

Framing the Conversation about Sexual Assault Prevention and Response on College Campuses

Prologue

Over the past few months of working together as a team, we concluded that it would be helpful to frame the discussion among alumni about sexual assault prevention and response. We have created a model of factors that we believe contribute to the persistence of sexual assault on campuses, including Williams. All of us, alumni from five different decades at Williams with varying degrees of subject matter expertise and connection to survivors (or who are survivors ourselves) have contributed to the model. We hope it helps to raise understanding and awareness of this issue and fosters compassionate and respectful dialogue. It is not meant to be an in-depth and on-the-ground perspective on sexual assault response and prevention at Williams. For that please see the Williams Magazine article “Standing Strong” ([link here](#)). Below are links to the full model write-up (which includes an executive summary) and a description of Title IX. Thank you for your attention and we look forward to your comments. Please reach out to any of us or click the "contact us" tab.

Yours,

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Executive Summary

Sexual assault is a major problem globally, nationally and on college campuses. It is intensely provocative emotionally. Survivors of assault and their friends and family deal with the repercussions of assaults for years. It is galling and unacceptable that it occurs with great frequency on college campuses, including Williams. Yet, this situation has persisted for years. In the past, it was not discussed openly. In recent years, thanks to the courage of many survivors, awareness of the pervasiveness of this scourge is on the rise. Many of us seek a deeper understanding of the situation and a path toward change. As alumni, parents, brothers and sisters we know that one sexual assault on campus is one too many. We feel an urgent need to help. This document is intended to help us on the path toward understanding, an essential step on the path toward change.

This document puts forward a model to describe the factors that we understand lead sexual assault to persist on campuses. The model consists of four components, each of which can influence the others:

- Individual Behaviors,
- Campus Culture and Norms,
- Impairment (Alcohol and Drugs), and
- Accountability for Offenders

Individual Behaviors are driven by the mindsets and habits of the students Williams and other colleges admit and how those mindsets develop during students' careers. Williams students are diverse on many dimensions, including those that relate to sexual assault. Sexual assaults, including rapes, are violent acts driven by individual behavior. Examining all of the elements of the system that can influence the behavior of students on campus is essential.

Campus Culture and Norms are the context within which students learn and grow. Students take signals from their peers and role models as to what sorts of behavior are appropriate. College administrators can and do influence culture through multiple initiatives and policies. In the context of a supportive administration, the students themselves will determine the culture. The best path toward eliminating sexual assault will be driven by an enabled and engaged student body.

Impairment through alcohol and drug use is a longstanding part of the college experience for many students. Given that an impaired student will likely exercise poorer judgment and be less able to control the world around them, it stands to reason that impairment will lead to greater risk of assaults occurring. Determining how best to deal with alcohol and drugs on campus is a broad and complicated question. It needs to be asked in the context of the sexual assault conversation.

