



Executive Summary

Sexual Misconduct Assessment and Recommendations

Submitted by the
Sexual Assault Awareness, Prevention and
Adjudication (SAAPA) Ad-Hoc Task Force

August 14, 2017

Sexual Assault Awareness, Prevention and Adjudication (SAAPA) Ad-Hoc Task Force Charge

The committee will identify and assess The University of Toledo policies and practices related to sexual assault awareness, prevention and adjudication and compare these to other universities' best practices. Please identify if we are missing any elements of training or policies. If so, suggest programs/policies to address.

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Dear President Gaber,

Campus sexual violence is a topic of concern at colleges and universities across the United States. The University of Toledo takes the issue of sexual misconduct very seriously, as safety is a key concern for our students, faculty and staff. When this Sexual Assault Awareness, Prevention and Adjudication (SAAPA) Ad-Hoc Task Force was convened in April 2017, we began assessing what we are collectively implementing in terms of prevention of sexual assault and sexual misconduct, current efforts to detect when an incident has occurred, and the availability of resources for those who were involved in an act of sexual misconduct. The SAAPA Task Force also began to evaluate our internal processes of how such offices as Sexual Assault Education and Prevention, Compliance, Title IX, Student Conduct and Community Standards and the UT Police Department work together and review potential incidents of sexual misconduct, and identify and provide services to both complainants and respondents.

As part of the charge of the task force, we collected comparative data from peer institutions regarding sexual assault policies, staffing and availability of programming, services and resources. In addition to the data collected by task force members, the Ohio Department of Higher Education (ODHE) campus climate survey also was given to students to determine their perceptions of sexual assault and sexual misconduct on campus. Through using multiple data sources, the SAAPA Task Force has constructed this assessment document detailing UT's current efforts, policies and perceptions regarding sexual assault and sexual misconduct. The results of this assessment are to be used as a reference point and to provide a framework to examine UT's areas of strength, potential areas of improvement and overall recommendations.

Within the last year, UT has become a leader in many areas regarding how we prevent and address sexual misconduct. It is encouraging to see we have greatly improved our policies, programs and resources. These recent improvements include:

- Formation of this Ad-Hoc Task Force to address the issue of sexual misconduct
- Maintaining consistent University messaging that UT takes the issue of sexual misconduct and campus safety very seriously
- Implementing bystander intervention training
- Encouraging campus conversations on issues of sexual assault
- Starting and expanding the Center for Student Advocacy and Wellness
- Hiring additional victim advocates and counselors

As members of the UT community, we all share in the responsibility of being proactive in preventing sexual misconduct on our campus. Sexual misconduct will not be tolerated. As this assessment is only an initial starting point, our SAAPA Task Force is committed to working together to ensure that we improve on our efforts and continue to keep our campus safe.

Cordially,

Dr. Amy Thompson
SAAPA Task Force Co-Chair

Valerie Simmons Walston
SAAPA Task Force Co-Chair

Executive Summary

Background Information

In April 2017, UT President Sharon L. Gaber created the Sexual Assault Awareness, Prevention and Adjudication Ad-Hoc Task Force (SAAPA). This 15-member task force, co-chaired by Dr. Amy Thompson and Valerie Simmons Walston, was charged with assessing UT data on sexual misconduct, current programs and policies, and developing recommendations for future planning. The committee included representatives from across the UT campuses and community.

One of the first steps in this assessment process was examining the incidence of sexual misconduct on our campus. For the purposes of this report, the definition of sexual misconduct follows what is outlined in the University's Title IX policy to include: sexual harassment, sexual violence, sexual assault, conduct that exploits another person in a sexual and non-consensual way (such as voyeurism and non-consensual recording), stalking, interpersonal relationship violence and indecent exposure. Sexual misconduct also may be discrimination, harassment or violence based on gender, sexual orientation, gender identity or gender expression.

Overall, data suggests that our campuses are one of the safest campuses in the state of Ohio. Over the last several years, UT has had consistently low reports of rape, fondling, statutory rape, domestic violence and stalking. For example, in the preliminary 2016 data available from the UT Police Department, there were 13 reported incidents for all these categories combined. Data recently released (2017) from a study conducted by the Ohio Department of Higher Education suggests when compared to other state universities, our students have a higher average percentage of confidence that our campus will follow formal procedures to address complaints of sexual misconduct (UT 3.20 vs. 2.99 All University Main Campus Average; 4 point Likert scale with 4 being the highest score). The University of Toledo also outscored many other campuses regarding the perception that "campus officials would ensure that steps were taken to protect the person from retaliation" (UT 3.67 vs. 3.37 All University Main Campus Average; 5 point Likert scale with 5 being the highest score). These cumulative findings suggest that students perceive that acts of sexual misconduct on the UT campus will be addressed appropriately and that resources will be provided to support complainants.

