, one full-time psychiatrist, and an additional administrative assistant. The mental health of our students should be one of the highest priorities of our university.

22. The University should study potential use of services by part-time students who are victims/survivors to utilize the clinical services at the Talley Center for Counseling Services, including the support groups.

*Rationale:* Currently, part-time students are not allowed to use these services because of the significant imbalance between student demand and available resources at the Talley Center. However, by implementing the previous recommendation of adding clinical providers, this recommendation can easily be fulfilled. The mental health of all of our students, including part-time students, should be a priority of our university. Part-time students may be at greater risk of stress and emotional difficulties because many report lower levels of social support due to their part-time status.

23. Ensure that all of the clinical providers at the Talley Center for Counseling Services are adequately trained in evidence-based trauma therapies.

*Rationale:* Evidence-based practice is the integration of scientific evidence into the decisions providers make in clinical settings (APA, 2005). The American Psychological Association (2005) has taken a clear stance and stated that evidence-based practice is an essential feature to providing the best possible care for patients. Specifically, the providers should receive formal training in Cognitive Processing Therapy and Prolonged Exposure Therapy, both of which are evidence-based trauma therapies for survivors of sexual assault and have “strong research support” (APA Presidential Task Force on Evidence-Based Practice, 2006). This will improve the services provided to our students who may be dealing with a range of psychological difficulties (e.g., posttraumatic stress disorder; depression; anxiety) and is applicable to survivors of all forms of trauma not just sexual assault.

## Advocacy and Support

24. UMW should require all faculty and staff (e.g., judicial affairs, residence life, Tally Center, health center, Title IX, police) that regularly interact with sexual assault survivors to complete a series of workshops and follow-up sessions on relevant issues and procedures.

*Rationale:* As the topic of sexual assault on college campuses continues to evolve, it is essential that UMW continues to educate key personnel on this important topic. In order to implement best practices, it is necessary for our faculty and staff to be aware of and familiar with what the best practices are. Training will be developed and managed by the Sexual Assault Prevention Specialist.

25. UMW should establish advocates related to the topic of sexual assault that will be housed in all offices and departments on campus. UMW should provide the training for those advocates.

*Rationale:* Advocates can assist and support students throughout the process, such as serving as their advocate for the judicial process or help them communicate with all involved offices on campus. One person from each office and department on campus should complete the training to provide a local resource for all employees who may have questions about sexual assault issues.

26. The University should establish a person of contact that is on-call and available at all times for sexual assault survivors outside of the police department. A professional staff member should be used as a non-emergency person of contact that is on-call at all times for survivors of sexual assault.

*Rationale:* The police are definitely one of the main points of contact we want students using in sexual assault situations, particularly when there is a threat present, but we also want to provide a non-police non-emergency option that students can contact in the aftermath of a sexual assault that is available outside of business hours. Some students may be afraid to call the police, particularly if they are not currently interested in pursuing a criminal investigation. But, we want students to still feel supported and to be aware of all of their options.

27. Establish Memorandums of Understanding (MOU) to coordinate the roles and responsibilities of community partners in the processing of university sexual misconduct complaints

*Rationale:* Many of these community based centers provide 24 hour services dealing with sexual violence, dating violence and stalking. They are often able to provide medical and advocacy and survivor counseling services. By working with the crisis center it will help to expand the services that the University is able to offer to students and staff.

*Status:* MOU's with local agencies were signed fall 2015.

## **Investigation**

### 28. Adopt the Civil Rights investigative model for incidents of sexual assault and misconduct

*Rationale:* The traditional student judicial hearing investigative process model relies heavily on the varying abilities of students to prove their cases and examine the evidence. The risks of findings based on incomplete evidence and an insufficient assessment of what has occurred are unacceptable. The civil rights investigative model, relies on the use of trained professional investigators to collect and review evidence and recommend findings. This model is recommended by the Association of Title IX Administrators to ensure compliance with OCR guidelines, consistency, effective resolutions and defensible findings.

*Status:* UMW has adopted the civil rights investigative model and incorporated in its current sexual misconduct policy's investigative procedures.

### 29. Establish a team of certified investigators

*Rationale:* Sexual assault victims across the country report re-victimization by inadequate college and university responses and poorly conducted investigations. A UMW team of trained investigators will ensure that all UMW investigations are thorough, reliable, impartial, fair, and prompt. The additional training in the FETI investigative interview will provide investigators the skills to recognize the trauma associated with sexual assaults and to accommodate the unique needs of victims as they participate in the investigative process.

*Status:* Several staff members from the offices of Student Affairs, Diversity and Inclusion, Human Resources and University Police have completed the Association of the Title IX Administrators Civil Rights Investigator Training and Certification Program. FETI Training is pending and needs to be arranged.