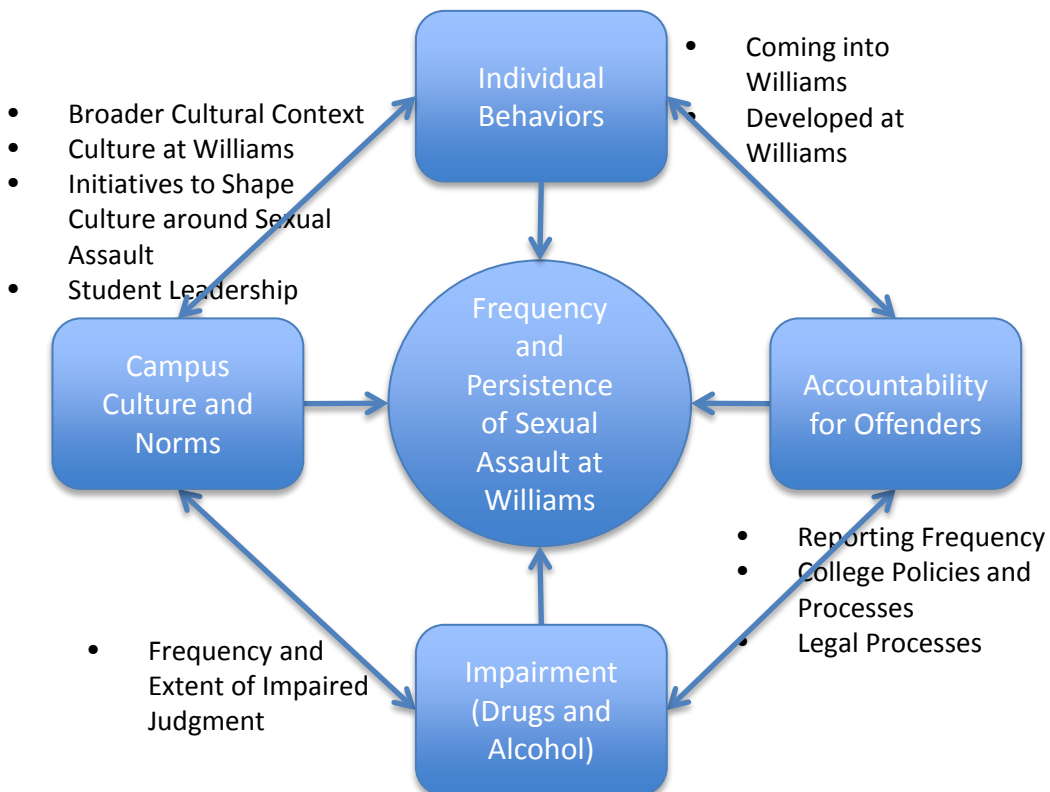
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Executive Summary (cont'd)

Ensuring *Accountability for Offenders* is a sound way to influence behavior and to raise the profile of the issue. Student survivors of assault can pursue legal and college-based paths to bring perpetrators to account. Reporting an assault to authorities can be a very difficult step for a survivor and the choice to pursue adjudication is intensely personal. Support of survivors throughout the process is critical. The legal system offers the strongest penalties but a long time frame and a very low probability of a conviction. College systems can provide more rapid adjudication, a lower burden of proof and additional survivor support throughout the process. Williams' written policies are designed to encourage reporting, support survivors and apply appropriate sanctions based on a thorough process. The school's approaches continue to evolve.

Throughout this document we have sought to include some salient information about what Williams is doing with respect to sexual assault prevention and response. To be clear, this document was created by the alumni liaison group and represents our views. We hope you find it useful. We look forward to continuing the conversation.

A Simplified Model of Factors Driving Sexual Assault on Campus



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Introduction

Why is sexual assault on college campuses such a persistent problem?

Sexual assault prevention is an incredibly complex and multifaceted topic. It is not new to the world, nor to Williams, even to Williams before the college admitted women. Extremely smart and caring people have tried many measures to improve the situation on their campuses and yet the problem persists. Its causes are diverse and not easy to predict.

Our goal here is to develop one model for understanding why sexual assault persists on the Williams campus. We know that at best it is incomplete and that in all likelihood we are mistaken in some places. We hope it helps inform the conversation we are seeking to have as Williams alumni about this issue.

Why a model?

The understanding of a complex issue is often aided by identifying the factors and sub-factors that drive it. Without strong hypotheses or theories, it is very difficult to have a thoughtful and productive conversation. One of us might say, “well factor x is really critical here” and another might say, “well, factor y is really what it’s all about.” And we both might be right. The conversation won’t move forward unless we understand how factors x and y both relate to the issue and to each other.