Data Collection and Recommendations

Data was collected and synthesized on all programs, practices and policies on our campuses pertaining to sexual misconduct. Best practices were gathered from peer institutions that were somewhat similar in standing as UT. This process examined UT's campus data and best practices from comparative institutions, with the goal of integrating them into The University of Toledo's daily landscape.

The SAAPA Ad-Hoc Task Force was impressed by the various offerings on UT's campuses when compared to other institutions. One overall noteworthy finding by the task force was the strong collective staffing and programming around prevention and support services regarding sexual misconduct. It is unique that UT has a Center for Student Advocacy and Wellness that conducts

evaluations, provides prevention programming and response training, and houses victim advocates and a counselor. This is in addition to having a Sexual Assault and Substance Abuse Education and Prevention Coordinator and a Title IX Coordinator. This collaborative approach to address sexual misconduct distinguishes the UT campuses.

From UT's campus assessment and other benchmarking, four emerging themes became evident in terms of areas of strength, gaps in services and ways to improve the delivery of our efforts. These four themes are: Comprehensive University-Wide Efforts, Prevention and Programming Efforts, Resource Availability and Investigation and Adjudication. Based on these four themes, 27 recommendations were made and incorporated into the final report.

In terms of Comprehensive University Wide-Efforts, there is a plethora of various policies, programs and resources offered that are equal to and possibly exceed many of our peer institutions. One recommendation is to connect these activities and stakeholders to coordinate and ensure there is no duplication of services, that there is transparent communication, and that efforts are made to reach multicultural populations who are historically underserved in sexual misconduct prevention, reporting and evaluation. Creation of a Title IX Committee is highly encouraged to help create comprehensive program planning, implementation and an evaluation plan based on the current recommendations provided.

Through improved coordination of services, better communication can occur with University Marketing and Communications to promote programs, create awareness and help maintain the current culture at UT that does not condone sexual misconduct. In collaboration with University Marketing and Communications, there should be a written protocol for the distribution of all public, aggregate, external and internal data collected pertinent to sexual misconduct on our campuses.

The University should ensure full implementation of a university-wide policy and procedures requiring all potential and incoming students to disclose pending and actual student criminal/conduct complaints filed against them, and to submit appropriate information to be reviewed by the University. Policies such as this also are commonly implemented at other institutions.

Prevention and Programming Efforts was the second theme that emerged during the campus assessment. There are many services provided in primary prevention, however, not all of these are evidence-based or best practices. It is important that all implemented efforts towards the prevention of sexual misconduct be assessed for effectiveness. Program evaluation using process, impact and outcome measures should determine if strategies are effective and should continue.

Prevention messaging regarding sexual misconduct needs to be implemented at multiple levels through various channels. A syllabus statement on how to identify and report sexual misconduct on campus should be provided to all faculty through the Provost's Office and Director of Title IX and Compliance. Faculty will have the option to adopt this for their courses. Ongoing sexual misconduct programming should occur for all students. Specifically, there needs to be continuous education beyond the first year to educate all students, including upperclassman, transfer students, online students and graduate students. There also should be intentional programming for marginalized populations who are at an increased risk for sexual misconduct. The continued implementation of bystander training also reinforces the prevention and detection of sexual misconduct.

Resource Availability was the third theme that was discovered during the campus assessment. As mentioned previously, there are many exceptional resources provided on our campus that are available for students, faculty and staff. In examining these resources, however, many of these are targeting primary prevention (preventing the act of sexual misconduct) or tertiary prevention (efforts to support and treat those who have experienced sexual misconduct). Upon reviewing the campus inventory, there are fewer resources targeting secondary prevention (detection and reporting) of sexual misconduct. Increasing programming and resources for respondents (including faculty and staff) of sexual misconduct also is recommended.

