

## Introduction

Elon University recognizes the serious and negative impact that acts of interpersonal violence, including sexual violence, have on individuals and the University community. Members of the university community, guests and visitors have the right to be free from all forms of gender and sex-based discrimination and violence, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. There has been a surge of attention given to the topic of sexual violence on college and university campuses. Most recently, the Association of Governing Boards (AGB) has issued guidelines for Board of Trustees regarding the need for consistent and priority attention to these matters on campus. The increased discussion around sexual violence on college campuses over the past three years reflects changes in Title IX that clarified that sexual violence (including sexual harassment and sexual misconduct) are forms of sex discrimination and that students can seek recourse from the Office of Civil Rights if they believe they have been discriminated against on the basis of their sex (OCR). Since the updates to Title IX in 2011, additional changes in federal mandates (Clery Act, Campus Accountability and Safety Act, aka Campus SaVe act and CASA, , and Violence Against Women Act, aka VAWA) dictate how colleges and universities must respond, as well as how they develop their policies and education/awareness standards.

Compliance with federal mandates is important, but we cannot stop with merely “checking off” compliance. While the bulk of the Task Force’s work was to assess compliance, the goal is to be a foundation that develops a deeper, more integral campus environment that does not tolerate sexual violence. Elon University has a history of moving beyond compliance standards by providing support, policies, awareness/educational programming and processes that address sexual violence. The Title IX/ADA officer and others on campus continuously work with legal counsel to assure that university policies and procedures are in compliance with these mandates; the University has made changes to policies, procedures and staffing structures to reflect best practices in these areas. However, the surge in public attention and outcry compel us to look even more closely at our community standards and processes to ensure that Elon is at the forefront with regard to compliance, community awareness and education. Elon should aspire to be a community that is free of sexual violence, domestic violence and stalking.

To continue our diligence in these areas, the Provost and Vice President for Student Life assembled the Task Force on Community Responsibilities and Standards for Reporting, Preventing and Responding to Sexual Assault in summer 2014. The task force was assembled to provide broad oversight of our compliance with each of these mandates, review our educational/awareness programs and set forth recommendations about continued compliance and initiatives. The Task Force is chaired by Chris Fulkerson, Assistant Vice President for Administrative Services and Jana Lynn Patterson, Associate Vice President for Student Life and Dean of Student Health and Wellness/Title IX Officer.

Members of the Task Force include:

Chris Fulkerson, co-chair  
Jana Lynn Patterson, co-chair

Ann Cahill  
Scott Proudfit  
Michael Sanford  
Carla Ugboro  
Dennis Franks  
Faith Shearer  
Gwendolyn Lewis  
Jodean Schmiederer  
Leigh-Anne Royster

Ann Flaherty  
Lisa Keegan  
Matthew Antonio Bosch  
Alex Vandermaas-Peeler  
Sean Barry  
Meghan Fisher  
Kim Fath

The charge to the Task Force is “to recommend programs, structures, and resources to continue best practices in accord with congressional acts and educational programs that further respond to and reduce incidents of sexual assault.” (Charge issued by Smith Jackson, 2014)

The major topics charged to the Task Force included:

1. Review any recent federal legislation and updates, including Clery Act, Campus SaVe Act (CASA), Title IX and Violence Against Women Act (VAWA).
2. Inventory current university efforts to meet legal standards as well as Elon’s commitment to learning centered approach to creating a campus climate free of sexual violence.
3. Recommend best practices, with timeline and budget to implement best practices.
4. Develop communication plan for the campus and other key constituents, such as parents, alumni, etc.
5. Recommend persons/offices to implement best practices and communication plan for the 14-15 academic years, along with long-term structure/resources to stay on the cutting edge.

The Task Force began meeting in August 2014 and met four times over the fall term. The group reviewed pertinent federal legislation and updates, including Clery Act, Campus SaVe Act, Title IX and Violence Against Women Act (VAWA). In addition, the Task Force benchmarked, researched, reviewed and discussed best practices for oversight and compliance with regard to Title IX, the Clery Act and Campus SaVe Act. The larger group was dispersed into smaller working groups to research and make recommendations concerning three major areas. The full subcommittee reports are included in the appendices of this report.

- *Policies and Adjudication: (Appendix A)* This subcommittee reviewed and assessed university policies--what are we doing vs. what are the best practices and compliance? The subcommittee evaluated university policies regarding sexual assault and sexual harassment. Included in the examination was a review of policies regarding adjudication. The subcommittee then compared those policies to the requirements of existing federal legislation, to determine whether Elon is in compliance with current government mandates and own campus values regarding gender-based violence. In addition to reviewing these documents, the subcommittee had a presentation by Becca Bishopric Patterson regarding the university’s approach to response and prevention of sexual assault on campus. Recommendations for changes in policies and procedures were made by the subcommittee and reviewed by the task force.
- *Mandatory Reporters and Faculty/Staff Training: (Appendix B)* This subcommittee identified categories of staff who are the mandatory reporters under: Title IX Guidelines, Clery Act Guidelines, and Campus SaVe Act Guidelines. They reviewed current practices and provided options for faculty and staff. This subcommittee also assessed training requirements for key groups such as: senior leadership at Elon, Campus Security Authorities (CSAs)—as defined by federal law — as well as new hires and current employees. The subcommittee reviewed online and face-to-face methods for training along with other training resources that may be available to the university.
- *Bystander Intervention and Student Training: (Appendix C)* This subcommittee reviewed programs and procedures that are already in place as well as programs offered by groups and departments on campus. It then compared best practices and current guidelines to what Elon currently provides. The Office of Student Health and Wellness submitted a listing of fall 2014 student awareness and education efforts, which were also reviewed by the subcommittee. The subcommittee developed recommendations based on their research for the Task Force to review.

The larger group researched, benchmarked and discussed two other major areas:

- **Reporting and structure for compliance and oversight:** The group conducted a survey of 64 institutions. After discussion, the group decided to move forward with a proposal for the development of a compliance/oversight officer to oversee the University's efforts with regard to Title IX, Clery, Campus SaVe Act and ADA. Like many institutions, Elon University has historically relied on an administrative generalist who absorbed the duties of both ADA and Title IX coordinators along with other position responsibilities. The surge in federal regulations in these two areas has caused many institutions to create an oversight position to assure compliance with both sets of federal regulations. Best practices across the country indicate that the oversight/compliance of these areas should be consolidated into a separate position that does not report directly to an area with other policy, response, or adjudicating responsibilities. The proposal was submitted for consideration by the University Budget Committee to the Provost and Vice President for Student Life and Dean of Students in early December. The full proposal to the Budget Committee is included in Appendix D.
- **Campus climate assessment:** The Campus Accountability and Safety Act (CASA, aka Campus SaVe) have been submitted to the first session of the 114th Congress and includes updated institutional mandates around the Clery Act. Proposed amendments to the Clery Act include a mandate to administer a "survey of students regarding their experience with sexual violence and harassment" (CASA, 2015, p. 8). If passed in the current form, CASA will require institutions of higher education to administer a standard instrument and report out results within one year of the passage of the bill.

The Task Force determined the University should begin to prepare for this requirement and believed that an assessment of campus perceptions and attitudes about campus climate, policies, and responses to sexual violence would provide useable information about current and future campus initiatives and might inform policy development, training and education planning for the Elon community. Kim Fath, Assessment Specialist in the Office of Institutional Research and Assessment, was asked to research and recommend an assessment strategy to measure campus climate on sexual assault. The report may be found in Appendix E.

The Task Force discussed climate assessment requirements and is recommending that the university consider administering the Education Advisory Board (EAB) assessment instrument.

A draft copy of the EAB assessment instrument may be found in Appendix F.

## General Findings, Recommendations, and Timeline

The general findings of the Task Force indicate that Elon is in line with or exceeds our peer and aspirant institutions efforts to meet legal standards. Elon's commitment to survivor response and advocacy serves as a national model. Our education and awareness programs for students strive to create a campus climate free of sexual violence. However, the Task Force did recognize several areas of concern and need for immediate and long-term change that will improve our position.

### **The following are general points of note in our findings:**

The current structure for oversight and compliance is problematic as there are areas where perceived conflict of interest may be present. This places the University in a vulnerable position. The Task Force is recommending that the oversight/compliance functions be transferred to a new position called compliance/oversight officer. This position should be aligned administratively within a division of the University that does not offer a direct or perceived conflict of interest and that adequate staff resources be allocated. This recommendation will better assure that the University continues to be in full compliance while moving forward to a campus climate and community free of sexual discrimination, harassment and violence.

While many of our policies and adjudication procedures meet the legislated requirements there is a lack of cohesion among these policies. Any areas indicated not in compliance should be remedied immediately, but our findings recommend that we must have a unified policy that spans across all constituencies of our community. While adjudication policies may be functionally different, they should all be reviewed and revised to remove actual or perceived barriers to reporting and to provide fair processes.

This Task Force did not review the current structure for survivor support in depth because that process was part of an external review in spring 2013. Recommended changes were implemented in summer 2013. We believe this process/support system meets not only legislated guidelines but serves as a national model. We suggest however that survivor support be maintained as a high institutional priority and that periodic review and assessment be maintained.

Our identification process and training programs for mandatory reporters and hearing/sanctioning bodies under the Clery Act and Title IX seem somewhat disjointed and not cohesive. The Task Force recommends strategies to develop more cohesive and functional identification, notification and training protocols. These are critical steps to assuring fair processes.

The University must be more strategic and broad in communicating our policies, expectations, resources and processes to the University community. While our review indicates that we do exceed annual notification requirements (the President's summer letter to parents and his remarks at new student convocation were cited as examples). However, we must make these messages more visible and frequent to better assure that all members of the community are aware of these expectations and supports and can articulate them. The topic of sexual discrimination and violence is not an easy one, but we must build our community's confidence in addressing these issues and intervention with their peers and other community members.

The following charts reflect the discussion of the Task Force, the work of the subcommittees and actionable recommendations of the Task Force. A proposed timeline for implementation of the recommendations is also included and reflects, in some cases, the need for immediate compliance with federal regulations. While these recommendations are presented in a brief format, the full subcommittee reports (Appendices A-C) provide more depth analysis regarding these recommendations, issues and additional items for discussion. *The Task Force recommends that any action/discussion of these recommendations be made in the context of the full reports and the other discussion points raised by the sub-groups.*

*Note: The Office of Student Health and Wellness is in the process of submitting a federal grant proposal which are consistent with these strategies. However, receipt of this grant may slightly alter timelines and some language.*

## General Findings and Recommendations of the Task Force

<b><u>Recommended Task/Strategy</u></b>	<b><u>Target Completion Date</u></b>	<b><u>Coordinating Office/Entity</u></b>
1. Develop and Hire for Compliance and Oversight Officer to serve as Title IX Coordinator.	1-Jul-15	VP for Business, Finance and Technology
2. Participate in the EAB climate survey in spring 2016.	1-May-15	Compliance/Oversight Officer; Office of Institutional Research and Assessment; Office of Student Health and Wellness
3. Develop and implement an ongoing oversight committee to work with new compliance/oversight officer to assess, monitor and make recommendations to maintain compliance and to create a campus climate that does not tolerate sexual harassment and discrimination.	1-Aug-15	Compliance/Oversight Officer

## Policies and Adjudication Recommendations

<b><u>Recommended Task/Strategy</u></b>	<b><u>Target Completion Date</u></b>	<b><u>Coordinating Office/Entity</u></b>
4. Develop a stand-alone Sexual Misconduct Policy for the entire University community.	15-Dec-15	Compliance/Oversight Officer; Sexual Assault and Gender Issues Committee
5. Develop an accessible brochure/publication that summarizes the rights and responsibilities of all university faculty, staff, and students regarding sexual harassment and sexual violence.	1-Aug-15	Office of Student Health and Wellness; Sexual Assault and Gender Issues Committee
6. Amend all policies regarding university hearings, which involve sexual harassment, including sexual misconduct, to reflect the right of all parties to have an advisor of their choice present at hearings, including an attorney.	1-Jun-15	Office of Student Conduct
7. Significantly expand university's statements on confidentiality.	1-Aug-15	Office of Student Conduct; Office of Human Resources
8. Expand university's descriptions of the investigations that will be undertaken when a Title IX report is made, and specify who will conduct those investigations.	1-Aug-15	Compliance/Oversight Officer; Office of Student Conduct; Office of Human Resources
9. Seek out and implement ways of assessing the quality of our adjudication processes, and how well they implement the standards stated in our policies.	1-Sept-15 and then every other year	Office of Student Conduct; Office of Human Resources
10. Investigate the feasibility of having a Sexual Assault Nurse Examiner (SANE) on staff to provide on-site rape protocol exams.	1-Aug-15	Office of Student Health and Wellness
11. Develop an ad hoc committee to review the policies and procedures of all the graduate programs, particularly regarding both academic and social conduct, to ensure that those policies are clear, consistent, and in compliance with all federal mandates.	1-Aug-15	Graduate Council; Compliance/Oversight Officer; Office of Student Conduct
12. Revise all policies (in faculty handbook, staff manual and student handbook) should list all of the possible sanctions that may be imposed following the result of any institutional disciplinary proceedings for an	1-Aug-15	Office of Student Conduct; Office of Human Resources; Office of Student Health and Wellness

allegation of dating violence, domestic violence, sexual assault, or stalking.		
13. Establish a clearly stated and easily accessible policy regarding “timely warnings” that are issued under the Clery Act, including the situations under which the names of the victims involved in the relevant situation will be kept confidential.	1-Aug-15	Business, Finance and Technology; Compliance/Oversight Officer; Campus Safety and Police
14. Develop ongoing prevention and awareness campaigns for current faculty and staff.	Ongoing	Compliance/Oversight Officer
15. Develop Memoranda of Understanding with local law enforcement to set forth parameters and clarify what information may and may not be shared during a parallel investigation with law enforcement.	15-Aug-15	Compliance/Oversight Officer; Campus Safety and Police; Office of Student Health and Wellness
16. Undertake a review of completed cases regarding sexual harassment, etc., to determine whether we are consistently meeting the deadlines described in the faculty handbook and the staff manual.	15-Aug-15	Compliance/Oversight Officer; Office of Student Conduct; Office of Human Resources
17. Develop a comprehensive training program for the significant number of faculty and/or staff members that may be called on to hear cases and make decisions regarding sanctioning.	30-Aug-15	Compliance/Oversight Officer; Office of Student Conduct
18. Review and amend policies in the faculty handbook and staff manual to align with federal legislation.	15-Aug-15	Compliance/Oversight Officer; Office of Human Resources
19. Clarify and make transparent Elon’s policies regarding access to student records in the context of a lawsuit filed against the university.	15-Aug-15	Compliance/Oversight Officer; Office of the Registrar; Office of Student Health and Wellness

#### **Mandatory Reporters and Faculty/Staff Training**

<b><u>Recommended Task/Strategy</u></b>	<b><u>Target Completion Date</u></b>	<b><u>Coordinating Office/Entity</u></b>
20. Define employee roles that have any responsibility for Title IX, Clery Act, Campus SaVe Act and VAWA and Workplace Harassment; update all position description to include status as a mandated reporter.	15-Oct-15	Compliance/Oversight Officer; Office of Human Resources
21. Publish lists of Mandatory Reporters, Investigators and CSAs. Make list available to the campus community to support ease of contact and reporting.	15-Aug-15	Compliance/Oversight Officer
22. Update existing curriculum and training plan for reporters and adjudication/sanctioning groups that meets the requirements established by Title IX, Clery Act, Campus SaVe Act and VAWA.	30-Sep-15	Compliance/Oversight Officer; Office of Student Conduct; Office of Human Resources
23. Identify providers of training that meet the requirements of Title IX, Clery Act, Campus SaVe Act and VAWA. Identify a vendor or vendors that provide the most current materials that meet established standards, offer multiple languages (Spanish at a minimum) and offer materials for identified target audiences.	1-Aug-15	Compliance/Oversight Officer
24. Solicit the services of Womble Carlyle, LLP to create the materials and facilitate training to all Hearing Decision/Appeal boards for Board of Trustees, Staff	1-Oct-15	Compliance/Oversight Officer

Advisory Council, Academic Council and Senior Staff.		
25. Identify a provider who will conduct decision training to staff and faculty who hear student cases.	31-May-15	Associate Dean of Students for Leadership and Honor Code

**Bystander Intervention and Student Training Recommendations**

<b><u>Recommended Task/Strategy</u></b>	<b><u>Target Completion Date</u></b>	<b><u>Coordinating Office/Entity</u></b>
26. Create comprehensive educational programs that emphasize skills and action strategies for bystanders.	1-Dec-15	Office of Student Health and Wellness
27. Develop strategies for education that move beyond in-person training.	1-Dec-15	Office of Student Health and Wellness
28. Review policies and other institutional structures for language/actions that may discourage bystander intervention, and to send a uniform message to students, faculty, staff and parents.	15-Aug-15 and ongoing	Compliance/Oversight Officer; Office of Student Conduct; Office of Human Resources; Office of Student Health and Wellness

## **Communication Plan**

The Task Force recommends that there be widespread sharing of these findings and recommendations to the community to promote a climate of transparency. Much of the criticism around these issues nationally is the perception of a lack of transparency around intuitional concerns and efforts to address these issues. The Task Force recommends that the report minus appendices be made available to all faculty, staff and students for review in spring 2015 with forums designed to gather response, feedback and suggestions.