The Wish For a Silver Bullet

We all wish there were a single, simple solution to this problem. Unfortunately, there is none. As in any complex system, if you take action on one element, others will be affected. As an illustration, there are arguments by credible people asserting that the critical issue centers on penalties. They assert that if more survivors accessed a higher functioning legal system and if tougher sanctions were reliably imposed on assailants, prevalence would drop as potential assailants weighed this greater risk. On the other hand, a number of credible people say that increasing the frequency with which cases are reported is essential and that severe sanctions may inhibit reporting. They assert that we cannot fight a problem that we cannot see and that eliminating barriers to reporting creates an essential feedback loop for colleges to understand the extent of the problem, apply appropriate sanctions and support survivors. Both of these assertions have merit and deserve weight as we think about the issue. They also relate to each other. The legal process is a legitimate option as it offers the most severe penalties but in some ways it has not been survivor friendly given the low rate at which alleged perpetrators are charged, the extensive timelines involved, the severity of the penalties, and the likelihood that an investigation and trial will re-traumatize the survivor. Opinions vary on how to balance the importance of each of these factors, but without a model, each point of view will stand on its own and not benefit from the broader, more systemic, thinking that might lead to better solutions.

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Individual Behaviors

1

We start with individual behavior because it is the core of the matter. If no one engaged in sexual assault, we would not be having this conversation. The model adds other factors (culture, impairment and accountability) to the mix, but they are all factors that influence individual behavior. This section focuses on the drivers that are more specific to students – their behavioral inclinations as shaped prior to Williams and once they are in the community.

Each year Williams matriculates a group of young adults -- diverse in many ways that we measure – race, socio-economic background, country or state of origin, educational background. They are also very diverse with respect to their experiences and attitudes about sex and relationships.

Students' mindsets coming to Williams:

The highly accomplished students entering Williams are very diverse with respect to their levels of social maturity, their past sexual experience, their values with respect to violence and respectful treatment of others, and their appreciation for the dynamics of intimate relationships. Whatever their backgrounds, they have had role models and peers who have instilled norms that were either exemplary, toxic or somewhere in between. Williams must focus on what it does with this mix of students when it arrives.

Language Matters

Throughout this model, we use the term survivor for anyone who has experienced a sexual assault. This has become a commonly used term because it centers on the resilience and agency of the person who has been assaulted rather than the experience of violence itself. Not everyone who has experienced an assault identifies with this language, and ultimately, it is up to individuals to choose which language best describes them. We use the term perpetrator to describe the person who commits the assault.

In the certain sections, to reflect the neutral fact-finding character of the investigation process, we use the terms reporting party and responding party.

Consider the risk associated with this wide diversity of previous experience. A student with limited experience assessing the risks of a social or intimate situation is confronted with someone with more experience and a set of values that might lead to bad behavior based on bad values, internal confusion, poor role models or peer pressure. These imbalances occur irrespective of gender, involvement in athletics or any other identifier.

One difficult to discuss reality is that there exists, in any population, a small percentage of people who are prone to predatory behavior. In a place like Williams one might hope that we would avoid these people, but it would be a fantasy to think that we do. Assuming we will never avoid these rare cases completely, it is essential that other parts of our system (such as education, bystander intervention, reporting and sanctions) deal with these individuals effectively.

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Individual Behaviors

2

Mindset development at Williams:

OK, so Williams has this mix of students bent on learning and experimenting when they arrive. What is in the college's control?

Williams orients students into the community in a variety of ways, with a goal of encouraging academic success, healthy relationships, growth and respect. New students are engaged in programs that connect them to upperclassmen and to peers. The entry system remains a strong platform of social integration. Sports, theatre, visual arts, clubs and other extracurricular activities create small communities in which first-years connect with peers and role models. Each of these has the potential to instill a set of values on to how to treat others, including in intimate relationships. The "Standing Strong" article describes the college's effort during orientation to ensure that the mix of students is confronted with the issue, its importance and what they, as individuals, can do to address it.

Individual behaviors (and their underlying drivers) are difficult to control, but colleges, including Williams, have responsibilities to actively discourage destructive behaviors and encourage healthy ones.

Orienting Students to Williams

Orientation is clearly an important, though not the only, time at which a college can set expectations of student behavior and can educate and train students regarding an issue as important as sexual assault.

For the college's description of how it currently does this, see the Williams Magazine article "[Standing Strong](#)."