Scientific data¹ confirms that a large percentage of acts of sexual misconduct are often tied to alcohol and other drug use. Graduate students currently deliver alcohol, tobacco and other drug prevention programming. It is recommended that partnerships with other campus groups be explored to strengthen and expand the delivery of evidence-based programming in this area. UT's peer and aspirate institutions have several full-time professionals trained on alcohol, tobacco and other drug prevention who address high-risk behaviors of students on and off campus.

When implementing or maintaining sexual misconduct resources, it is recommended that these be continuously evaluated and data driven. It is recommended that the campus data collected on an annual basis via campus climate surveys distributed by the Ohio Department of Higher Education and the education technology company EverFi, as well as program data, is analyzed and used to determine programming needs and future directions. This also will assist with benchmarking efforts to peer institutions.

The final theme that emerged from our committee work was Investigation and Adjudication. UT wants to ensure all acts of sexual misconduct are reported, investigated and adjudicated utilizing due process. To ensure that this process continues, it is recommended that there be an annual review of the Student Code of Conduct and Title IX policies. Annual training for investigators, hearing officers and board members adjudicating Title IX cases also should be continued. Training sessions for board members should be evaluated regularly to determine if they are meeting best practices. Creation of a Sexual Misconduct Sanction Rubric also would help guide the student adjudication process. Use of this rubric will ensure consistent application of student sanctions.

¹ Lorenz, K. and Ullman, S. (2016). "Alcohol and sexual assault victimization: Research findings and future directions." *Aggression and Violent Behavior*, (31) 82-94.

Task Force Recommendations

The University of Toledo puts the safety and well-being of its students, staff and faculty as a priority. It is evident through the data presented in this report, when compared to other institutions² we are providing comparable programs, services and resources on our campuses to address the issue of sexual misconduct. The efforts of many campus and community partners are strong and will continue to make The University of Toledo one of the safest places to work and to seek an academic degree.

As UT strives to be a leader in the prevention and adjudication of sexual misconduct, it is essential to continuously evaluate our efforts. Using both formative and summative assessments, the SAAPA Task Force has developed the following recommendations to prevent, detect and provide resources to address the issue of sexual misconduct on UT's campuses:

Comprehensive University-Wide Efforts

1. Create a Title IX Committee, chaired by the Director of Title IX and Compliance, that will create and disseminate a comprehensive program implementation plan based on the current recommendations provided. Universities such as Western Michigan University, Xavier University and University of Washington use this model. Goals, objectives and action items should be developed by this committee to guide further efforts. The Title IX Committee should collaborate with appropriate campus resources and organizations.
2. The Title IX Committee will evaluate the implementation of the recommendations annually and provide progress reports to the President or a member of senior administration.
3. Explore reporting structures following the U.S. Department of Education Office for Civil Rights' guidance. The Title IX Coordinator should report directly to the President or a member of senior administration.
4. Develop a written protocol for the distribution of all public, aggregate, external and internal data collected pertinent to sexual misconduct on our campuses.
5. Maintain the current culture on our campuses that does not condone sexual misconduct. This will be continuously assessed through data analysis tools, such as EverFi and the Ohio Department of Higher Education.
6. Continue collaboration with various departments across the University, including University Marketing and Communication to develop and disseminate targeted messaging supporting a positive campus culture.

² Ball State University, Bowling Green State University, Central Michigan University, Cleveland State University, Eastern Michigan University, Western Michigan University, University of Alabama-Birmingham, University of Buffalo, University of Illinois at Chicago, University of Nevada-Reno and University of Memphis.

7. Ensure full implementation of a university-wide policy and procedures requiring all potential and incoming students to disclose criminal/student conduct complaints filed against them, and to submit appropriate information to be reviewed by the University.
8. Enhance efforts to prevent, detect and report sexual misconduct in and by faculty and staff. Such programming and training should include best practices, such as creating an advocacy network, intervention bystander training and other trainings, such as the currently implemented mandatory compliance training programs on our campuses. Sample programs can be viewed at Boston University and Loyola University Chicago.