### 30. Hire a university law enforcement officer with advanced level and specialized training in conducting Title IX investigations to lead criminal related investigations and to serve as liaison/resource to administrative investigations, as needed.

*Rationale:* Effective partnering and collaboration between the law enforcement and administrative investigative components of the university's response to Title IX issues requires shared learning and skill development. Having an officer who is expert in both regulatory and program compliance allows the university to provide a well- coordinated holistic response to victims and the accused. As stated above, sexual misconduct victims report feeling re-victimized by poorly conducted investigations. Having a trained law enforcement officer on the response team will help facilitate thorough, reliable, impartial, fair, and prompt investigations.

*Status:* Approval of this new position is pending

31. Develop a method to assess the effectiveness of the university's administrative and law enforcement investigative practices and impact on victim reporting.

*Rationale:* A periodic assessment of investigative processes will promote a campus culture of responsiveness by identifying any hindrances to reporting and highlighting needed process improvements. Assessment methodologies will be determined by Chief of Police and Student Affairs.

32. Conduct annual review of investigative and grievance procedures

*Rationale:* Title IX law and OCR guidance to colleges and universities is evolving. Routine review by a body outside the normal response structure representing broader staff and student community interests will ensure that our investigative procedures are current and remain compliant.

33. Establish a protocol for the coordination of parallel criminal and administrative investigations

*Rationale:* A formal protocol will communicate partnership and university level commitment to the safety and well-being of our students, reflect an understanding of the victim experience, reconcile competing legal obligations of each process, and avoid witness party confusion.

*Status:* This recommendation will be vetted by the sexual assault emergency response team as part of its compliance review under Virginia state law HB 1930 and SB 712.

34. Develop templates for standard communications at different relevant stages of the administrative Title IX investigation (receipt of complaint, notice to parties, findings, interim measures, resources, etc.)

*Rationale:* Standard delivery and formatting of investigative communications will facilitate consistency, transparency and confidence in investigative processes.

*Status:* This recommendation has been adopted and implemented through the use of Maxient in fall 2015.

### **Continued Improvement of Campus Policies**

The University's policies are an expression of its commitment to a safe and equitable environment and process. The policies, procedures, and protocols must encourage reporting and

hold accountable those found responsible for violating established policies. It is important that the policies follow the guidelines and mandates of state and federal law that govern how institutions of higher education respond to campus sexual violence.

35. Current language in UMW's policy defining sexual exploitation (page 3) should be retained, with a modification to remove language concerning "intent to embarrass."

*Rationale:* In this context, the individual's intent is not relevant. Thus, the final language would be as follows:

"Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit, other than the person being exploited, and that behavior does not meet the definition of sexual assault. Examples of sexual exploitation include, but are not limited to, the following: prostituting another individual; non-consensual video- or audio-recording of sexual activity; allowing third parties to observe sexual activity without the consent of all individuals engaging in that activity; non-consensual distribution of photos or images of an individual's sexual activity or intimate body parts; engaging in non-consensual voyeurism; knowingly transmitting an STD or HIV to another individual; or exposing one's genitals to another individual in non-consensual circumstances."

*Status:* Most of the current language is in place, and guidance from the Commonwealth Attorney General's office will establish whether the indicated modification can be put in place before the next scheduled review of the policy in the summer of 2016.

36. Language in UMW's policy concerning sexual consent (pages 2-3) should be expanded.

"Consent is knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Silence does not constitute consent. Past consent to sexual activities, or a current or previous dating relationship, does not imply ongoing or future consent. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent to other sexual activity (such as intercourse). Consent cannot be gained by means of force, including the use of physical violence, threats, intimidation, or coercion. Effective consent cannot be gained by taking advantage of the incapacitation of another individual. An individual who is unconscious or asleep is considered to be incapacitated. An individual who is under the influence of alcohol or other drugs, either voluntarily or involuntarily, is considered to be incapacitated if they cannot understand the who, what, where, when, and how of the sexual activity. An individual may withdraw consent at any time, through clear words or actions, at which point the sexual activity must cease immediately. The existence of consent is based on the totality of the circumstances, including the context in which the activity occurred. Being impaired by alcohol or other drugs is no defense to any violation of this policy."



*Rationale:* Current policy language related to consent does not address incapacitation fully, and does not address the right of either party to withdraw consent at any time.

*Status:* Review by University counsel will determine whether this revision can be implemented.

37. The subcommittee reviewed the use of the words “victim,” “survivor,” and “complainant” in the policy.

*Recommendation:* “Complainant” should be used in the context of investigative and judicial processes. Elsewhere, use of the words “victim” and “survivor” depends on the preference of that particular individual, and will differ from individual to individual and at different times. Therefore, the most inclusive terminology would be “victim/survivor.”