The Task Force recommends that, in addition, distribution of the full report including appendices be shared with the following constituent groups with opportunities for discussion, reflection and strategy development as requested:

- Board of Trustees
- Senior Staff
- Student Government Association Leadership
- Sexual Assault and Gender Issues Committee
- Academic Council
- Staff Advisory Council
- Inclusive Community Council (ICC)
- Provosts Inclusive Community Team (PICT)

We also recommend that a public Sexual Violence web page be established and linked to other key institutional webpages.

## **Conclusion**

The co-chairs would like to thank the members of the Task Force for their hard work on a difficult and highly emotional topic. In addition, the co-chairs recognize that Elon University has always strived to go beyond meeting regulations and remembered that real people are involved in these situations. The university's commitment to support and educate our students, faculty and staff precedes most of the current legislative requirements and mandates. Our student's history of activism has inspired the campus community to recognize the important work needed in the areas of sexual violence, harassment, and discrimination.

Despite the positive work already done; we still have more to do in meeting requirements and influencing climate/behavioral changes. The Task Force's recommendations are going to require effort to improve awareness, enforcement, transparency and accountability. In addition, evidence-based approaches should guide continued development and evaluation of strategies that address risk for sexual violence. These strategies should include:

- Further developing organizational policies and environmental interventions to reduce risk;
- Strengthening existing policies or services on campus related to reporting and responding to sexual violence;
- Increasing negative consequences for perpetrators; and
- Decreasing social norms that facilitate sexual violence.

Again, while the bulk of the Task Force's work was to assess compliance, the goal is for the report to be a foundation that develops a deeper, more integral campus environment that does not tolerate sexual violence. Just meeting the letter of the law is mediocrity. If we consider compliance as the floor on which to stand, then ending sexual violence is the ceiling! The Task Force looks forward to engaging the university community in dialog about this report and the recommendations within.



## Appendices

### **Appendix A: Subcommittee on Policies and Adjudication Report**

#### **A. Membership, process, and introduction to report**

This subcommittee consisted of the following members: Ann Cahill, Lisa Keegan, Gwendolyn Lewis, Jodean Schmiederer, Alex Vandermaas-Peeler, and Mike Sanford. We met nine times during the fall '14 semester. During those meetings, we evaluated university policies regarding sexual assault and sexual harassment, including policies regarding adjudication, and then compared those policies to requirements of existing federal legislation, as well as our own campus values regarding gender-based violence. In addition to reviewing these documents, we had a presentation by Becca Bishopric Patterson regarding the university's approach to response and prevention of sexual assault on campus.

This report has five sections (including this one). In Section B, we list our overall recommendations that the university should consider either immediately or in the near future. In Section C, we list the university policies that we reviewed, providing links to those documents where possible. In section D, we list the checklists (some provided by the federal government) that we used to evaluate our university policies. In section E, we list questions or concerns that did not quite rise to the level of immediate recommendations, but which should nevertheless be considered as the university conversations move forward.

#### **B. Immediate or short-term recommendations, with rationales**

- 1) We recommend that the university develop a stand-alone Sexual Misconduct Policy. At the moment, the university has multiple policies, spread across various handbooks and manuals. There is significant overlap among these policies, although there are also some important variations. Most of the federal legislation and the checklists associated with them refer to a single, university-wide policy. Moreover, it is our understanding that different programs or schools within the university cannot have their own individual means of handling Title IX cases. That is, a faculty from one program must have access to the same process as a faculty from another school (slight variations between the faculty and staff procedures are appropriate, and of course procedures only involving students are significantly different). There are also some important omissions in the existing sets of policies, as many of the graduate/professional schools do not have explicit or detailed policies regarding sexual harassment and sexual violence. Having a single university-wide policy, with different sections describing the procedures detailed in, for example, the faculty handbook, the student handbook, and the staff manual, would provide a single, comprehensive source for all members of the university. We would also recommend that the various handbooks and manuals mention and affirm this policy by name. Finally, this policy should clarify its applicability to third parties. (Target Completion Date: December 2015)
- 2) We recommend that the university develop a comprehensive and accessible brochure that summarizes the rights and responsibilities of all university faculty, staff, and students regarding sexual harassment and sexual violence. This brochure should be relevant to all university constituencies, and should be widely available. Although care should be taken to ensure that the quantity of information provided on that brochure doesn't encroach upon its usability, the university could also consider including information regarding all forms of bias and discrimination. This brochure should be provided to every student and employee that reports that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking. In addition, the brochure should be designed to make it readily accessible to students with disabilities and English language learners. This brochure should be updated as necessary.
- 3) We recommend that all policies regarding university hearings, which involve sexual harassment, including sexual assault, be amended to reflect the right of all parties to have an advisor of their choice present at hearings, including an attorney. Recent changes to the Violence Against Women Act (VAWA), finalized by the rule distributed by the Department of Education in October 2014 (see link D(c), below), have clarified that universities may not limit whom students may request to serve as an advisor during hearings. Thus, our current

prohibition of having attorneys or family members present during hearings is no longer acceptable. However, the university is still free to limit the participation of that advisor in whatever ways it deems reasonable. (Target Completion Date: June 1, 2015)

- 4) We recommend that the university significantly expand its statements on confidentiality. Although the university's statements regarding confidentiality are consistent, they are not as specific as the federal government is currently recommending. Confidentiality statements should include more detail regarding when confidentiality may be breached, how investigations will occur when the complainant has requested as much confidentiality as possible, etc. This link provides a sample confidentiality policy that is recommended by the federal government: <https://www.elon.edu/e-web/Login.aspx?ReturnUrl=/e-web/bft/hr/staffManual.xhtml> (Target Completion Date: August 1, 2015)
- 5) We recommend that the university significantly expand its descriptions of the investigations that will be undertaken when a Title IX report is made, and specify who will conduct those investigations. Although our student handbook specifies the specific actions that an investigation connected to a student conduct procedure may entail, no such level of detail is found in the faculty handbook or staff manuals. Our policy should clearly indicate what kind of evidence may be gathered, how and where evidence will be stored, what sorts of questions will be allowed or not allowed, etc. See section 7 of the checklist referred to at D (a). We also recommend that university officials who undertake such investigations receive special training regarding, for example, interviewing individuals who have undergone a traumatic experience. All policies (faculty handbook, staff manual, and student handbook) should clearly specify which university officials will undertake investigations. (Target Completion Date: August 1, 2015)
- 6) We recommend that the university hire a full-time position to serve as a Title IX/ADA officer. Although we have identified several ways in which our policies need to be changed in order to come into compliance with current law, we're also aware that the legal requirements regarding Title IX, VAWA, and the Campus SaVe Act are complex, and will continue to evolve. One of the requirements identified by the federal government is that the university has a plan to continually review and revise existing policies. We suggest that hiring a new person in this position would be the most effective means of doing so.
- 7) We recommend that the university seek out and implement ways of assessing the quality of our adjudication processes, and how well they implement the standards stated in our policies. While our policies are largely compliant with federal mandates, the subcommittee was concerned that there was little way of knowing how well those policies are implemented in actual hearings. The university should consider hiring a consultant to either witness and evaluate a mock hearing, or review transcripts of actual hearings, or some other way of independently verifying that our hearings are centered on appropriate questions, effectively and accurately use the preponderance of evidence standard, etc.
- 8) We recommend that the university investigate the feasibility of having a Sexual Assault Nurse Examiner (SANE) on staff to provide on-site rape protocol exams. Currently, the university ensures that students who have opted to undergo such exams are provided with transportation to Moses Cone Hospital in Greensboro, which has a SANE on staff. This arrangement actually results in shorter wait times than having the students go to Alamance Regional Medical Center, which does not have a SANE on staff (when there is a request for a rape protocol exam at ARMC, they have to request a nurse from Moses Cone, which often results in a wait time of six hours or more). If having a SANE on campus is not feasible, the university should take any appropriate steps to encourage ARMC to add a SANE to their staff.
- 9) We recommend that the Graduate Council develop an ad hoc committee to review the policies and procedures of all the graduate programs, particularly regarding both academic and social conduct, to ensure that those policies are clear, consistent, and in compliance with all federal mandates. At minimum, all graduate programs should have policies that are easily accessible to their graduate students regarding their Title IX rights and responsibilities, as well as the various resources the university makes available to them. These policies must reflect an understanding that graduate students may not instinctively turn to the undergraduate student

handbook for guidance. However, our understanding is that Title IX legislation requires universities to have a single process for Title IX cases (although it may be carried out by different individuals).

- 10) We recommend that all policies (in faculty handbook, staff manual, and student handbook) list all of the possible sanctions that may be imposed following the result of any institutional disciplinary proceedings for an allegation of dating violence, domestic violence, sexual assault, or stalking. This requirement is clearly stated in the recent Rule from the Department of Education.
- 11) We recommend that we have a clearly stated and easily accessible policy regarding “timely warnings” that are issued under the Clery Act, including the situations under which the names of the victims involved in the relevant situation will be kept confidential. The Campus SaVe Act requires that such timely warnings keep the names of the victims confidential; but in our discussions, we also recognized that we weren’t sufficiently clear about emergency alerts and timely warnings. More transparency on this point would be useful.
- 12) We recommend that the university develop ongoing prevention and awareness campaigns for current faculty and staff. The Campus SaVe Act requires ongoing prevention and awareness campaigns for current students and faculty; our Annual Security Report reflects many programs that are primarily designed for students. We need to state clearly the training that is required for new faculty and staff, and develop ongoing programs for existing faculty and staff.
- 13) We recommend that the university develop Memoranda of Understanding with local law enforcement to set forth parameters and clarify what information may and may not be shared during a parallel investigation with law enforcement. This is listed on the “Checklist for Campus Sexual Misconduct Policies” document provided by the federal government.
- 14) We recommend that the university undertake a review of completed cases regarding sexual harassment, etc., to determine whether we are consistently meeting the deadlines described in the faculty handbook and the staff manual. While it is our opinion that the stated deadlines meet the requirements for a timely process (although this, like all of our recommendations, should be evaluated by an attorney), we are not clear whether our practices align with our policies. If current staffing levels are making the timely resolution of such cases difficult, the university may need to increase staffing such that we can meet this responsibility.
- 15) We recommend developing a comprehensive training program for the significant number of faculty and/or staff members that may be called on to hear cases and make decisions regarding sanctioning. The training offered to members of the Administrative Hearing Board for student cases minimally meets federal requirements; however, it is heavily weighted on issues related to victims/complainants and significant gaps exist in respondent behaviors or when faculty/staff are the respondents or complainants. An outside trainer (whose primary responsibility is related to these issues) is a necessary addition in order to ensure that we meet all federal expectations for the large number of faculty, staff, and administrators (including Dr. House, Dr. Lambert, and at least some members of the Board of Trustees) that need to be broadly trained and ready to respond whenever a case is presented.
- 16) We recommend that policies in the faculty handbook and staff manual be amended in several ways to align with federal legislation. We should reduce the amount of time for a typical investigation of a case of sexual harassment to 60 days (strongly recommended, although not mandated, by the OCR), list the possible sanctions that could be imposed as a result of a finding of responsibility, and state explicitly that both the complainant and the respondent will receive simultaneous written notice of the institution’s appeal procedures and the final results of the process (required by the Campus SaVe Act).
- 17) Clarify and make transparent Elon’s policies regarding access to student records in the context of a lawsuit filed against the university. On March 2, 2015, the *Chronicle of Higher Education* published an article regarding actions taken by the University of Oregon after a student sued the University for mishandling her sexual assault case (<http://chronicle.com/article/Raped-on-Campus-Don-t-Trust/228093/>). The article revealed not only that

the University had accessed the students' therapy records from the university counseling center without that student's permission (or a subpoena or a court order), but also was within its legal rights to do so. According to the article, FERPA language both explicitly excludes such records from HIPAA protections and lists the act of filing a lawsuit against the university as an exception to the confidentiality that those records usually enjoy. In response to this revelation, many advocates for student survivors of sexual assault find themselves hesitant about recommending university counseling centers for their students. We need to further investigate the legal complexities regarding this issue and add language to our confidentiality policies that clarifies whether the university would ever, in the absence of the student's consent or a court order, access their medical and/or counseling records.