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Campus Culture and Norms

1

Culture is difficult to define specifically but understanding it is essential to addressing this issue. The central cultural question as it relates to sexual assault is: To what degree is the community likely to encourage (even unknowingly) sexual aggression or to discourage it.

Broader Cultural Context:

While the seeming ubiquity of violence and sexual content in the mainstream media and on the internet leads many to think that this shapes and often distorts the values and behavioral expectations of young people, research suggests, please see <http://chronicle.com/blogs/percolator/study-casts-skeptical-light-on-campus-hookup-culture/33389>, that sexual behavior of college students has not changed significantly since the 1980s. Still, there does seem to have been a change in the way we talk about sexual violence on campus, and as discussions become more open (such as this one), we hope that this will lead to positive changes in the behaviors of today's students.

It is often asserted that the sports culture prevalent in our society promotes more aggressive sexual behavior. Certainly, there is no shortage of stories of prominent athletes who are accused of, and even found guilty of, assault. While these cases catch the public eye, research has produced mixed evidence as to whether athletes on campuses are more or less likely to commit assaults. For one summary of related research, see Moynihan et al., *Engaging Intercollegiate Athletes in Preventing and Intervening in Sexual and Intimate Partner Violence*, 2010. Williams reports that no group on campus is significantly overrepresented among responding parties in reports of sexual assault.

Norms around drugs and alcohol are also essential to a healthy culture in general and sexual assault prevention specifically. We will cover this in more depth in the next section – *Impairment*.

Our Aspirational Culture

The hope of everyone associated with Williams is that it defines itself as a leader on this issue and develops the best in its students by creating and maintaining a healthy, respectful, honest and safe community.

While the administration can and must set important context for students that can influence the culture (e.g., prevention and response investments), in the end it is the students who will determine how best to incorporate the community's values into their daily lives. If they own it, the fight against sexual assault can be won.

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Campus Culture and Norms

2

Culture and Cultural Development at Williams:

So, what resources does a school like Williams have to increase the chances that its community will deter sexual assault? We see this as working on two levels. The first is what kind of students the college attracts – a topic largely covered in the *Individual Behaviors* section. The second level is how Williams shapes attitudes and behaviors once the students are on campus.

With respect to the kind of students a college attracts, a college's culture and reputation influence who chooses to apply and attend. Some colleges are known as party schools. Some have great engineering programs. Some have great sports. Williams has a terrific mix of assets that attracts a diverse and impressive applicant pool that enables the college to be highly selective. While the students at Williams are amazing on many dimensions, Williams can consider how its culture and policies around sexual assault might influence the pool of students who apply in ways that relate to this issue. Of course, if there were a reliable way to identify predators in the applicant pool, Williams and other colleges would eagerly adopt it.

We believe that while it may not be possible to “screen out” potential predators prior to their enrollment at Williams, it is possible to create an environment in which antisocial behavior does not flourish. The college reports actively experimenting with new ways to move the needle (see inset on page 10, Cultural Initiatives At Williams).

Is the rate of sexual assault higher at Williams than at other colleges or universities? Those on campus indicate that there is no analytically sound way of determining that because of the vast differences in reporting levels and processes across institutions. The college has turned its focus on sharing its own data within the community since February 2012 (<http://dean.williams.edu/policies/sexual-misconduct/february-9-2012/>) to promote awareness and a sense of urgency on this issue. Irrespective of the college's relative standing, even one sexual assault at Williams is one too many.

The ultimate goal for the college is for the entire Williams community to own this issue and to build and sustain an aspirational culture. For this to happen, all students need to:

- Understand the issue, believe it is important for individual health and the health of the community,
- Understand positive engagement at the interpersonal and broader community levels,
- Engage with others in ways that encourage positive behaviors, and
- Know what to do (and be motivated to do it) when they encounter problematic behaviors ranging from the boorish to the potentially criminal.