*Rationale:* Different words have different meanings, and we want to ensure that our use of these terms is intentional and sensitive.

*Status:* Changes will be made pending approval and review of the policy.

38. The subcommittee recommends sensitivity related to the use of gendered pronouns in the policy and suggests that more inclusive pronouns “they” and “them” be used in place of “she,” “her,” “he,” “him,” and so on.

*Rationale:* Many students and staff members do not use traditional gendered pronouns to refer to themselves, and the use of “they” and “them” is more inclusive.

*Status:* Changes will be made pending approval and review of the policy.

39. URLs for off-campus resource listed on pages 26-27 of the policy should be added.

*Rationale:* Including URLs in the policy will facilitate accessing information about off-campus resources.

*Status:* URLs can be added pending approval.

40. The following purpose statement should be added at the beginning of the policy (page 1):

“The University’s Policy on Sexual- and Gender-based Sexual Harassment and Other Forms of Interpersonal Violence has been developed to reaffirm our community’s values and to provide recourse for those individuals whose rights have been violated, and appropriate sanctions for individuals found in violation.”

*Rationale:* Many policies include a similar statement of purpose. The proposed statement of purpose establishes that UMW aspires to be a community free of relationship violence.

*Status:* A statement of purpose can be added pending approval.

41. The Amnesty Policy, related to the use of alcohol or other drugs, was expanded to increase protections for victims/survivors:

“Amnesty: Survivors of Prohibited Conduct frequently have been using alcohol or other drugs at the time of the incident, and might fear that they will be held accountable or ‘get into trouble’ for having violated UMW’s policies related to alcohol or drugs, or other aspects of the Code of Conduct, if they report the Prohibited Conduct. Recognizing the potentially devastating impact of Prohibited Conduct on not just the individual but on the UMW community, UMW will grant limited amnesty to the survivor from drug, alcohol, and other student conduct policies, if their behavior did not put other individuals at risk. The decision to grant limited amnesty will be made by the Dean of Student Life in consultation with the Title IX Coordinator and the Director of Judicial Affairs and Community Responsibility.”

*Rationale:* Many survivors/victims have been using alcohol or other drugs at the time of the incident, and many may be reluctant to report an incident if they fear that they will be charged with a violation of the Code of Conduct.

*Status:* Added to the policy in Fall 2015.

42. A link to information about “It’s On Us,” UMW’s bystander intervention campaign, has been included in the policy on page 27.

*Rationale:* Ready access to information about bystander intervention may encourage community members to be trained in the use of these strategies, and to use them when the need arises.

*Status:* Added to the policy in Fall 2015.

**Appendix A**  
**Document References**

## References

- 20 U.S.C. 1092(f) and its implementing regulations, 34 C.F.R. Part 668
- APA Task Force on Evidence-Based Practice. (2006). Evidence-based practice in psychology. *American Psychologist*, *61*, 271–285.
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## **Appendix B**

### **Task Force Committee Members**

## Task Force Members

Leah Cox	Special Asst. to President, Diversity and Inclusion
Richard Blair	Facilities Services
Chris Kilmartin	Professor of Psychology
Laura Wilson	Associate Professor of Psychology
Sabrina Johnson	Associate VP Human Resources and Affirmative Action
Courtney Clayton	Assistant Professor, College of Education
Marjorie Och	Professor of Art and Art History
Nicole Phillips	Assistant Professor, College of Business
Dee Conway	Associate Professor, Athletics, Health and Physical Education
Betsy Lewis	Chair and Professor, Modern Foreign Languages
Mike Hall	Chief of Police
Ray Tuttle	Director of Judicial Affairs and Title IX Deputy
Melissa Palguta	Staff Psychologist, Talley Counseling Center
Brittany Harper	Assistant Director of Residence Life
Terri Arthur	Employee Relations Analysis, Human Resources
Bailey Meeks	UMW Student
Sydney Bauman,	UMW Graduate Student
Marissa Miller	Judicial Affairs, Prevention and Advocacy Coordinator
Shawn Fraine	UMW Student
Caitlyn Eller	UMW Student

A special thanks to our task force member and ardent supporter who left us too soon.

Grace Mann           UMW student

## **Sub-Committees**

### **Prevention**

Chris Kilmartin                      Sub-committee advisor

Marissa Miller, Brittany Harper, Courtney Clayton, Betsy Lewis, Dee Conway, Bailey Meeks

### **Policy**

Ray Tuttle                              Sub-committee advisor

Sydney Bauman, Richard Blair, Nichole Phillips, Terri Arthur, Grace Mann

### **Response and Investigation**

Sabrina Johnson and Laura Wilson                      Sub-Committee advisors

Shawn Fraine, Melissa Palguta, Mike Hall, Marjorie Och, Caitlyn Eller