C. Policies reviewed (links provided when possible)

- 1) Faculty handbook (in particular, we reviewed Section II-10, and Web Resources A-17): [http://www.elon.edu/e-web/academics/facultyhandbook/2013-2014/toc\\_2013-2014.xhtml](http://www.elon.edu/e-web/academics/facultyhandbook/2013-2014/toc_2013-2014.xhtml)
- 2) Student handbook (in particular, we reviewed the section on the Honor System, which begins on p. 61, and definitions of sexual misconduct (2014.22.2, 2014.22.3, and definitions of consent, coercion, and incapacitation found on p. 106): <http://www.elon.edu/e-web/students/handbook/>
- 3) Staff manual (requires log-in; in particular, we reviewed sections II-15, VIII-1, VIII-2, X-2, X-3, and X-11): <https://www.elon.edu/e-web/Login.aspx?ReturnUrl=/e-web/bft/hr/staffManual.xhtml>
- 4) Professional school materials
  - a. Love School of Business MBA handbook: <http://www.elon.edu/docs/e-web/academics/business/mba/MBA%20Catalog%202014-15.pdf>
  - b. School of Education: M.Ed. handbook, Student Teaching handbook, Adjunct Faculty Handbook (Teacher Education Program), Early Field Experiences Handbook (Teacher Education Program)
  - c. School of Communication: Master of Arts in Interactive Media Student Handbook
  - d. School of Law: Faculty By-Laws and Faculty Handbook
  - e. School of Health Sciences: Department of Physician Assistant Studies Student Handbook
- 5) Title IX policy: <http://www.elon.edu/docs/e-web/students/saa/TitleIX.pdf>
- 6) Elon's website on Sexual and Relationship Violence Awareness and Response: <http://www.elon.edu/e-web/students/saa/>
- 7) Elon University Annual Security Report: <http://www.elon.edu/docs/e-web/bft/safety/Elon%20University%20ASR%202013.pdf>

D. Links to checklists used in deliberations

- 1) White House Task Force on Sexual Assault Checklist for Campus Sexual Misconduct Policies: <https://www.notalone.gov/assets/checklist-for-campus-sexual-misconduct-policies.pdf>
- 2) The Campus SaVe Act: A Compliance Guide (from EduRisk): [https://www.ue.org/Libraries/Corporate/The\\_Campus\\_SaVE\\_Act\\_A\\_Compliance\\_Guide.sflb.ashx](https://www.ue.org/Libraries/Corporate/The_Campus_SaVE_Act_A_Compliance_Guide.sflb.ashx)

- 3) Excerpt from Executive Summary of a Rule by the Education Department regarding the Violence against Women Act; rule is dated 10/20/14: <https://www.federalregister.gov/articles/2014/10/20/2014-24284/violence-against-women-act#h-10>

E. Further questions or topics for consideration

- 1) The recent Department of Education rule, published in October 2014, indicated that both parties must be notified of outcomes, including sanctions (see <https://www.federalregister.gov/articles/2014/10/20/2014-24284/violence-against-women-act#p-659>). However, this seems to apply only to alleged dating violence, domestic violence, sexual assault, or stalking (not sexual harassment). This point should be clarified by an attorney, and policies changed accordingly.
- 2) Policies need to clarify what sorts of information mandatory reporters are compelled to share (and for that matter, what information any member of the university community who is questioned during the process of an investigation is compelled to share). It seems that Title IX mandatory reporters are compelled to share personally identifying information (although it's not clear how much), whereas Clery Act CSA's do not.
- 3) Both the faculty handbook and the staff manual have identical professional boundaries statements, but the statement seems to refer much more to faculty. The statement should have some language like "if a faculty member violates this policy . . . if a staff member violates this policy..." We should also clarify that this policy applies to graduate students as well. We should consider the relationship between this policy and the sexual harassment policy, and articulate that relationship in the professional boundary statement.
- 4) Our Title IX policy (listed in C (5) above) refers to "vaginal" penetration, when it should refer to penetration of any bodily orifices. Consider using the definitions currently used in the student handbook.
- 5) The Title IX policy's definition of sexual exploitation doesn't refer to audio recording (that is, recording someone without their consent and then distributing that recording), which it should.
- 6) The Title IX policy's definition of sexual harassment includes "exposure to sexually-oriented literature or pictures"; the policy should make an exception for justified academic purposes.
- 7) Whenever a policy refers to the confidentiality enjoyed by a member of the clergy, the language clearly should state that the clergy must be of the same faith tradition as the person requesting confidentiality. This change will need to be made all of the policies listed above.
- 8) Faculty Handbook concerns (however, many items on this list also apply to the staff manual):
  - a. Language should be changed throughout to "respondent" and "complainant."
  - b. References to judicial process should be changed to "student conduct process."
  - c. The definition of "sexual violence" should be more specific as well as match what is currently used in the student handbook.
  - d. The language regarding timeliness (II-10, A7c) should be changed to be more encouraging, along these lines: "The university welcomes reports of violations of this policy regardless of when the violation occurred. The quality of the investigation will, of course, be affected by the timeliness of the report."
  - e. II-10, A8a2: We wonder why the university is encouraging informal resolution, rather than merely offering it? In any case, the language needs to clearly state that the informal procedure is not available for charges of sexual assault/violence.
  - f. II-10, A8a(3), our policy says "Such complaints can be handled under this policy, through the criminal process alternatively, or under both processes." But current law seems to mandate that we pursue our own process regardless of whether a criminal process is instigated.
  - g. Question: should our policy address the situation where the university becomes aware of a criminal process that has been instigated against a faculty or staff member? Not clear what our responsibilities are in that case.
  - h. Need to clarify that the formal procedure, once begun, must be completed; the complainant cannot stop it at any time, although s/he can choose to stop participating in it.
  - i. Significant problem: our current policy allows a faculty member who is a respondent in a sexual harassment case to have the case heard by Academic Council if sanctions include either dismissal or

suspension. If this is understood as an appeal, then we have to let the complainant also appeal the sanctions, and currently there's no mechanism for them to do so.

- j. Should the provost be the only person to hear the new information or arguments about procedure in the case of an appeal? Should the provost assemble another, different hearing board for this process?
- k. The policy does not indicate who decides whether the written notice of appeal makes a compelling case for an appeal.
- l. We think that at least for cases of alleged dating violence, domestic violence, sexual assault, or stalking, we are required to state the rationale for any decisions made (that was clarified in the 10/20/14 Department of Education rule). Our policies don't state this explicitly. It's not clear to us whether such a rationale is required for cases of sexual harassment that don't involve the actions listed above.
- m. II-10, p. 9, there's a reference to the "coordinator for student development – violence prevention," a position that no longer exists.
- n. II-10, A7(h), there's a phrase "to ensure a report to the university." Several members found this phrase vague and confusing; perhaps the language should change "to ensure an official report to the university." The current phrasing seems to imply that seeking out support resources would not result in a report to the university, which is somewhat true (but not entirely, as the information may be reported without any personally identifying data).
- o. We should consider including in all policies (the faculty handbook, staff manual, and student handbook) a comprehensive list of mandatory reporters, both for Title IX and Clery.
- p. We should add to our policies a process by which parties to a complaint can indicate that they believe an official involved in any hearing or investigation has a conflict of interest, and have that concern investigated and addressed.
- q. We should add an explicit statement to all policies indicating that both the complainant and the respondent will be given timely notice of meetings at which one or the other or both may be present. This should also be reflected in the Annual Security Report.
- r. We should add an explicit statement that all parties to any given case will be given timely and equal access to information that will be used during informal and formal disciplinary meetings and hearings.
- s. The policy should mention the Process Advocate Team, as a resource that can provide ongoing support during the institutional disciplinary or criminal process.
- t. The policy should include definitions of hostile environment caused by sexual harassment, and intimidation.
- u. The policy should include a description of the types of evidence that may or may not be presented in a hearing (we should do the same for the policy in the student handbook).
- v. The policy should state that the university will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the outcomes of the proceeding (this requirement is listed in the "Checklist for Campus Sexual Misconduct Policies" document).

9) Staff Manual concerns:

- a. VIII-2 lists possible sanctions for sexual harassment violations. The sanctions include mandated counseling; but while the university can mandate meetings, trainings, education, or even compliance with a counselor's recommendations, it can't mandate counseling.
- b. X-II: Examples of sexual harassment can include "displays of sexually-oriented literature or pictures"; may need to include language exempting such literature or pictures when they are a reasonable part of a workshop.
- c. It would be helpful if there were a clearer articulation of where and how the faculty and staff procedures diverge.

10) Student Handbook concerns:

- a. P. 22 of the Elon Honor System section: there's a reference to same and opposite sex partners; we should probably change this to "applies to partners regardless of sex."

- b. Need to clarify the policy to specify that, in cases of alleged dating violence, domestic violence, sexual assault, or stalking at least, we will be sharing information about sanctions with both parties (that is, we need to clarify that “outcome” includes specific sanctions).
- c. P. 33: we need to be more specific about where records are maintained in cases of amnesty. Our subcommittee had a lengthy discussion about the pros and cons of providing amnesty to victims of sexual misconduct. On the one hand, there was concern that no survivor should have to hesitate about reporting an act of sexual assault because of the risk that they would be charged or have any negative ramifications because of their behavior (this is particularly crucial as perpetrators of sexual violence often choose victims whose behavior would leave them vulnerable in precisely this way). On the other hand, there was concern that if, for example, the survivor had been heavily intoxicated or under the influence of drugs at the time of the assault, and the university was aware of a pattern of substance abuse, then not addressing the intoxication could violate the university’s responsibility with regard to the student’s well-being. We didn’t come to an agreement on this. It’s possible, in any case, that we need to separate sexual misconduct from experiences of hazing on this point.
- d. P. 41: there is language that indicates that the “director of Student Conduct will also share the appeal by one party with the other party (parties) when appropriate...” But it seems clear that the appeals should always be shared in cases related to sexual misconduct. That fact should also be clarified in that section and noted in the first paragraph under the title “Administrative Appeal Board,” on p. 42.
- e. P. 42: there’s a gendered reference to the associate dean of students (“her”); language should be changed to be gender-neutral throughout.
- f. Generally, we find it confusing that the title of the Administrative Appeal Board doesn’t indicate its specific role regarding sexual misconduct; it’s also easy to confuse with the administrative appeal hearing. We recommend a title change to something like “Sexual Misconduct Hearing Board.”
- g. P. 43: under paragraph starting “charges of code of conduct...” Should clarify that this paragraph refers to student records, not academic records.
- h. P. 44: our policy here states, “All deposits or payments will be forfeited without reimbursement.” We suggest that we change this policy to follow something like that established by the Isabella Cannon Center (a prorated formula) for instances when a student is prohibited from participation in a study abroad course.

#### 11) Annual Security Report concerns:

- a. We need to add gender identity to the categories of bias for the purposes of the Clery Act.
- b. We need to state explicitly that written notification about counseling, health, mental health, and other services available on and off campus is provided to students; and that written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations if those changes are requested by the victim and reasonably available, regardless of whether the victim reports the offense to campus or local police, is provided to victims.

#### 12) Review of professional school documents:

- a. School of Education. Only the teaching student handbook has any mention of a relevant topic (it states a prohibition against dating students).
- b. School of Health Science. The policies mention the Honor Code and list academic policies, but do not maintain a clear distinction between social policies and professional behavior. No process or procedures are referenced. The policies include a distinct process for academic violations. They should probably refer much more clearly to the student handbook for social policies and procedures. Mentions sexual assault, but not sexual harassment; refers to summarily suspending a student, but that’s not our practice. Indicates that if the student wishes to appeal the suspension, they should go to the judicial appeals office – but we don’t have such an office. No mention of Title IX with regard to what a student in the school should do if they are a target of sexual harassment. Significant revisions need to be made in these documents.

- c. Love School of Business. Their academic catalog refers to the student handbook. Probably should have more explicit language, at least about Title IX and university resources.
- d. School of Law. The disclaimer currently reads: "It is acknowledged that other manuals and documents of Elon University also include policies relative to the Elon University School of Law, and that every reasonable effort will be made to interpret and apply such policies fairly." We recommend that it be revised to read: "It is acknowledged that other manuals and documents of Elon University also include policies relative to the Elon University School of Law, and such policies where conflicting supersedes law school policies. Every reasonable effort will be made to interpret and apply such policies fairly." The Policy of Non-Discrimination should be moved to Page 28 and merged with "Sexual Harassment Policy." Moreover, the Policy of Non-Discrimination needs to adopt the same nondiscrimination statement as the University as expressed on Page 6 of 19 of the University's Faculty Handbook under number 7. The "Sexual Harassment Policy" needs complete revamping. It needs to adopt same/similar languages as University Faculty Handbook with more clarification about specific sanctions/corrective actions.
- e. School of Communication. No mention of Title IX, but does mention the student handbook, and provides a link (that is probably outdated).



## Appendix B: Subcommittee on Mandatory Reporters and Faculty/Staff Training Report

### A. Introduction and Membership

Our subcommittee included the following members: Ann Flaherty, Dennis Franks, Leigh-Anne Royster, Scott Proudfit and Carla Ugboro. We researched organizations that develop, design and offer training on Title IX, Clery Act, Campus SaVe Act, VAWA and Workplace Harassment and other compliance-related topics that meet and or exceed the guidelines identified by the most up-to-date laws and amendments.

This report has four sections. Section B contains a summary of the subcommittee's review of training providers. Section C offers a snapshot of current campus practices. Section D contains recommendations. We also added a list of resources.

### B. Training Providers

We collected information from training providers that we currently use as well as companies that are used by peer and aspirant institutions.

- D. Stafford & Associates is currently used by Elon University Campus Safety and Police. D. Stafford & Associates is a professional consulting firm specializing in campus safety, campus security, and law enforcement issues on college campuses and universities, including a specialization in Clery Act compliance issues. They also offer independent audits and reviews of Clery Act compliance.
- Workplace Answers. The Human Resources Department presently manages the online training required for all new employees on Workplace Harassment provided by Workplace Answers. This course has been used since 2009. Workplace Answers also has a Learning Management System (LMS) in place that allows tracking of access to training as well as confirmation of policy review and agreement by users.
- The Clery Center for Security On Campus is a nonprofit 501(c)(3) organization dedicated to preventing violence, substance abuse and other crimes on college and university campuses across the United States, and to compassionately assisting the victims of these crimes. They have a curriculum of training offers of both in-person and online training.
- Ever-Fi currently hosts the required student session "Haven – Understanding Sexual Harassment." This is a required course for all first-year students.
- WeComply, a Thomson Reuters business, is also a provider that offers online courses in 42 languages for more than 3000 companies including some of our peer and aspirants.
- Society for Human Resources Management (SHRM) offers compliance training for employees such as ADA, FMLA and other EEOC compliance related topics. They do not focus on Clery Act, VAWA or Title IX.
- Skillsoft has a legal compliance solution that addresses the laws including Campus SaVe Act, VAWA and FERPA.
- The Elon University Title IX and ADA coordinator currently develops, designs and conducts in-person Title IX training.
- SPARKS peer health educators offer Active Bystander Workshops.
- ATIXA provides a professional association for school and college Title IX Officers and administrators.

Note: There may be other courses facilitated on campus that we are not aware of due to the fact that they are not listed on elon.edu or Moodle. The University does not have an office that manages the compliance function, which includes but is not limited to training and education on Title IX, Clery, VAWA and Workplace Harassment.

### C. Snapshot of Current Campus Training

The following are examples of sessions currently being offered on campus. All have been mentioned previously in section B:

- Workplace Harassment online training hosted by Workplace Answers and managed by Elon Human Resources
- Title IX training offered annually by Elon University's Title IX and ADA coordinator
- Active Bystander Workshops conducted by SPARKS peer health educators

- Training sponsored by the Association of Title IX Administrators (ATIXA) has been attended by Investigators
- Ever-Fi Haven training for all incoming First-Year Students

#### D. Recommendations

- 1) Hire a Compliance Officer or designate an office that is responsible for managing compliance.
  - a. Identify an office that does not have a direct conflict of interest. At this time, multiple offices have some responsibility for Title IX, Clery Act, Campus SaVe Act and VAWA. This results in a duplication of efforts, overspending on training as well as possibly not meeting some requirements due to the misunderstanding that another department may be responsible for managing a particular portion of the guidelines.
- 2) Define employee roles that have any responsibility for Title IX, Clery Act, Campus SaVe Act, VAWA and Workplace Harassment.
  - a. Define and identify roles, groups, etc. There are multiple groups on campus that require training based on their roles and responsibilities in order to ensure that individuals are informed of their roles according to the established guidelines.
    - i. Campus Security Authority (CSA, Clery Act)

Campus Safety Authority (CSA)-Clery Act: An official of an institution who has significant responsibility for student and campus activities, including, but not limited to athletics, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution. Elon University identifies four functional areas that are considered confidential supporters and are exempted from Clery reporting requirements:

- The Coordinator for Violence Response, (336) 278-5009 or (336) 278-3333 (any time)
- Counseling Services, R.N. Ellington Center for Health and Wellness, (336) 278-7280
- Health Services, R.N. Ellington Center for Health and Wellness, (336) 278-7230
- Members of the Truitt Center for Religious and Spiritual Life staff who are ordained and acting in their role as a clergy-member

#### ii. Mandatory Reporter (Title IX)

The following officers and individuals are designated as Mandatory Reporters under Title IX when they receive reports or complaints of alleged sex and gender-based discrimination including sexual harassment, sexual assault, and other forms of sexual misconduct involving students. Mandatory reporters include:

- Chairs,
- Deans,
- Departmental and senior administrators,
- Supervisors,
- Human Resources staff,
- Campus Safety and Police,
- Residence Life, and
- Student Conduct administrators.