Prevention and Programming Efforts

9. There are many services being provided in primary prevention, however, not all of these are evidence-based. An annual program evaluation using process, impact and outcome measures should determine if strategies are effective and should continue.
10. Provide an optional syllabus statement on how to identify and report sexual misconduct on campus to all faculty through the Provost's Office and Director of Title IX and Compliance.
11. Sexual misconduct prevention education should be required for all students. There are many programs aimed at freshman students on the UT campus entering fall semester. Special emphasis needs to be placed on ensuring that any student entering the University at any level receives sexual misconduct prevention education. Consideration should be given to require the currently used *Haven-Understanding Sexual Assault* and *AlcoholEdu for the College*, or similar education programming, before classes begin.
12. Ongoing sexual misconduct programming should occur for all students. There needs to be continuous education beyond the first year to educate all students, including upperclassmen, transfer students, online students and graduate students.
13. Develop evidence-based programming to address the disparities in victimization rates for marginalized populations, including sexual and gender minorities. Partnerships with such organizations as Prism, Black Student Union, Greek Life, Center for International Studies and Programs, and other student groups/organizations should be established to help promote and champion these programs.
14. Bystander training needs to be fully implemented to encourage prevention of sexual misconduct to the University community.

Resource Availability

15. Diversify resources that are provided for those experiencing acts of sexual misconduct. Many of the resources we currently have focus on prevention. Special consideration should be given to develop resources for online and underserved populations.
16. Explore creating potential partnerships with the Healthy Campus Coalition members, particularly in the area of alcohol and other drug prevention, to provide year-round programming. Our peer and aspirate institutions have several full-time professionals trained on sexual assault and alcohol, tobacco and other drug prevention that address high-risk behaviors of the campus community.
17. Implement an annual program evaluation to ensure that students are receiving education and information about resources on UT's campuses to address sexual misconduct and relationship violence.
18. Analyze campus data collected on an annual basis via campus climate surveys distributed by the Ohio Department of Higher Education and EverFi, as well as program data, to determine future programming needs.
19. Implement the newly revised comprehensive sexual misconduct and interpersonal violence crisis response protocol and notification processes.
20. Continue to seek out and secure long-term funding to enhance our ongoing sexual misconduct programming and resources.
21. Create and promote resources to assist parties through the investigation and adjudication process.
22. Partner with community and campus groups to link complainants and/or respondents to behavioral health programs and support groups. Explore how to best assist students in nontraditional settings, such as distance learning students or those with military service.

Investigation and Adjudication

23. Conduct an annual review of the Student Code of Conduct and Title IX policies.
24. Conduct annual training for investigators, hearing officers and board members adjudicating Title IX cases. Training sessions for board members should be evaluated continuously to ensure they are meeting best practices criteria.
25. Create a Sexual Misconduct Sanction Rubric that will help guide the adjudication process for students. Use of this rubric will ensure consistency in the application of student sanctions. Ohio University, University of Iowa, University of Kentucky and Xavier University have implemented this practice and can serve as a guide for the development of this document, as well as many of the institutions we benchmark against.

26. Develop and implement a student leader-training program on the prevention and detection of peer sexual misconduct. This program also would emphasize the rights of complainants and respondents.
27. Explore the feasibility of having all respondents found responsible for alcohol, tobacco and other drug violations meet with a staff member in the alcohol, tobacco and other drug prevention unit.

Conclusion

Through the work of the SAAPA Ad-Hoc Task Force, various aspects of sexual misconduct and the adjudication of these acts were explored. A thorough inventory of policies, procedures, programs and resources demonstrate a robust offering at The University of Toledo, particularly when compared to other institutions. In addition to the efforts on our campuses regarding sexual misconduct, the strong support and attention to this issue from members of senior administration is noteworthy. Such support, including the creation of this task force, clearly indicates the importance of this issue on our campuses and that safety is a priority. While we excel in our many efforts to maintain the safety of our students, staff and faculty, it is important to continue to assess our efforts and strive to be a leading university in the prevention of sexual misconduct. Becoming a leader in prevention is one of the main goals of the task force. This goal will likely be realized through the implementation of the SAAPA Ad-Hoc Task Force Recommendations.

In the Executive Summary, there are themes listed related to prevention, programming, resources and adjudication. Additional themes emerged in relation to the task force's recommendations. Collaboration efforts, broad-based and comprehensive educational programming, and overall accountability are themes evidenced by the topics included within the list of recommendations. While there are 27 action items listed in the body of the recommendations section, high priority should be given to specific proposed changes. Any recommendation related to revising protocol and enhancing support linked to Title IX reporting and services should be a high priority. Additionally, recommendations associated with developing evidence-based practices, coupled with prevention programs directly aligned with alcohol, tobacco and other drug prevention programs, are a priority.