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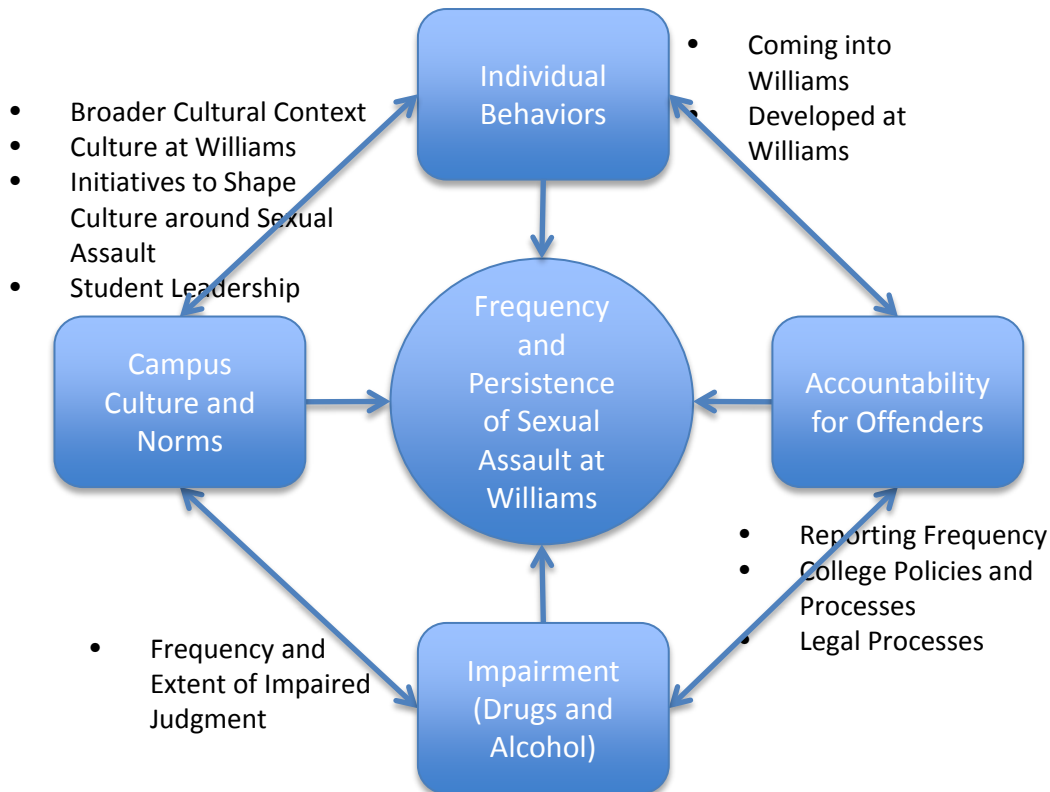
Campus Culture and Norms

3

Culture and Cultural Development at Williams (cont'd):

Each of these steps takes work. There are significant signs of hope at Williams from the increasing number of students trained in depth to deal with problematic situations to the vibrant set of student groups that are working on the issue. The hiring of Meg Bossong '05 as Williams' first Director of Sexual Assault Prevention and Response to focus exclusively on sexual assault prevention and response as well as other investments the college has made in support services are also cause for hope. Reasons for concern remain of course. The primary one is the number of students who indicate that they have been assaulted while at Williams as reported in Dean Bolton's most recent letter: <http://dean.williams.edu/policies/sexual-misconduct/march-13-2015/>.

A Simplified Model of Factors Driving Sexual Assault on Campus



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Campus Culture
and Norms

4

Cultural Initiatives Ongoing at Williams

With respect to understanding the issues of consent and sexual assault, Williams works with students at orientation to help them understand the issue and its importance. In orientation, all first year and transfer students participate in a program called “Speak About It,” which addresses community expectations about healthy relationships, respect and intimacy, the impact of sexual assault, and a bit about prevention and bystander intervention. This program is followed by discussions in every entry facilitated by the JAs and the student-run Rape and Sexual Assault Network (RASAN), who train together to prepare for the discussion with the guidance of staff. All first year students also participate in mandatory workshops in the winter, which are co-facilitated by RASAN and trained staff. These programs have been evolving over time and the college is assessing their impact.