Faculty and other employees supervising overnight domestic or international student trips are also required to report violations of Title IX.

All mandatory reporters must promptly report the incident to one of the University's Title IX Officers, who will determine the most appropriate course of action to ensure a prompt and equitable response, in accordance with University policy.

iii. Investigator

- b. Update position descriptions to include identified role and responsibilities. Work closely with Human Resources to update job descriptions to include the duties associated with the identified roles related to Title IX, Clery Act, Campus SaVe Act and VAWA.
  - c. Establish and maintain list of CSAs Mandatory Reporters, and Investigators. Generate the lists and maintain according to employment status, including active or separated from the University.
  - d. Publish lists of Mandatory Reporters, Investigators and CSAs. Make list available to the campus community to support ease of contact and reporting.
- 3) Revise current curriculum and training plans that meet the requirements established by Title IX, Clery Act, Campus SaVe Act and VAWA.
- a. Identify employees/groups that should be trained. Every employee and student should have some knowledge of Title IX, Clery Act, Campus SaVe Act and VAWA. Their roles within the University should determine the required training they are expected to attend.
    - i. Board of Trustees
    - ii. CSAs
      - 1. Current
      - 2. New hires
    - iii. Faculty
    - iv. Investigators
    - v. Mandatory Reporters
      - 1. Current
      - 2. New hires
    - vi. Other including Vendors
    - vii. Senior Staff
    - viii. Staff
    - ix. Students
    - x. Hearing Board Members
    - xi. Staff Advisory council
    - xii. Academic Council
  - b. Identify providers of training that meet the requirements of Title IX, Clery Act, Campus SaVe Act and VAWA. We recommend identifying a vendor or vendors that provide the most current materials that meet established standards, offer multiple languages (Spanish at a minimum) and offer materials for identified target audiences. We currently use or partner with:
    - i. ATIXA – Investigator Training
    - ii. D. Stafford & Associates – Campus Safety and Police
    - iii. Ever-Fi – Haven for Students
    - iv. In-house developed materials – Title IX
    - v. Workplace Answers – New Employees

- c. Select the most appropriate method of training target audience. We recommend selecting the approach that best fits the needs of the audience.
  - i. In person
  - ii. Online
  - iii. Blended
  - iv. Campaigns
- 4) Solicit the services of Womble Carlyle, LLP to create the materials and facilitate training to all Hearing Decision/Appeal boards for Board of Trustees, Staff Advisory Council, Academic Council and Senior Staff.
  - i. Identify members of the boards
  - ii. Schedule annually for new members
  - iii. Require refresher training
- 5) Identify a provider who will conduct hearing training to staff and faculty who hears student cases.

## Appendix C: Subcommittee on Bystander Intervention & Training Report

### A. Introduction and Membership

Our subcommittee included the following members: Matthew Antonio Bosch, Faith Shearer, and Sean Barry. We met with multiple staff members who oversee training efforts and health promotion including Becca Bishopric Patterson, Whitney Gregory, and Jessica Clark. We also researched practices at peer and aspirant institutions including several educational campaigns.

This report has four sections. Section B contains a summary of our review of peer/aspirant institutions, as well as national models for bystander intervention. Section C outlines a snapshot of current campus practices. Section D contains recommendations.

### B. Peer/Aspirant Institutions & National Models

Data was collected from a total of 18 institutions. At both our peer and aspirant institutions there were several common practices around bystander intervention, as well as some unique practices.

- The vast majority of training and resources were targeted at students. There were only a few programs conducted specifically for faculty and staff.
- Programming was conducted through offices of Greek Life, Health Promotion, academic curriculum, campus women's centers, women's centers from the local community and campus counseling centers.
- Information was presented in the form of regular workshops offered to the campus community, programming specific to a population (primarily Greek organizations, and first-year students), programming based on specific topics (alcohol consumption and drug use, sexual violence, mental health issues and also diversity), campus awareness campaigns (green dot and others), general information posted on web pages, online education programs (such as Haven and MyStudentBody.com) and audio files available for download.
- Workshops and training sessions are clearly the most utilized method of providing information on campuses.
- Most programming was conducted by professional staff at the university or trained peer educators. Programming involved faculty to a lesser extent, and one school involved staff from an outside organization (a local women's center).
- A few bystander programs were developed around existing training programs like the Step Up program or BACCHUS.
- The University of Richmond has a Bystander Behavior Committee made up of representative from various campus offices (Greek Life, Residence Life, Athletics, Campus Safety and Police, Dean of Students, Health Center and several others). The group meets regularly to review and develop content for their bystander intervention program. They offer a general bystander behavior workshop that deals with the basics of identifying situations where bystander intervention can be very helpful and general intervention methods. There is also a follow-up workshop that is more in depth and tailored to specific issues or organizations. The first workshop must be completed before participated in the follow up workshop. This was probably the best coordinated program in terms of bringing campuses together. The also had very specific purpose and goals articulated for their workshops. These goals addressed specific skill development to help student know how they might intervene.
- Butler has a program that focuses on positive masculinity, which was unique among the group of institutions. It stood out because it was the only gender based program focused around positive behavior rather than methods of dealing with negative behavior.

Additionally, this is the listing of Bystander Intervention campaigns and programs uplifted and promoted by the National Sexual Violence Resource Center ([www.nsvrc.org](http://www.nsvrc.org)), seen as a national leader and resource in these areas:

- Bringing in the Bystander Campaign

- Circle of 6
- Green Dot Campaign
- Hollaback! I've Got Your Back!
- Know Your Power
- Mentors in Violence Prevention (MVP)
- Step Up! Sexual Assault Bystander Intervention
- Stop Street Harassment
- That's Not Cool
- Virginia's Red Flag Campaign
- Where Do You Stand? Campaign
- White Ribbon Campaign

#### C. Snapshot of Current Campus Practices

The following are examples of events or sessions currently happening on campus:

- Workshops by Professional Staff around Active Bystander Participation
- Required training for RAs, Orientation Head Staff, Greek House Captains and other key student leadership roles on bystander intervention skills, best practices for consent, supporting survivors and campus resources for support, advocacy and reporting
- Burst the Bubble course "Healthy Interpersonal Communication and Interaction: Visions of a College Campus without Rape and Sexual Assault" holding discussions on active bystanders & intervention.
- Haven Training for all incoming First-Year Students
- FLARE (Facilitating Learning of Action, Respect and Equality) workshop
- Active Bystander Workshops coordinated by SPARKS peer health educators

#### D. Recommendations

- 1) Create comprehensive educational programs that emphasize skills and action strategies for bystanders.
  - a. Offer an intensive, in-person training curriculum on bystander intervention. There are students, staff and faculty who want to delve deeply into these topics. However for many student leader groups, the current trainings are requested typically as part of a "common leader training" with revolving departments only having 30-to-60-minutes on their topics this results in surface-level education that does not always help with specific strategies for intervention (what to say, situational training, etc.).
  - b. Have all new members of cohorted influential leader groups (i.e., members of fraternities and sororities, athletes, RAs, Fellows, etc.) go through a session on bystander intervention. Based on data from our Health & Wellness area, Greek Life is the area of greatest need, particularly with the connection to access of alcohol. Many of the peer & aspirant schools targeted programs to Greek Life.
  - c. Create programs that promote positive masculinity. Many of our gender-focused discussions and educational programs consistently draw women, while very few consistently draw men. Men are lacking options to explore positive masculinity in a culture that emphasizes a very narrow definition of what it means to be male on a college campus.
  - d. Incorporate bystander intervention training as part of the mandatory CSA training for reporting which is specifically for employees. These go hand-in-hand... prevention, responding, reporting.
  - e. Generate student-led efforts around bystander intervention, including focus groups and educational campaigns to build peer-to-peer education and trust. Most of the comprehensive educational programs at other institutions contained some form of peer training. Students often give more ear time to other

students, rather than to administrators or faculty where an inherent power dynamic may obscure the message.

- f. We recommend that the university expand the group of influential student leaders and professionals selected to attend conferences and professional development opportunities around gender-based violence, such as the College Men conference, Mentors in Violence Prevention Conference, etc. To truly create a university-wide initiative, we need more than a small handful of the same subset of staff and faculty who attend seminars and network with universities experiencing success in bystander intervention. This allows a larger group of staff to bring back knowledge and implementation techniques adaptable for Elon audiences.
- g. Look at additional opportunities to directly involve faculty in the dialogue by creating and uplifting courses that include bystander intervention whether through Elon 101, half-semester, Burst the Bubble, Winter Term, or full 4-credit courses. As an educational institution, there needs to be infusion across the academic curriculum.

2) Develop strategies for education that are not based around in-person training.

- a. Create a Top 10 list of recommended YouTube videos or clips that teach about bystander intervention. Rather than an endless array of video clips, simply create a recognized Top 10 list of video clips that any user may access to learn more about bystander intervention.
- b. Create a widely available resource on language terms that demonstrates how positive and negative language choices contribute to an environment perpetuates gender bias or gender-based violence. While culture may change over time, language can change quite quickly.
- c. Create a social media campaign around norms, with a hashtag and have offices and student organizations publicize the campaign students. Meeting students where they're at often means meeting them online, where they often socially network while gaining information and news about their campus community, local, national, and world events.
- d. Regularly sponsor a major campus speaker who deals with some aspect of bystander intervention, whether connected to Liberal Arts Forum, Intersect Conference, etc. There are many to choose from, and given the national highlight, a student audience would easily be drawn to a high-quality keynote speaker on bystander intervention if connected through any of the major inroads listed above.
- e. Develop a resource guide to be distributed to coaches, faculty, staff, and students to provide helpful tips for interacting with students. A hard copy is necessary so in a moment's notice, a coach, faculty, staff member, or student can have resources on having tough conversations without rushing directly to a computer.
- f. Create a clearinghouse of information on Elon's policies, recommended video clips, resources, etc., in one cohesive place on the Elon website. Currently information is spread across different areas of the website. A one-stop shop will help students easily access everything from SafeLine to online resources.

3) Regularly review policies and other institutional structures for things that may discourage bystander intervention, and to send a uniform message to students, faculty, staff and parents.

- a. In the Student Handbook, clarify the "Good Samaritan" and "Confidentiality" policies regarding reporting and responding to incidents of sexual misconduct, sexual assault, bias incidents, etc. We need to mitigate the bystander's personal concerns about stepping in and whether they'll be held accountable for doing so.

- b. Review faculty and staff policies that may impact bystander intervention. Academic and Staff Councils as well as Human Resources may be viable stakeholders in achieving this ongoing effort.
- c. Deliver important messages around interpersonal violence, sexual assault, and bystander intervention be sent both in writing and in speeches from administrators, Student Government Association, and various faculty, staff, and student leaders around campus. A uniform message should be communicated from all levels of leadership, as was done successfully by President Lambert in writing and speeches related to parents and first-years in the late summer and during Convocation.
- d. Provide ongoing updates on progress and assessment of the recommendations in this plan to necessary stakeholders. Reintegrate as necessary.



#### **Appendix D: Proposed Restructuring of Title IX, Clery Act, Campus SaVe Act and ADA Oversight/Compliance**

The surge of media attention given to the topic of sexual violence on college and university campuses in the past year has brought this topic to the forefront of every college campus in the country. In fall 2013, the Association of Governing Boards (AGB) issued guidelines regarding Board of Trustees and the need for consistent and priority attention to these matters on campus. This surge in attention to sexual violence on campus over the past three years reflects changes in Title IX which clarified that sexual violence (including sexual harassment and sexual misconduct) are forms of sex discrimination and that students, faculty and staff can seek recourse from the Office of Civil Rights (OCR). Since the updates to Title IX in 2011, additional changes in federal mandates (Clery Act, Campus SaVe Act, and Violence Against Women Act) dictate how colleges and universities must respond, as well as how they develop their policies and education/awareness standards. We cannot consider oversight and compliance with regard to sexual assault without also considering disabilities. The numbers of students arriving to Elon with documented disabilities has tripled over the past few years and our requirement to attend to the needs and climate issues regarding disabilities is equal to that of sexual violence. All OCR investigations are costly and allow for large monetary fines and financial aid consequences if OCR determines any of these standards are not met.

Like many institutions, Elon University has relied on an administrative generalist who absorbed the duties of the ADA and Title IX coordinators in addition to other position responsibilities. However, duality of roles in these positions is not considered best practice and scores of institutions have revised their Title IX, Clery Act/Campus SaVe Act and ADA compliance structures to create specialist positions that have broad oversight and compliance responsibilities. The surge in federal regulations, increased scrutiny, and public disclosure of investigations in these two areas has caused many institutions to create an oversight position to assure compliance with these increased regulations.

Compliance with federal mandates is important, but we cannot stop with merely “checking off” compliance. The goal of compliance is to be a foundation that develops a deeper, more integral campus environment that does not tolerate sexual violence. Elon University has a history of moving beyond compliance standards by providing support, policies, awareness/educational programming and processes that address sexual violence. The Title IX/ADA officer and others on campus continuously work with legal counsel to assure that university policies and procedures are in compliance with these mandates; the University has made changes to policies, procedures and staffing structures to reflect best practices in these areas. However, the surge in public attention and outcry compel us to look even more closely at our community standards and processes to ensure that Elon is at the forefront with regard to compliance, community awareness and education. Elon should aspire to be a community that is free of sexual violence, domestic violence and stalking. To continue our diligence in these areas, the Provost and Vice President for Student Life assembled a task force in summer 2014 to provide broad oversight of our compliance with each of these mandates, review our educational/awareness programs and set forth recommendations about continued compliance and initiatives. This proposal is made on behalf of this task force.

#### **Considerations and rationale: The rationale for this position falls into four broad need/rationale categories:**

- 1) **Increased federal regulations around all of these issues have created tasks/critical workload areas that exceed the work capacity and technical expertise of the current coordinator.** Currently the compliance responsibilities for both Title IX and ADA are assigned to the Associate Vice President for Student Life and Dean of Student Health and Wellness. Current administrative responsibilities of current compliance coordinator for Title IX and ADA make it difficult to properly monitor compliance of these regulations as in her administrative role she must also attend to other high risk areas of student life including Health Services, Counseling Services and Student Concerns outreach. Although many at the institution work cooperatively to assure that the University is in compliance, some aspects of compliance may not be addressed in a timely manner or fully. For example, training of mandated reporters needs to be updated and our efforts in providing training to faculty and staff regarding disabilities is not up to Elon standards. The overwhelming task of completing the ADA compliance report remains unfulfilled.

