

Task Force on the Institute Response to Student Sexual Misconduct

Summary of Recommendations

April 17, 2015

Chancellor's Charge to the Task Force

In May 2014, Chancellor Cynthia Barnhart convened the Task Force on the Institute Response to Student Sexual Misconduct to evaluate and recommend changes to the process by which the Committee on Discipline (COD) adjudicates student sexual misconduct cases.

Chancellor Barnhart provided the following charge to the task force:

To review the effectiveness of the current Committee on Discipline process on sexual misconduct, stalking, intimate partner violence, and other related types of cases and propose any needed changes to improve the process. This charge includes establishing guidelines for sanctioning in these cases and also considering whether the current COD model is still the best way to handle these cases. It also includes the streamlining of the decision process on campus that relates to the management of formal complaints and informal reports in sexual misconduct cases.

Recommendations

Recommendation 1. Keep the responsibility for adjudicating student sexual misconduct cases within the Committee on Discipline; review the policies and adjudication procedures for staff and faculty separately.

Recommendation 2. Create a new, separate, process within the COD structure to handle sexual misconduct complaints. Continue to rely on a full-time, in-house professional Title IX investigator to conduct investigations and prepare evidence and documentation, relieving involved students of this burden and reducing their interaction with one another, as well as improving the quality of materials presented to the COD, and increasing the fairness, equity, and speed of the process.

Recommendation 3. Update the COD rules to allow for an advisor of choice—including attorneys or other people outside the Institute community—in sexual misconduct cases; reaffirm the nonparticipatory role of the advisor.

- Require students to affirm that materials they submit to the committee are their own work and that any outside collaborators be cited.
- The Institute should not fund or provide outside counsel to students involved in these cases.
- The Office of Student Citizenship should recruit a small pool of trained advisors who are knowledgeable about the COD sexual misconduct process to serve as a resource to both complainants and students accused of sexual misconduct.

Recommendation 4. The COD chair should select a small subset of COD members to receive extensive additional training on sexual misconduct. Only people so trained will handle and resolve complaints involving sexual misconduct.

- The COD chair should screen all appointees to the Committee on Discipline. Appointees should be chosen based on their qualification to serve and their willingness to commit to the extensive amount of time required.
- Each year, the chair shall select six members from the COD to receive special training and adjudicate sexual misconduct cases. Only members who receive this special training will be eligible to participate in the resolution of cases involving allegations of sexual misconduct.
- Participation on the COD sexual misconduct subcommittee should be recognized as a substantial commitment, and subcommittee members should receive a reduced teaching load, a tangible reduction in other work commitments, or other appropriate arrangement that would ensure adequate time for the task.

Recommendation 5. In order to address concerns brought forward to the task force that student involvement in hearing sexual misconduct cases may have a deterrent effect on other students' willingness to come forward with complaints, student members of the COD shall not participate in the resolution of sexual misconduct cases.

Recommendation 6. Establish a sanctioning matrix for sexual misconduct cases to be used by the COD as a confidential guideline to inform the members' thinking; review annually and revise as appropriate.

Recommendation 7. Consider releasing annual public COD reports with aggregated sexual misconduct case data, if it is possible to do so while maintaining anonymity of individual complaints.

Recommendation 8. Create a process to deal with requests for accommodations in situations that do not result in a case being brought before the COD (for example, a complainant does not wish to proceed with formal action via the COD but does want some action to be taken that could adversely impact another student, such as requiring the student to move out of a residence hall or switch to a different class); post a description of the process publicly.

Recommendation 9. Increase Institute staffing, funding, and support for the COD.

- Review and, if necessary, increase the staffing level in the Office of Student Citizenship.
- Increase the COD's budget to provide training related to sexual misconduct and undertake other improvements related to addressing sexual misconduct.
- Provide the COD priority access to meeting spaces and equipment on campus for hearings and trainings.
- Purchase a database for the management of discipline records, statistical reporting, and timely follow-up in order to optimize records management in sexual misconduct cases.

Recommendation 10. Review the effect of the recommended changes one or two years after implementation.