The college is also engaging a broad array of groups that cut across the fabric of the college community to support this effort. Clubs, junior advisors, orientation leaders, athletic teams all work to elevate this issue to a higher level of understanding and to promote the desired values and behaviors around the issue. This work will need to continue and the college will need to continue to be creative in finding ways to help students who consider the issue uncomfortable or irrelevant to engage more deeply. While orientation is a critical time for this work, it continues throughout students’ careers at the college.

The college is also working to deepen its understanding of the climate at Williams around this issue. An anonymous survey was conducted this winter with results to be reported before the end of the semester. This will be an opportunity for learning and dialogue that could be powerful for the community.

The college also invests in enabling students to do the right thing when confronted with a high-risk situation. Bystander training is designed to help students know how to intervene effectively when they see a problem or a situation that could become one. It is the only form of training that has been shown in research to decrease sexual assault prevalence. This training is becoming more widespread and operates on the theory that the more bystanders who are enabled (and who can band together) to intervene, the more potential assaults will be prevented. As has been reported elsewhere, Williams has also been the first campus to pilot the mobile application Circle of 6, which enables a student to reach out for help to a group of six friends at the push of a button. This kind of work is essential to reducing assaults, though the ultimate goal is to decrease the frequency with which bystander intervention is needed. It is possible that the increased breadth of bystander training will help drive that outcome as well, just as the campaign to promote designated drivers helped change the culture around drunk driving.

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Impairment (Drugs and Alcohol)

Alcohol and drug use are part of the reality at Williams (and almost every other college). This is not new.

Impaired judgment increases the odds of risky and antisocial behavior, including sexual assault. Impairment can hinder the perception of what is and is not “consensual behavior.” Impairment may affect the ability of an individual to communicate their lack of consent or perception of risk. It can lead someone to engage in behavior they wouldn’t engage in if they were sober. It stands to reason that if students were seriously impaired by alcohol or drugs less frequently, the likelihood of assaults would drop.

Drinking has long been a difficult issue for colleges to manage. Some amount of alcohol consumption has long been part of many students’ experience at college. On the other hand, it can create significant health risks and legal risks. In general, laws regulating drinking and college policies have evolved over the past several decades to increase control and decrease access. All of this has been done with the worthy objective of protecting public health. It is worth asking, however, whether the current policies are having unintended consequences if they lead to students migrating toward more “pre-gaming” (heavy drinking over a short period of time prior to socializing in larger groups) and away from more gradual and socially appropriate consumption. This is a hornet’s nest we think warrants discussion generally and in the context of sexual assault. For the last three years, Williams has been working with students and others on data-based efforts to understand and address problem drinking on campus. For more contextual information on this topic, this site may be useful:

www.collegedrinkingprevention.gov

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Accountability for Offenders

1

Strong deterrents can be another way to influence individual behavior. Strong sexual assault response processes are also central to ensuring the long-term health of survivors and of the community. In this section we will primarily focus on the deterrent effect of these processes.

The core deterrent theory is that if someone is rationally weighing a choice to engage in an assault, he or she will be less likely to proceed if he or she perceives a high likelihood of both being caught and facing a sanction. It is also reasonable to believe that placing severe penalties gets people's attention and raises awareness. This would lead more students to become better informed and to invest more thoughtfully in understanding the issues of consent and unwanted sexual conduct. Impairment may reduce these effects, but in general this theory seems reasonable. The debate about how to use penalties for their greatest effect is a rich and growing one. Williams revised its process for investigation and adjudication of sexual misconduct in 2013. A great deal of work is being done on this issue. (For more, please refer again to Dean Bolton's most recent letter, <http://dean.williams.edu/policies/sexual-misconduct/march-13-2015/>)

There is an interrelated set of questions at play in creating a credible threat of penalty.