Coordination of all campus Title IX and ADA programs and activities including developing, implementing and monitoring compliance is time intensive and requires a greater level of specialized expertise in interpreting and administering federally mandated programs. The current coordinator has attended certification trainings and participates in professional organizations on a regular basis; however, adherence to these regulations increasingly requires additional training and expertise in interpretation and application of federal law. This leaves little time and energy for the coordinator to attend to other high-risk situations at the University including emergency response, student concerns outreach and our Behavioral Intervention Team. The institution would be better protected and our community served by someone who has more focused professional and educational expertise and concentrated attention in these areas.

Currently, compliance with Title IX and Clery Act report to different Vice Presidents; this is confusing to those in the community and to those expected to monitor oversight.

- 2) **The current structure creates role conflict with other administrative and University roles.** This role conflict could prove problematic if challenged. According to OCR regulations, the Title IX Coordinator may not have any other job responsibility that creates a conflict of interest with their responsibilities under Title IX or ADA. The OCR also suggests that naming an Athletic Director, Dean of Students, or any employee who serves on a judicial/hearing board as Title IX Coordinator would likewise create a conflict of interest. The 2014 White House Report “Not Alone” suggests that designating a full time Title IX Coordinator minimizes risk or perception of conflict of interest and is a best practice according to the Association of Title IX Coordinators. The current reporting/responsibility structure creates a direct conflict of interest, which could expose the institution to review by OCR. The Title IX coordinator must assure that all investigation and hearing processes are impartial and devoid of conflicts of interest (or perceived) that would compromise the objectivity of the process. The current structure here at Elon University is problematic in two readily identifiable ways.

The current Title IX coordinator also serves as the Associate Vice President for Student Life and Dean of Student Health and Wellness. As part of her direct oversight responsibilities, she oversees those areas of Student Health and Wellness that are responsible for direct victim response and victim advocacy. The positions also share an office facility. Since this is an area of direct administrative leadership and oversight for the Associate Vice President, a student accused of a violation may perceive an administrative bias. While the Division of Student Life is diligent in assuring that any complaints are treated fairly and without prejudice, the perception that the Title IX compliance officer may have professional or administrative bias may prove to be problematic and warrant an OCR investigation.

The same type of conflict may be found in the compliance and oversight of disability (ADA) concerns. Many ADA related situations are psychologically related and often involve temporary administrative removal of a student based on an incident. An administrative decision about a student’s ability to return to campus is made by the Associate Vice President for Student Life and Dean of Student Health and Wellness. If a student feels that decision is discriminatory and chooses to dispute that administrative decision, the matter is referred for grievance. The Associate VP/ADA officer must oversee the resolution of the grievance. Again, an attorney representing a complainant may pursue this dual role as a conflict of interest on the basis of potential administrative bias.

As a best practice, a benchmark review of peer and aspirant institutions indicates that most have designated Title IX and ADA coordinators who do not have additional responsibilities. A chart outlining the names, titles and reporting offices of select peer and aspirant institutions is attached in Appendix A.

- 3) **The volume and complexity of reports is increasing.** The number and complexity of Title IX complaints has increased over the past three years. The number of Title IX reports that required some level of investigation/action rose from six (6) in 2011/2012, to fifteen (15) in 2012/2013 to twenty four (24) in

2013/2014. For each of these cases the Title IX Coordinator must oversee the process from beginning to end and assure that all regulations/guidelines associated with Title IX are being assessed. Currently there is no comparable administrative structure to assure that compliance is being met with regard to Clery/Campus SaVe. This is problematic as these regulatory measures involve additional tracking and coordination.

The same is true for ADA related incidents. With the revisions in ADA laws, the number of ADA protected psychological incidents, which occur on campus, has increased several hundred fold. The number of high end psychological incidents that are protected by the ADA rose from four (4) in 2012/2013 to twenty three (23) in 2013/2014. The complexity and work that must be facilitated with students, families, faculty and staff and the surrounding communities is extensive and time intensive. In fall of 2014, a single disability-related complaint required in excess of 240 hours of staff time.

- 4) **The financial and climate consequences for non-compliance (or to successfully defend an OCR investigation of non-compliance) in any area has increased dramatically.** A single complaint filed with the OCR can result in an extensive investigation that looks for multiple violations. Each violation found can cost up to 1% of the university's annual gross income, making a single fine more than the cost of this entire proposal. In addition, OCR makes public the names of institutions that have claims of discrimination against them. While the institution may be found in compliance, the perceptual damage is started once the investigation is launched and made public. This may affect the perceptions of a prospective student or family regarding campus climate and safety.

### **Proposal**

The proposed re-structuring of compliance oversight is based on a review of current structures of 67 institutions. The Task Force recommends that the university create a new position designated as a compliance/oversight officer for Title IX, Clery Act, Campus SaVe Act and ADA and designate deputy officers.

The proposed structure includes structurally aligning Federal Compliance with either the Provost's Office via the Associate Provost for Community Wellbeing or the Assistant Vice President for Administrative Services. The proposal calls for an initial administrative staff position with the potential for additional staff and clerical support recommended. The committee suggests that this position be a starting point but that as the staff person is identified and that there will be an administrative commitment to add critical support positions to assist with these duties.

The initial proposed position is a full-time, 12 month exempt position that reports to the Associate Provost for Inclusive Community. This proposed reporting structure reduces direct reporting conflict of interest. Our review of 67 institutions of higher education (IHE's) found that most reported either to a similar position in the Provost's Office, directly to the President via an office of equity/compliance, or the chief business officer of the institution. While our recommendation is that the position report to the Associate Provost for Inclusive Community, the staff member could also potentially report to Assistant Vice President for Administrative Services, who has current responsibilities for compliance and risk management. Minimum qualifications would be a PhD or JD (preferred) with 3-5 years of experience in federal compliance with direct experience in Title IX, ADA, Clery Act and Campus SaVe Act.

The Office of Civil Rights (OCR) identifies four general areas of responsibility for an institution with regard to federal mandates and compliance. OCR also identifies core compliance duties for all Title IX Coordinators. These same requirements hold true for the ADA and Clery Act/Campus SaVe Act.

Four key areas around federal mandates and core position responsibilities of the proposed position:

### **Notice Requirements**

- Provide annual notice and assure compliance with notification procedures.

### **Compliance Coordination**

- Coordinate Title IX efforts including the development, implementation, and monitoring of appropriate disclosures, policies, procedures and practices designed to comply with federal and state legislation, regulation, and case law requiring the prompt and equitable resolution of all complaints pursuant to Title IX and the ADA;
- Provide leadership, direction and supervision for all activities and personnel of the Title IX program including consulting with relevant policy-making bodies and senior personnel for the purpose of advising, clarifying and identifying necessary action to eliminate sex and/or gender-based discrimination in all educational programs and activities, to ensure that access to facilities, opportunities, and resources is gender equitable throughout the district or campus;
- Develop, implement and coordinate campus and/or school-based strategic efforts aimed at the prevention of sexual violence and other forms of sex and/or gender-based discrimination;
- Oversee Title IX compliance efforts of other campus/school delegates, departments and offices (e.g., deputy Title IX administrators, investigators, student conduct/discipline, victim services, public safety, nurse/health services, counseling services, student affairs, human resources, faculty/academic affairs, athletics, etc.);
- Monitor institutional compliance with and provide ongoing consultation on Section 504 of the Rehabilitation Act of 1973 and related federal and state laws prohibiting discrimination and harassment against all protected classes (OCR enforces both Section 504 and Title IX, but joint responsibility may not fall to Title IX Coordinator for all campuses or districts);
- Organize and maintain grievance files, disposition reports, and other records regarding Title IX compliance, including annual reports of the number and nature of filed complaints and the disposition of said complaints, data collection, climate assessment, pattern monitoring; and
- Serve as principal contact for government inquiries pursuant to Title IX and ADA.

### **Training and Awareness**

- Provide ongoing training, consultation, and technical assistance on Title IX for all students and employees, with specialized training content for hearing officers/boards, investigators, campus law enforcement and appeals officers; and
- Develop and disseminate educational materials, including brochures, posters, and web-based materials that inform members of the school or campus community (students, faculty, administrators, staff, and parents) of Title IX rights, responsibilities and resources both within and external to school/campus premises.

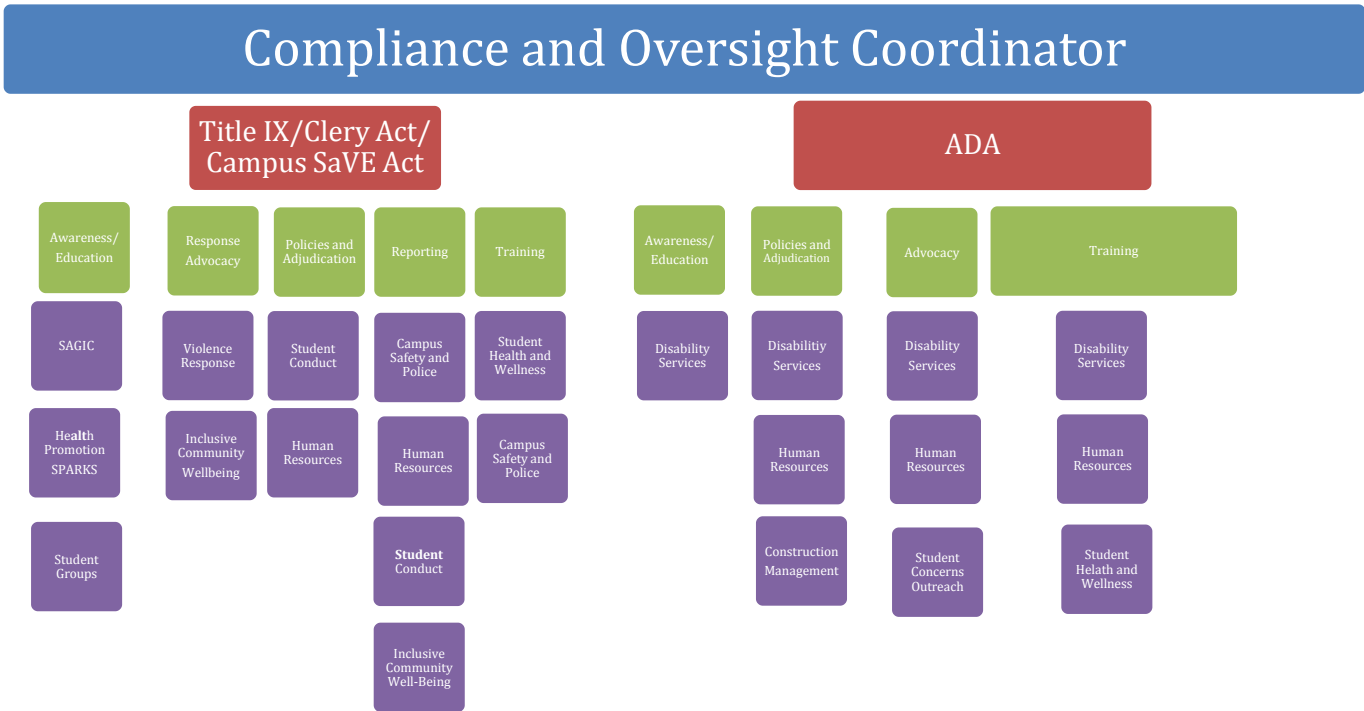
### **Grievance Procedures**

- Oversee prompt, effective, and equitable intake, investigation, processing, issuing of findings of fact, and timely resolution of all instances of sex/gender discrimination made known to responsible employees and/or reported or filed by students, faculty, employees, third parties, or by members of the broader community;
- Provide appropriate notice of an investigation; determine the extent of an investigation; appoint, train, and supervise Title IX investigators and any deputy coordinators; oversee investigation efforts; ensure provision of initial remedial actions; assure compliance with timelines; deliver appropriate notice of charge, notice of hearing, notice of outcome, duty to warn, and remedies, and provide a repository for and source of institutional record-keeping (may also be delegated); and
- Provide guidance and assistance to alleged victims of sexual violence and sex/gender discrimination including referral to support resources, notice of right to file internal grievances, notice of the right to grieve to the US Department of Education Office for Civil Rights, and notice of the right to report incidents to law enforcement.

To support the oversight and compliance functions of this position, the Task Force also recommends the appointment of deputy coordinators in each of the areas below (without directly conflicting roles) to assist with compliance and the oversight of the university’s efforts in these areas:

- Law School
- Athletics
- Human Resources
- Student Life

The following visually represents the proposed compliance and oversight structure:



## Proposed Budgetary Considerations

The Task Force acknowledges that this proposal will require a substantial commitment of financial resources. However, we feel that the risks associated with not providing more concentrated oversight and coordination of these efforts are increasing and may expose the University to investigation by the Office of Civil Rights and/or civil litigation. The entire proposed budget is less than a single fine that could be imposed by the Office of Civil Rights.

A summary of projected costs associated with the initial position is listed below. We anticipate that after the initial position is hired and a long term strategic plan is developed additional financial resources may be needed.

### Estimated Costs

Salary	\$ 65,000 to \$ 75,000 (avg is 65,000)
Benefits	\$ 18,000 to \$ 20,000
<b>Subtotal personnel</b>	<b>\$95,000</b>

### Operations

Office supplies	\$200.00	transfer from student health and wellness
Printing	\$200.00	transfer from student health and wellness
Long distance and postage	\$150.00	transfer from student health and wellness
Memberships (AXITA and AHEAD)	\$500.00	not budgeted
Miscellaneous	\$1,000.00	not budgeted
<b>Training Expenses</b>		
Title IX certification (ongoing)	\$4,000.00	not budgeted
Investigator Training (2 people per year)	\$7,000.00	not budgeted
New Students (ex. Haven)	\$8,000.00	not budgeted
New Faculty	\$8,000.00	not budgeted
Reporters	\$5,000.00	not budgeted
Administrative Hearing Boards	\$2,000.00	not budgeted
ADA Training	\$5,000.00	not budgeted
<b>Subtotal operations</b>	<b>\$41,050.00</b>	

<b>Total Projected</b>	<b>\$136,050.00</b>
Money from student health and wellness	\$(550.00)
<b>New Monies needed</b>	<b>\$135,500.00</b>

### **One time expenses:**

computer and printer	\$2,500.00	one time expense
furniture	\$2,000.00	
Phone	\$500.00	

<b>Total One Time Total</b>	<b>\$5,000.00</b>
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### Peer and Aspirant Institutions Compliance Coordinators

INSTITUTION	ADA COORDINATOR	ADA REPORTING OFFICE	TITLE IX COORDINATOR	TITLE IX REPORTING OFFICE
Boston College, MA	Paulette Darrett	Vice President of Student Life	Katie O'Dair, Associate Vice President of Student Affairs	Vice President Student Life
Bucknell University, PA	Heather Fowler	Provost	Director of the Office of Accessibility Resources	Provost
Butler University, IN	La Veda Howell	Vice President of Finance and Administration	La Veda Howell, Executive Director of Human Resources/Title IX Coordinator	Vice President of Finance and Administration
College of William & Mary, VA	Kiersten Boyce	Chancellor	Kiersten Boyce, Chief Compliance Officer, Title IX/ADA Coordinator	Chancellor
Drake University, IA	Michelle Laughlin			
Emory University, GA	In transition now	n/a	Lynell Cadray, Associate Vice Provost	Provost
Furman University, SC	Pamela Barkett	Human Resources	Pamela Barkett, Title IX Coordinator, Associate Vice President for Human Resources	Human Resources
Lehigh University, PA	Pat Farrell	President	In process	
Loyola University, MD	Catherine Purnell	Vice President for Administrative Services	Katsura Karita, Assistant Vice President for Student Development	Vice President for Student Development
Rice University, TX	Russell Barnes	Vice President of Operations	Russell Barnes, Director of EEO Program/Affirmative Action	Vice President of Operations
Tulane University, LA	Deborah Love	President	Deborah Love, Vice President Institutional Equity	President
University of Notre Dame, IN	Karrah Miller	Human Resources	Karrah Miller, Director of Institutional Equity and Title IX Coordinator	Human Resources
University of Richmond, VA	David Hale	Business & Finance	Carl Sorensen, Associate Vice President for Human Resources	Vice President of Human Resources
Valparaiso University, IN	Sherry DeMik			
Wake Forest University, NC	In process	n/a	Tonya Jachiniak, Title IX Coordinator (new position)	Provost

## Appendix E: Campus Climate Assessment Report

### A. Introduction

The Campus Accountability and Safety Act (CASA) has been submitted to the first session of the 114<sup>th</sup> Congress. Proposed amendments to the Clery Act include a mandate to administer a “survey of students regarding their experience with sexual violence and harassment” (CASA, 2015, p. 8). If passed in the current form, CASA will require institutions of higher education to administer a standard instrument and report out results within one year of the passage of the bill.

The task force determined the University should begin to prepare for this requirement and believed that an assessment of campus perceptions and attitudes about campus climate, policies, and responses to sexual violence would provide useable information about current and future campus initiatives and might inform policy development, training and education planning for the Elon community.

Kim Fath, Assessment Specialist in the Office of Institutional Research and Assessment, was asked to research and recommend an assessment strategy to measure campus climate on sexual assault. This report has five sections (including this one). Section B summarizes climate surveys in development or open for Elon participation. Section C describes information that the task force can access from current surveys on the University survey schedule. Section D lists recommendations for a program of assessment about sexual violence. The final section, E, identifies three areas of concern and require further consideration.

### B. Climate Assessment Tools and Resources

Assessment of climate for sexual violence is not a standard practice in higher education. Concurrent with the national dialogue about sexual violence on college campuses, several initiatives to pilot tools to assessment campus climate on the topic of sexual violence have emerged within the last eighteen months. These include:

- Rutgers Study – selected by Obama administration to pilot instrument and administration methods
- Association of American Universities Study - pilot study for AAU member institutions
- Higher Education Data Sharing Study – pilot study for HEDS member institutions
- EAB<sup>1</sup> Study – pilot study for EAB member institutions
- EduOutcomes – commercial climate tool
- NotAlone Climate Survey Federal Toolkit – survey development guidance from Obama administration
- Chrysalis Network climate study

The Rutgers and AAU studies appear to have received the most attention in the national dialogue about climate on sexual violence.

Information about each of the initiatives listed above was reviewed for content and administration methods. This review included a comparison of survey content and methods to the proposed requirements of the CASA bill presented to the Congress in February 2015. While all available instruments were shared with the task force, EAB, HEDS, and the Chrysalis Network surveys were the primary focus of discussion.

### C. Current Campus Climate Assessment Measures

In addition to seeking a new assessment tool, existing campus survey instruments were also reviewed. Elon administers several surveys to students on an annual or cyclic basis. All surveys currently in rotation were reviewed to identify questions that assess campus climate on sexual violence. The following summarizes these items.

The **National College Health Assessment II (NCHA-II)** is a national study of college student health behaviors and trends. This instrument is administered in the spring of odd years.

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1) <sup>1</sup> Education Advisory Board announced a rebranding to EAB in February 2015.



The following questions on the NCHA-II are included under the category of *Violence, Abusive Relationships and Personal Safety*.

**Within the last 12 months:**

Question
Were you in a physical fight?
Were you physically assaulted (do not include sexual assault)?
Were you verbally threatened?
Were you sexually touched without your consent?
Was sexual penetration attempted (vaginal, anal, oral) without your consent?
Were you sexually penetrated (vaginal, anal, oral) without your consent?
Were you a victim of stalking (e.g., waiting for you outside your classroom, residence, or office; repeated emails/phone calls)?

**Within the last 12 months, have you been in an intimate (couple/partnered) relationship that was:**

Question
Emotionally abusive? (e.g., called derogatory names, yelled at, ridiculed)
Physically abusive? (e.g., kicked, slapped, punched)
Sexually abusive? (e.g., forced to have sex when you didn't want it, forced to perform or have an unwanted sexual act performed on you)

**Ever-Fi Haven Training** includes pre- post and post-post training assessment of attitudes and perceptions that can be used for institutional assessment of campus climate. All incoming students are required to complete the training and assessment modules and results provide information on first year students during a critical time in their transition to campus. This data will be available annually. The complete instrument was not available for review but the following items are illustrative of the types of information available:

**Student Experiences**

Question
In the past, someone pressured or forced me into sexual contact without their explicit consent.
In the past, I have pressured or forced someone into sexual contact without their explicit consent.
I have experiences some form of abuse (verbal, physical, sexual, emotional, financial) or threats of

abuse in a current or previous relationship
In the past, I have experience repeated and unwanted attention, harassment, or some other contact from another person that has made me feel afraid

### Knowledge Gain

Topic	
Definition of stalking	Sexual assault prevalence
Root causes of sexual assault	Strategies for supporting sexual assault survivors
Understanding sexual consent	Alcohol-facilitated sexual assault
Characteristics of sexual assault perpetrators	Bystander intervention strategies
Sexual assault prevalence	Campus judicial resources

### Awareness and Attitudes

Question
I am confident in my ability to support a friend who has been sexually assaulted
Physical abuse is the only form of relationship abuse
I can play a role in preventing relationship violence on campus
I don't think sexual assault is a significant problem on my campus
Sexist jokes and language don't contribute to relationship violence
I am aware of resources for relationship violence on my campus
Most students at my school would take action if they saw someone trying to take advantage of someone sexually
Most students at my school would respect someone who intervened to prevent a sexual assault

### D. Recommendations

- 1) Develop and execute a plan to assess campus climate on sexual violence.
  - a. The core source of this assessment should be an on-line survey which all currently enrolled undergraduate and graduate students are invited to complete. Of the instruments reviewed, EAB's Campus Climate Survey offers the breadth of information required to identify areas for improvement and to inform action planning by functional areas on a university-wide basis. Other benefits to the EAB survey project include opportunity

to benchmark Elon results against other participating institutions. EAB is also a cost-effective assessment as it is available at no cost to EAB member institutions. The task force recommends use of the EAB Campus Climate Survey for the campus wide assessment.

- b. Unless mandated differently by the CASA legislation, administer a campus climate survey every three years. This allows for analysis, interpretation, and action planning based on results. It also affords the opportunity to conduct targeted assessment in areas where greater depth of information is needed without over assessing students on this topic.
  - c. Triangulate results from the campus climate survey with NCHA-II and Haven data to monitor campus climate during intervening years. NCHA-II and Haven provide information to help identify emerging issues in the years between campus survey administrations.
  - d. Create an implementation team to coordinate and execute assessment plans including interpretation of results and action planning.
- 2) Develop and implement a dissemination plan to communicate results and actions to the University community.
- a. Identify and track key results. One of the purposes of a climate study is to monitor change in the campus community/environment over time. For the purpose of manageability, a set of measures to represent key components of campus climate should be identified and reported out over multiple administrations of the. These results can serve as evidence of our institutional progress as we seek to reduce the incidence and prevalence of sexual violence on campus.
  - b. Identify measures to report to students. Results can be used to educate the campus community about student attitudes and perceptions about sexual violence. Develop a dissemination strategy to communicate results to the undergraduate and graduate student bodies.
  - c. Disseminate results to the appropriate functional areas. An annual report may not provide sufficient detail for use by functional areas such as Health Promotion, Student Conduct, Residence Life, and Greek Life. If necessary, craft a themed report to include information relevant to a specific functional area.

#### E. Unresolved Issues

- 1) The task force expressed concern that some of the language about sexual experiences on the EAB Climate Survey could be problematic. The framing of the experiences was as violence and assumed that a respondent identified either as a survivor or a perpetrator. While CASA language has a similar focus on sexual violence, the University at some point may wish to test the association between student sexual behaviors and perceptions of those behaviors as an act of violence. This could take the form of supplemental questions to the EAB instrument or a separate assessment conducted in a non-EAB year.
- 2) The CASA language recommends the climate instrument include language that will not re-traumatize survivors. The selected instrument should be reviewed to ensure we are not placing a vulnerable population at further risk for trauma by completing the survey.
- 3) This plan does not include assessment of climate for faculty and other University employees. Within the next 12 months, the University should make a determination of how it will assessment campus climate for its employees.



Education  
Advisory  
Board

# EAB Campus Climate Survey

## Institutional Review Board

Sample Application for Expedited Review



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*Please review the instructions below before submitting your institution's IRB application for approval.*

Description	Action
<b>Highlighted in yellow are placeholders where the content of the IRB packet must be modified with institution-specific information.</b>	Make sure that all highlighted placeholders have been modified and removed.
<b>You can choose to deploy up to three optional modules with the core survey.</b>	Remove the module(s) you choose not to use from the Instrument Description section and the survey instrument in Appendix A.
<b>We strongly recommend you incentivize students to take the survey.</b>	Describe your incentive plan in the Recruitment Methods section. Customize the incentive language in the survey invitation and reminder emails in Appendix B.  Your IRB may not require that the incentive structure (e.g., outside website where students can enter their name in a raffle) be in place in order to review and approve the application packet.
<b>The response options to survey questions 4, 5, 20, and 30 can be modified to best reflect the characteristics of your institution.</b>	If necessary, customize these questions found in Appendix A.
<b>At the end of the survey in Appendix A there are placeholders for your institution to write in campus and national sexual violence resources that students can access if they'd like to speak with someone after taking the survey.</b>	Modify this section of the survey instrument.

### Research Title

EAB Campus Climate Survey

### Principal Investigator (PI)

Name, title, email, phone number, and department of the designated main point of contact for the survey

### Co-Investigator(s)

List the names and contact information of any school employee or student directly involved with the administration of the survey

### Purpose of the Study

The purpose of the EAB Campus Climate Survey is to understand the scope and nature of sexual violence at [NAME OF SCHOOL], including student attitudes about and behaviors toward sexual violence and students' knowledge of sexual misconduct policies and reporting procedures. This information is critical to tailoring sexual violence prevention education programming and to improving the campus response.

### Target Audience

The survey will be administered to all students on campus (undergraduate, graduate, and professional).

### Anticipated Dates of Research

The survey will be sent to students on [MONTH/DAY/YEAR]. It will close after 3 weeks on [MONTH/DAY/YEAR].

### Level of Risk

There are no risks in participating in this survey beyond those experienced in everyday life. Some of the survey questions are personal and respondents might experience emotional discomfort while answering them. At the end of the survey respondents will be given information about resources should they wish to talk with someone. Trigger warnings are included throughout the survey to alert respondents to potentially distressing material. All survey questions are optional and the participant can stop taking the survey at any time without penalty.

The survey will collect no personally identifiable information and student responses will be completely anonymous and confidential. The survey data is for internal use only and the individually institution results will not be shared in

publications, presentations, or broadcast publically. Access to the survey data will be limited only to those employees at [NAME OF SCHOOL] who are directly responsible for preventing and responding to sexual violence on campus.

### Anticipated Benefits

The results of the survey will provide important information about [NAME OF SCHOOL's] campus climate and will help university administrators to ensure that the environment at this school is safe for students. Specifically, the school will be able to identify the characteristics of students who are most at risk of sexual violence, which will enable the school to target sexual violence resources and prevention training to vulnerable student populations.

The survey will also yield insight into the reasons why students who have experienced sexual violence do not report the incident. This information will aid the school in developing policies and procedures that encourage reporting and support the victim throughout the process. Finally, the survey will capture information about students' attitudes toward sexual violence and identify gaps in prevention training. This will aid the institution to design prevention programming that will more effectively impact students' attitudes and change their behavior toward sexual violence.

### Informed Consent

The survey invitation email and the first section of the survey describes the purpose of the survey, the risks and benefits involved in taking the survey, and specifies that participation is voluntary and that respondents can stop participating at any time without penalty. Contact information for the PI and the EAB researchers is also provided in the survey invitation email.

A respondent must be 18 years of age or older to take the survey. A required screener question at the beginning of the survey asks the respondent whether s/he is 18 years or older and agrees to take the survey. If the respondent is younger than 18 years old and/or does not agree to take the survey, the respondent is re-directed to an end of survey element.

### Instrument Description

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The EAB Campus Climate Survey is an online instrument that is hosted by the survey software, SurveyGizmo. The climate survey consists of a survey core and three modules (community behaviors, community attitudes, and intimate partner violence and stalking). The core survey and modules are described in further detail below and the full instrument can be found in Appendix A.

### Core Survey

The survey core captures student demographic data, alcohol and drug consumption, general attitudes toward the campus climate, perceptions of sexual violence prevention training, and experiences with unwanted sexual contact during the current school year including who the unwanted behavior involved, whether the participant told someone about the incident, and how the individual or institution responded. The core survey consists of 36 questions.



## Module 1: Community Behaviors

Community Behaviors is a survey module that identifies the degree to which the survey respondent may intervene as a bystander in potentially high risk situations and the likelihood that the respondent will take a stand against sexual violence on campus. Employing a social norms approach, the module also captures the extent to which the survey respondent believes other students will take action to prevent sexual violence. The module consists of seven questions.

## Module 2: Community Attitudes

Community Attitudes is a survey module that aims to capture specific beliefs about gender that students may have. The question statements are intentionally heteronormative and based on sexual situations that occur between men and women. The question statements were derived from the Illinois Rape Myth Acceptance scale (Payne, D., et al., 1999) and revised to reflect current attitudes regarding gender and sexual violence. The module consists of 1 question and 10 question statements.

## Module 3: Relationship Dynamics

Relationship Dynamics is a survey module that identifies whether students have been physically harmed by a casual, steady, or serious dating or intimate partner during the current school year. The module also captures whether students have experienced stalking in-person and online, who the unwanted behavior involved, and if they reported the incident. The module consists of 11 questions.

The survey core will take 8-12 minutes to complete and each optional module will take 2-5 minutes. The survey employs skip logic that creates a custom path through the survey that varies based on a respondent's answers. For example, if a student did not experience unwanted sexual contact during the current school year, she or he will not be asked follow up questions about unwanted sexual contact.

## Survey Methods

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The EAB Campus Climate Survey was developed by the Education Advisory Board (EAB), a best-practice research firm located in Washington, DC. [NAME OF SCHOOL] is a member of the EAB Student Affairs Forum, which provides research for student affairs executives on innovative practices for improving student engagement and perfecting the student experience. EAB designed the EAB Campus Climate Survey to assist its members with the significant challenge of collecting systematic information about sexual violence on campus.

## Design Methods

To design the EAB climate survey, researchers conducted an exhaustive literature review on sexual violence that included empirical research studies, relevant legislation, existing surveys, White House task force and Department of Education guidance, and news articles about the most current issues of sexual violence across college campuses in the US and Canada.

EAB researchers cognitively tested the survey with recent college graduates to ensure that the survey language and content was relevant to their experience. Next, the survey was critically reviewed by student affairs administrators, Title

IX Coordinators, faculty, sexual violence topic experts, and counselors at several higher education institutions in the US and Canada.

The survey will be piloted in spring 2015 and [NAME OF SCHOOL] is participating in the pilot cohort.

Using robust data from the survey pilot, EAB researchers will conduct statistical testing to validate the survey instrument in summer 2015.

### Recruitment Method

Prior to launching the survey on campus, [NAME OF SCHOOL] will promote the survey through [describe promotion plan].

A link to the online survey will be emailed to all students at [NAME OF SCHOOL]. An email invitation and two follow up reminders will be sent by [NAME OF PERSON] to encourage a high participation rate in the survey. See Appendix B for the survey invitation and reminder emails. The survey will close 3 weeks after its initiation.

### **Respondent incentives**

[Describe your incentive plan here.]

At the end of the survey, respondents can choose whether to receive a survey incentive by clicking on a link that directs the respondent to a website where s/he can provide his or her name and contact information. The website will not be associated or linked in any way to the survey. The end-of-survey language and incentive website will clearly state that the respondent's personal information cannot be linked to their survey responses.

### Data Protection and Analysis

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The survey responses will be received through the SurveyGizmo platform and stored on EAB's secure servers. The survey data in SurveyGizmo is password protected and accessible only to members of the EAB climate survey research team. When survey data is downloaded from the SurveyGizmo platform to the EAB server, it will be stored in password protect and encrypted file folders. Only members of the EAB climate survey research team will have access to the data file folders.

When the survey pilot ends, EAB will securely send the raw data file to [NAME OF SCHOOL]. EAB will use its secure file transfer site, [www.abctransfer.advisory.com](http://www.abctransfer.advisory.com) to send the raw data file to [NAME OF THE SURVEY MAIN POINT OF CONTACT]. [NAME OF SCHOOL] will store the raw data file on a secure, password protected server. Only those individuals at the school who are responsible for sexual violence prevention and response will have access to the climate survey data.

## Data Analysis and Reporting

EAB will conduct a high level analysis of the climate survey data. The analysis will include cross tabulations of key survey variables like gender, race, sex and experiences with sexual violence. EAB will send a report of the analysis, along with the raw data file to the [SURVEY MAIN POINT OF CONTACT] by July 31, 2015. EAB will not otherwise share the institution's survey report.

When the survey pilot has ended, EAB will aggregate the data across the 30+ pilot institutions and produce a report of the survey results. The report will not identify in any way individual respondents or institutions and all responses will be kept anonymous and confidential. Results from the aggregate pilot report may be shared in publications and presentations.

## **Survey Consent**

### **Statement of Confidentiality**

The survey will not ask you to provide any identifying information and your responses are confidential. In the event of any publication or presentation of the survey results, no personally identifiable information will be shared. Survey responses will be reported in terms of groups of students rather than as individual cases.

### **Benefits**

The results of the survey will provide important information about our campus climate and will help us in our efforts to ensure that the environment at this school is safe for students. There are no risks in participating in this survey beyond those experienced in everyday life. Some of the survey questions are personal and you might experience emotional discomfort while answering them. At the end of the survey you will be given information about resources should you wish to talk with someone.

### **Voluntary Participation**

Participation in this survey is voluntary. If you decide to participate, you can skip questions or stop participating at any time without penalty. Refusal to take part in the survey will not result in any negative consequences.

If you have questions about the purpose or content of the survey, or if you have technical difficulties taking the survey, please email [climatesurvey@eab.com](mailto:climatesurvey@eab.com).

### **1) Do you agree to take the survey?\***

☐ Yes, I am 18 years of age or older and I agree to participate.

☐ No, I decline to participate.

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## **Demographics**

### **2) What is your current class standing?**

☐ First year student

☐ Second year student

☐ Third year student

☐ Fourth year student

☐ Fifth year (or higher) student

☐ Graduate or professional student

### **3) What is your enrollment status?**

☐ Full-time

☐ Part-time

**4) Where do you live during the current school year? (Schools can customize the option responses to this question)**

☐ Residence hall

☐ Greek living

☐ On campus apartment

☐ Off campus apartment/house

☐ At home with family

☐ Special living option (e.g., language house, themed house)

☐ Other

**5) What student group(s) do you participate in? (select all that apply) (Schools can customize the option responses to this question)**

☐ Intramural sports team

☐ Intercollegiate or collegiate club team

☐ Fraternity or sorority

☐ Performing arts group

☐ Student government

☐ Cultural/religious/spiritual group

☐ Other student activities group

☐ I do not participate in a student group

**6) What is your current grade point average?**

☐ 3.5 - 4.0

☐ 2.5 - 3.4

☐ 2.0 - 2.4

☐ Lower than 2.0

**7) Are you of Hispanic, Latino, or Spanish origin?**

☐ Yes

☐ No

**8) What is your race, as you define it? (select all that apply)**

- ☐ White
- ☐ Black or African American
- ☐ American Indian/Alaska native
- ☐ Asian
- ☐ Native Hawaiian/Other Pacific Islander
- ☐ Other

**9) What is your citizenship or residence status?**

- ☐ U.S. citizen
- ☐ Permanent U.S. resident, not a citizen
- ☐ Foreign national or on a student visa
- ☐ Not a citizen and not a legal resident
- ☐ Other

**10) What is your gender identity?**

- ☐ Female
- ☐ Male
- ☐ Transgender female
- ☐ Transgender male
- ☐ Genderqueer/gender non-conforming
- ☐ Other

**11) Which term best describes your sexual orientation?**

- ☐ Heterosexual
- ☐ Gay
- ☐ Lesbian
- ☐ Bisexual
- ☐ Questioning

☐ Other

**12) Do you consider yourself to have a physical disability or long-term physical health condition? These could include for example: diabetes, epilepsy, arthritis, or any physical impairment, some of which may not be readily apparent.**

☐ Yes

☐ No

**13) Do you consider yourself to have a mental disability or long-term mental health condition? These could include for example: dyslexia, long-term depression, attention deficit hyperactivity disorder (ADHD), some of which may not be readily apparent.**

☐ Yes

☐ No

### **Alcohol and Drug Use**

The next questions ask you how much you drink. A “drink” means any of the following:

- A 12-ounce can (or bottle) of beer
- A 4-ounce glass of wine
- A 12-ounce bottle (or can) of wine cooler
- A 1-ounce shot of liquor straight or in a mixed drink

**14) In the last 30 days, how often did you usually have any kind of alcoholic drink?**

☐ Every day

☐ 3 to 6 times a week

☐ Twice a week

☐ Once a week

☐ I did not drink any alcohol in the last 30 days

**15) In the last 30 days, how many alcoholic drinks did you have on a typical day when you drank alcohol?**

☐ 1 to 2 drinks

☐ 3 to 5 drinks

☐ 6 to 8 drinks

☐ More than 8 drinks

**16) In the last 30 days, how often did you use illegal drugs, not including marijuana?**

☐ I did not use illegal drugs in the last 30 days

☐ Every few months

☐ A few times a month

☐ A few times a week

☐ Every day



## Perception of Overall Campus Climate

17) Please indicate your level of agreement with the following statements?

	Strongly Agree	Agree	Disagree	Strongly Disagree
<b>Faculty</b> respect what students on this campus think.	( )	( )	( )	( )
<b>Administrators</b> respect what students on this campus think.	( )	( )	( )	( )
I think <b>faculty</b> are genuinely concerned about my welfare.	( )	( )	( )	( )
I think <b>administrators</b> are genuinely concerned about my welfare.	( )	( )	( )	( )
I feel close to people at this school.	( )	( )	( )	( )
I am happy to be at this school.	( )	( )	( )	( )
I feel safe at this school.	( )	( )	( )	( )

The following questions ask about sexual violence. Sexual violence refers to a range of sexual behaviors that are unwanted by an individual. These behaviors could be initiated by someone known or unknown to the individual, including someone they are in a relationship with.

18) Please indicate your level of agreement with the following statements?

If someone were to report an incident of sexual violence to a campus authority:

	Strongly Agree	Agree	Disagree	Strongly Disagree

The school would take the report seriously.	( )	( )	( )	( )
The school would support the person making the report.	( )	( )	( )	( )
The school would take corrective action against the offender.	( )	( )	( )	( )
The school would take steps to protect the person making the report from retaliation.	( )	( )	( )	( )
The accused or their friends would retaliate against the person making the report.	( )	( )	( )	( )
The educational achievement/career of the person making the report would suffer.	( )	( )	( )	( )

### Sexual Violence Prevention Training

**19) Since the beginning of the current school year (Fall 2014), have you received information or training at your school in any of the following areas?**

- Understanding the definition of sexual violence
- Reporting an incident of sexual violence
- Your school's procedures for investigating an incident of sexual violence
- Accessing sexual violence resources
- Sexual violence prevention strategies (e.g., asking for consent, responsible alcohol use)
- Bystander intervention

( ) Yes

( ) No

( ) I do not recall

**20) Did you receive sexual violence information or training as part of: (select all that apply) (Schools can customize the option responses to this question)**

[ ] New student orientation

[ ] A volunteer experience

[ ] On campus employment

[ ] Greek life participation

- ☐ Athletics participation
- ☐ Residence life programs
- ☐ Class presentations or projects
- ☐ Campus-wide events
- ☐ Student leadership training
- ☐ Other
- ☐ I do not recall

**21) How useful did you think the training was in increasing your knowledge about the following?**

	<b>Very Useful</b>	<b>Useful</b>	<b>Not Very Useful</b>	<b>Not At All Useful</b>	<b>Not Covered</b>
The definition of sexual violence	( )	( )	( )	( )	( )
Reporting an incident of sexual violence	( )	( )	( )	( )	( )
The school's procedures for investigating an incident of sexual violence	( )	( )	( )	( )	( )
Sexual violence prevention strategies	( )	( )	( )	( )	( )
Bystander intervention	( )	( )	( )	( )	( )

**22) How strongly do you agree or disagree with the following statements?**

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
If a friend or I experienced sexual violence, I would know where to go to get help.	( )	( )	( )	( )
I understand my school's formal procedures to address complaints of sexual violence.	( )	( )	( )	( )

I am confident my school would administer the formal procedures to fairly address reports of sexual violence.	( )	( )	( )	( )
I know what confidential resources (e.g., victim advocacy, counseling) are available to me to report an incident of sexual violence.	( )	( )	( )	( )

**23) Has anyone done the following to you since the beginning of the school year (Fall 2014)? (select all that apply)**

	<b>Yes, in a class, lab, or work setting</b>	<b>Yes, in a social setting</b>	<b>Yes, in other settings at this school</b>	<b>Never experienced this at my school</b>
Made sexist remarks or jokes in your presence	[ ]	[ ]	[ ]	[ ]
Made inappropriate comments about your or someone else's body or appearance in your presence	[ ]	[ ]	[ ]	[ ]
Said crude sexual things to you, or tried to get you to talk about sexual matters when you didn't want to	[ ]	[ ]	[ ]	[ ]
E-mailed, texted, or used social media to send offensive sexual jokes stories, or pictures to you	[ ]	[ ]	[ ]	[ ]
Seemed to be bribing you with some sort of reward if you agreed to engage in a romantic or sexual relationship with that person	[ ]	[ ]	[ ]	[ ]

**Sexual Violence Experiences**

**Trigger Warning:** The following section uses explicit language, including anatomical names of body parts and specific behaviors to ask about sexual situations, which may be upsetting. Resources for support are available at the end of the survey, should you need them.

This section asks about non-consensual or unwanted sexual contact you may have experienced. When you are asked about whether something happened, please think about what has happened since the beginning of the current school year (Fall 2014). Again, this survey is completely CONFIDENTIAL and VOLUNTARY.

**24) Since the beginning of the current school year (Fall 2014), have you had any of the following experiences? Keep in mind that these experiences may have been a result of someone:**

- **Catching you off guard, or ignoring non-verbal cues or looks**
- **Telling lies, threatening to end the relationship or to spread rumors about you, or verbally pressuring you**
- **Showing displeasure, criticizing your sexuality or attractiveness, or getting angry**
- **Taking advantage of you when you were too drunk, high, asleep or out of it**
- **Threatening you with being outed**
- **Threatening to physically harm you or someone close to you by using force, or having a weapon**

	No	Yes, once	Yes, more than once	Unsure
Someone fondled, kissed, or rubbed up against the private areas of my body or removed some of my clothes even though I didn't want to	( )	( )	( )	( )
Someone TRIED to sexually penetrate me (i.e. someone tried to put a penis or insert fingers or objects into my vagina or anus) even though I didn't want to	( )	( )	( )	( )
Someone sexually penetrated me (i.e. someone put a penis or inserted fingers or objects into my vagina or anus) even though I didn't want to	( )	( )	( )	( )
Someone TRIED to perform oral sex on me or make me give them oral sex even though I didn't want to	( )	( )	( )	( )
Someone performed oral sex on me or made me give them oral sex even	( )	( )	( )	( )

though I didn't want to				
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**25) Did the person(s) who did one or more of the behaviors listed above do them by...**

	Yes	No	Unsure
Catching you off guard, or ignoring non-verbal cues or looks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Telling lies, threatening to end a relationship or to spread rumors about you, or verbally pressuring you?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Showing displeasure, criticizing your sexuality or attractiveness, or getting angry?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Taking advantage of you when you were incapacitated (e.g., too drunk, high, asleep, or out of it)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Threatening you with being outed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Threatening to physically harm you or someone close to you?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Using force or having a weapon?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**For the next set of questions, please pick what you feel is the MOST SERIOUS INCIDENT that has happened to you since the beginning of the current school year (Fall 2014) if you had more than one, and answer the following questions about this experience.**

**26) Just prior to the incident, had the offender: (select all that apply)**

	Yes	No	Unsure
Been drinking alcohol, but wasn't drunk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Been drinking alcohol and was drunk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Been taking or using marijuana	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Been taking or using drugs other than alcohol and marijuana	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tried to get you drunk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Given you a drug without your knowledge or consent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**27) What is/was your relationship with the person who conducted this unwanted behavior? (select all that apply)**

- ☐ Acquaintance or peer
- ☐ Friend
- ☐ Teaching assistant
- ☐ Professor or advisor
- ☐ College administrator
- ☐ Co-worker
- ☐ Employer or supervisor
- ☐ Current romantic partner or spouse
- ☐ Ex-romantic partner or spouse
- ☐ Family member
- ☐ No prior relationship
- ☐ Other

**28) Was this person affiliated with this school?**

- ☐ Yes
- ☐ No
- ☐ Unsure

**29) What was the sex of the individual?**

- ☐ Male
- ☐ Female
- ☐ Unsure

**30) Where did the incident occur? (select all that apply)** (Schools can customize the option responses to this question)

- ☐ Residence hall
- ☐ Fraternity
- ☐ Sorority
- ☐ Off-campus residence
- ☐ Bar, night club, dance club
- ☐ Outdoors
- ☐ Study abroad or other school-related trip
- ☐ Place of employment
- ☐ Academic building
- ☐ Sports facility
- ☐ Other

**31) Who did you tell about the incident? (select all that apply)**

- ☐ Roommate/friend/classmate
- ☐ Family member
- ☐ Police
- ☐ Professor/teaching assistant
- ☐ Residence hall staff
- ☐ Campus sexual violence advocate/counselor
- ☐ Spiritual advisor
- ☐ Romantic partner
- ☐ Medical professional
- ☐ Employer/boss
- ☐ No one
- ☐ Other



**32) What kind of responses did you receive from those you told or reported to? (select all that apply)**

- ☐ Responded in a way that made you feel supported
- ☐ Helped you gather information, or find resources or services
- ☐ Doubted you, asked questions to determine if it really happened, or refused to believe you
- ☐ Blamed you for the assault, or said you could have done something to prevent it, or asked why you didn't do something to prevent it
- ☐ Made excuses for the person who did this to you
- ☐ Told you to not talk about it, to move on, or focus on other things
- ☐ Told others about it without your permission
- ☐ Got so emotional or upset that you had to comfort them or the conversation became about them

**33) Did you use the school's formal procedures to report the incident(s)?**

- ☐ Yes
- ☐ No

**34) How did the school's formal procedures resolve the issue?**

- ☐ Completely resolved the issue
- ☐ Helped me a lot
- ☐ Helped, but could have helped more
- ☐ Helped me a little
- ☐ Didn't help me at all

**35) It is common to have mixed feelings when deciding whether or not to share your experience with someone else. Did any of the following thoughts or concerns cross your mind when you were deciding whether or not to share or report your experience? (select all that apply)**

- ☐ Didn't know who I should to tell
- ☐ Didn't want anyone to know the other things I was doing at the time (e.g., drinking underage, using drugs)
- ☐ Felt ashamed or embarrassed, didn't want anyone to know what happened
- ☐ Wasn't clear that the offender intended harm
- ☐ Lack of proof that the incident happened

- ☐ Feared that I would not be believed or taken seriously
- ☐ Feared others would harass me or react negatively toward me
- ☐ Didn't want to get the offender in trouble (e.g., disciplinary action, legal charge, arrest)
- ☐ Worried that if I reported the incident, school administrators would take action against the entire organization or group the offender belongs to
- ☐ Worried that school administrators would take action on their own without my permission
- ☐ Wanted to forget it happened
- ☐ Did not feel the campus leadership would address my concerns
- ☐ Other

**36) Has anyone had or attempted to have unwanted sexual contact with you prior to you going to college?**

- ☐ Yes
- ☐ No
- ☐ Unsure

## Module 1 (Community Behaviors)

### 37) How much of a problem is sexual violence at your school?

- ( ) It's not really a problem
- ( ) It's somewhat of a problem
- ( ) It's definitely a problem
- ( ) I don't know

### 38) How likely are you to engage in the following behaviors?

	Very Likely	Likely	Not Very Likely	Not At All Likely
Express my discomfort if someone makes a sexual joke about a person's body.	( )	( )	( )	( )
Express my discomfort if someone says that sexual assault victims are to blame for being assaulted.	( )	( )	( )	( )
Talk to a friend who I suspect is in a sexually abusive relationship.	( )	( )	( )	( )
Ask someone who looks very upset at a party if they are ok or need help.	( )	( )	( )	( )
Confront a friend who tells me that they had sex with someone who was passed out or didn't give consent.	( )	( )	( )	( )
Do something to help a person surrounded by a group of people at a party who looks very uncomfortable.	( )	( )	( )	( )
Tell a campus authority about information I have that might help in a sexual violence case even if pressured by my peers to stay silent.	( )	( )	( )	( )

Ask for verbal consent when I am intimate with someone.	( )	( )	( )	( )
Report a friend who committed sexual violence.	( )	( )	( )	( )
Decide not to have sex with someone if they are drunk.	( )	( )	( )	( )
Help a friend report an incident of sexual violence or abuse.	( )	( )	( )	( )

**39) Based on the behavior of your peers, how likely are students at your school to:**

	<b>Very Likely</b>	<b>Likely</b>	<b>Not Very Likely</b>	<b>Not At All Likely</b>
Confront other students who make inappropriate or negative sexual comments and gestures?	( )	( )	( )	( )
Allow personal loyalties to the offender to affect reporting an incident of sexual violence?	( )	( )	( )	( )
Choose not to report an incident of sexual violence out of concern they or others will be punished for infractions, such as underage drinking, illegal drug use, or hazing?	( )	( )	( )	( )
Be interviewed or serve as a witness in a sexual violence case if they knew relevant information?	( )	( )	( )	( )
Confront a friend who plans to give someone alcohol to get sex?	( )	( )	( )	( )
Do something to help a very drunk person who is being brought to a bedroom by	( )	( )	( )	( )

someone at a party?				
Confront a friend who is hooking up with someone who is passed out?	( )	( )	( )	( )
Stop having sex with someone if they say to stop, even if it started with consent?	( )	( )	( )	( )
Decide not to have sex with someone if they cannot give verbal consent?	( )	( )	( )	( )

**40) Since the beginning of the current school year (Fall 2014), have you actively taken part in activities or volunteered your time on projects focused on stopping sexual violence on campus?**

( ) Yes

( ) No

**41) Since the beginning of the current school year (Fall 2014), have you had a friend or acquaintance tell you that they were the victim of an unwanted sexual experience?**

( ) Yes

( ) No

**42) Since the beginning of the current school year (Fall 2014), have you observed a situation that you believed was, or could have led to, a sexual assault?**

( ) Yes

( ) No

**43) In response to this situation: (select all that apply)**

[ ] I created a distraction to cause one or more of the people to disengage from the situation.

[ ] I told someone in a position of authority about the situation.

[ ] I asked the person who appeared to be at risk if they needed help.

[ ] I stepped in and separated the people involved in the situation.

[ ] I confronted the person who appeared to be causing the situation.

[ ] I asked others to step in as a group and diffuse the situation.

☐ I considered intervening in the situation, but I could not safely take any action.

☐ I decided not to take action.

## Module 2 (Community Attitudes)

### 44) Please indicate your level of agreement with the following statements?

*The question statements are intentionally heteronormative and based on sexual situations that occur between men and women.*

	Strongly Agree	Agree	Disagree	Strongly Disagree	Unsure
A person who is sexually assaulted or raped while she or he is drunk is at least somewhat responsible for putting themselves in that position.	( )	( )	( )	( )	( )
If a woman hooks up with a lot of men, eventually she is going to get into trouble.	( )	( )	( )	( )	( )
Sexual violence and rape happen because people put themselves in bad situations.	( )	( )	( )	( )	( )
Sexual violence and rape happen because men can get carried away in sexual situations once they've started.	( )	( )	( )	( )	( )
When someone is raped or sexually assaulted, it's often because the way they said "no" was unclear or there was some miscommunication.	( )	( )	( )	( )	( )
An incident can only be sexual assault or rape if the person says "no."	( )	( )	( )	( )	( )
Rape and sexual violence can happen unintentionally, especially if alcohol is involved.	( )	( )	( )	( )	( )

It is not necessary to get consent before sexual activity if you are in a relationship with that person.	( )	( )	( )	( )	( )
A lot of times, women who say they were raped agreed to have sex and then regretted it afterward.	( )	( )	( )	( )	( )
It shouldn't be considered rape if a man is drunk and didn't realize what he was doing.	( )	( )	( )	( )	( )



### Module 3 (Relationship Dynamics)

**Trigger Warning:** This section asks about relationship and dating experiences, which may be upsetting. No matter how well a couple gets along, there are times when they disagree, get annoyed with the other person, want different things from each other, or just have fights because they are in a bad mood, they are tired, or for some other reason. Couples also have many different ways of trying to settle their differences. Resources for support are available at the end of the survey, should you need them.

**45) Since the beginning of the current school year (Fall 2014), have you had a casual, steady, or serious dating or intimate partner?**

☐ Yes

☐ No

**46) Since the beginning of the current school year (Fall 2014) has a casual, steady, or serious dating or intimate partner done any of the following to you?**

- slapped you?
- pushed or shoved you?
- hit you with a fist or something hard?
- kicked you?
- hurt you by pulling your hair?
- slammed you against something?
- tried to hurt you by choking or suffocating you?
- beaten you?
- burned you on purpose?
- used a knife, gun, or other weapon on you?

☐ Yes

☐ No

**Please answer the following questions about what you consider the MOST SERIOUS INCIDENT you indicated that happened during this current school year.**

**47) How concerned were you about your safety?**

☐ Extremely

☐ Somewhat

☐ Only a little

☐ Not at all

**48) Did you seek services or contact a hotline after the incident?**

☐ Yes

☐ No

**49) Were you physically injured in the incident?**

☐ Yes

☐ No

**50) Did you seek medical attention?**

☐ Yes

☐ No

**51) Since the beginning of the school year (Fall 2014) has anyone frightened, concerned, angered, or annoyed you by .**

**..**

**(select all that apply)**

☐ Making unwanted phone calls to you or leaving messages?

☐ Sending unsolicited or unwanted letters, e-mails, or other forms of written correspondence or communication?

☐ Following you or spying on you?

☐ Showing up at places where you were even though he or she had no business being there?

☐ Posting information or spreading rumors about you on the Internet, in a public place, or by word of mouth?

☐ Repeatedly asking you on dates, to go to dinner, or get a drink even after you've said no?

☐ No, none of the above has happened to me since the beginning of the school year.

**Please answer the following questions about what you consider the MOST SERIOUS INCIDENT you indicated that happened during this current school year.**

**52) What is/was your relationship with the person who conducted this unwanted behavior? (select all that apply)**

☐ Acquaintance or peer

☐ Friend

☐ Teaching assistant

☐ Professor or advisor

- ☐ College administrator
- ☐ Co-worker
- ☐ Employer or supervisor
- ☐ Current romantic partner or spouse
- ☐ Ex-romantic partner or spouse
- ☐ Family member
- ☐ No prior relationship
- ☐ Other

**53) Was the person affiliated with this school?**

- ☐ Yes
- ☐ No
- ☐ I don't know

**54) Who did you tell about the incident? (select all that apply)**

- ☐ Roommate/friend/classmate
- ☐ Family member
- ☐ Police
- ☐ Professor/teaching assistant
- ☐ Residence hall staff
- ☐ Campus sexual assault advocate/counselor
- ☐ Spiritual advisor
- ☐ Romantic partner
- ☐ Medical professional
- ☐ Employer/boss
- ☐ No one
- ☐ Other

**55) What kind of responses did you receive from those you told or reported to? (select all that apply)**

- ☐ Responded in a way that made you feel supported

- ☐ Helped you gather information, or find resources or services
- ☐ Doubted you, asked questions to determine if it really happened, or refused to believe you
- ☐ Blamed you for the assault, or said you could have done something to prevent it, or asked why you didn't do something to prevent it
- ☐ Made excuses for the person who did this to you
- ☐ Told you to not talk about it, to move on, or focus on other things
- ☐ Told others about it without your permission
- ☐ Got so emotional or upset that you had to comfort them or the conversation became about them

**56) Did you use the school's formal procedures to report this incident(s)?**

- ☐ Yes
- ☐ No

**57) Did the school's formal procedures help you resolve the issue?**

- ☐ Completely resolved the issue
- ☐ Helped me a lot
- ☐ Helped, but could have helped more
- ☐ Helped me a little
- ☐ Didn't help me at all

---

**Thank You!**

**Thank you for your participation! Your responses are important for developing policies and prevention tools to reduce sexual assault on campus and to provide better support systems for people who have experienced sexual assault and domestic violence. As a reminder, your survey responses are anonymous.**

**If you experienced discomfort while taking this survey and would like to talk to someone or learn more about these issues, the resources below can help you.**

**[Link to school's sexual assault website]**

**[Contact name, phone number, and office location of sexual assault advocate]**

**[School hotline phone number]**

**[Campus police phone number]**

[Link to national sexual assault organization website, e.g. RAINN]

[National hotline phone number]

#### Optional Incentive Language

Click the link below to enter your name in a raffle to win [PRIZE]. Your name will not be linked to your survey responses.

[LINK]

### Survey Invitation Email

Subject: Campus Climate Survey

Dear Student,

As part of our ongoing effort to make sure you feel welcome and safe at [NAME OF INSTITUTION], I invite you to take a moment to complete this survey about incidences of certain types of sexual and physical experiences in relationships on campus. The survey takes about 10-12 minutes to complete.

I hope you take this opportunity to contribute to our understanding of a very important aspect of student life on campus. We are committed to ensuring a safe, healthy, and nondiscriminatory environment for our students. You can help us in our work to keep all students safe.

Your responses will be completely anonymous and confidential.

[SURVEY URL] (**Note:** The survey link is not currently live. Your IRB should not need the link in order to approve your application.)

Optional incentive language: At the end of the survey, you can enter your name to be eligible to win [PRIZE].

If you have any questions about the survey, please email [climatesurvey@eab.com](mailto:climatesurvey@eab.com).

Thank you in advance for your assistance and participation!

[CLOSING]

[SIGNATURE BLOCK]

### Reminder Email 1

Subject: REMINDER: Campus Climate Survey

Dear Student,

A week ago, I sent a link to a survey about incidences of certain types of sexual and physical experiences in relationships on campus.

Your voice matters! By sharing your experiences we can make our campus community a healthier and safer place. If you have not yet completed the survey, please take a few minutes to do so now.

The online survey will be available only until [DATE]. Your responses will be completely confidential. Again, you can access the survey at the following link.

[SURVEY URL] (Note: The survey link is not currently live. Your IRB should not need the link in order to approve your application.)

Optional incentive language: Survey respondents have the chance to win a [PRIZE].

If you have any questions about the survey, please email [climatesurvey@eab.com](mailto:climatesurvey@eab.com).

Thank you!

[CLOSING]

[SIGNATURE BLOCK]

## Reminder Email 2

Subject: Last chance to take the campus climate survey

Dear students,

Thank you to those who have already taken the campus climate survey. Your responses are invaluable to creating a safe and welcoming environment at [NAME OF INSTITUTION].

If you have not yet taken the time to respond to the climate survey, please do so now.

[SURVEY URL] (**Note:** The survey link is not currently live. Your IRB should not need the link in order to approve your application.)

As a reminder, your responses are completely anonymous and confidential. Survey respondents have the chance to win a [PRIZE].

The survey will only be available until [CLOSING DATE].

If you have any questions about the survey, please email [climatesurvey@eab.com](mailto:climatesurvey@eab.com).

Thank you!

[CLOSING]

[SIGNATURE BLOCK]



## Resources

- Jeanne Clery Act Information - <http://www.cleryact.info/campus-sexual-assault-victims--bill-of-rights.html>
- Preventing Workplace Harassment on Campus - <http://training.newmedialearning.com/pwh/elonu/>
- The Presidents Guide to the Clery Act - [www.acenet.edu/.../Documents/A-Presidents-Guide-to-the-Clery-Act.pdf](http://www.acenet.edu/.../Documents/A-Presidents-Guide-to-the-Clery-Act.pdf)
- Title IX, Education Amendment Act of 1972 - <http://www.dol.gov/oasam/regs/statutes/titleix.htm>
- D. Stafford and Associates - <http://www.dstaffordandassociates.com/>
- Workplace Answers - <http://www.workplaceanswers.com/>
- Violence Against Women Act - [http://www.whitehouse.gov/sites/default/files/docs/vawa\\_factsheet.pdf](http://www.whitehouse.gov/sites/default/files/docs/vawa_factsheet.pdf)
- Clery Center - <http://clerycenter.org/>
- Campus Safety Article - [http://www.campussafetymagazine.com/article/stalking\\_cases\\_could\\_pose\\_challenges\\_for\\_college\\_vawa\\_compliance](http://www.campussafetymagazine.com/article/stalking_cases_could_pose_challenges_for_college_vawa_compliance)
- Link to Elon University CSA Report
- Link to CSA Letter
- Link to CSA List
- Link to Crime Statistics Report – 2014