- The likelihood that the survivor will report the case,
- The legal system (criminal and civil) and how effectively it operates,
- Campus policies and processes and how effectively they operate,
- The requirements that Title IX places on colleges, and
- The need for any process to address the rights of responding parties.

Reporting: Studies indicate that the vast majority of assaults (estimates range from 80-90%) go unreported. This happens for a number of reasons, including:

- Survivors' desire to avoid the pain associated with revisiting the event,
- Survivor shame and not wanting to inflame that by risking the event becoming public, and
- Survivors' sense that the process (legal or college-based) will not lead to a good outcome (hard process, unlikely penalty, too severe a penalty).

For the rate of reporting to increase, the processes need to be flexible and supportive of survivors' needs and have clear paths to results. The choice to report is an intensely personal one and needs to be in the control of the survivor.

The Legal System: The legal system provides criminal accountability or civil remedies for charges stemming from sexual misconduct.

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Accountability for Offenders

2

Legal System (cont'd)

Criminal Accountability:

Criminal cases are brought by the state. The district attorney will oversee the investigation and prosecution of a case that took place at a college. Survivor support services are provided from both state resources and private non-profit survivor rights organizations. Many survivor crisis services have a statutory privilege that protects communications with survivors using their services. Williams' protocol calls for offering the support of college staff members trained to provide survivors with these services and to support survivors throughout the legal process in addition to supporting survivors in accessing the services of off-campus organizations who provide the same resources. Prosecuting a case typically takes considerable time—much longer than a college disciplinary process.

Civil Accountability and Remedies:

Survivors of sexual misconduct may also seek recourse through civil litigation. Again this process would move independently from any college disciplinary process.

Legal processes pose real challenges for survivors. As a result, many (both in college communities and elsewhere) choose not to pursue them. The major elements that contribute to this are:

- Criminal prosecution requires that a case be proven “beyond a reasonable doubt,” a standard perceived to be difficult to achieve in many cases. This leads to a small percentage of alleged perpetrators being charged and a small percentage of those being convicted. (See RAINN analysis: <https://rainn.org/news-room/97-of-every-100-rapists-receive-no-punishment>)
- The adversarial system means that the complainant will likely confront an uncomfortable challenge in a public forum.
- The process can take years. In the context of a campus sexual assault, unless the complainant pursues a college process as well, the respondent will likely remain on campus.
- Proposals arise from time to time to try to address some of these issues and we hope that as awareness of them increases, legal systems will improve, but for now this is generally a difficult path for survivors to pursue, even though the consequences for the perpetrator can be more severe than those imposed by a college.

Supporting Survivors

Colleges provide processes for reporting, investigating, and adjudicating assaults; treating complainants and respondents fairly; and supporting survivors, whether they choose to pursue disciplinary action or not. That support can include counseling as well as adjustments to academic and living arrangements to advance a survivor's sense of wellbeing. When a survivor does pursue an investigation, a college must protect the privacy of the reporting party and the responding party. This can be difficult in a small community like Williams, but the college has revised its policies to increase privacy protection. For more information on Williams' approach to investigations, click here: <http://dean.williams.edu/policies/disciplinary-process-2/>

Framing the Conversation about Sexual Assault Prevention and Response on College Campuses

Accountability for Offenders

3

College Policies and Processes: Title IX mandates that schools have an equitable system for investigating and adjudicating reports of sexual assault. Within its guidelines, there are choices that colleges make in designing their policies and processes. For a description of Title IX, please see the Appendix to this document. The regulatory landscape for colleges is changing and will likely continue to.

Some of the critical dimensions of these choices are:

- The nature of penalties for various offenses: The penalties a college can impose differ from those of the legal system. They typically range from suspensions to expulsions depending on circumstances. Some argue for applying the steepest penalty (expulsion) in all cases of sexual assault. One needs to consider, however, that sexual assault covers [a range of behaviors](#) [hotlink to <http://dean.williams.edu/policies/sexual-misconduct/understanding-the-williams-code-of-conduct/>]. It is not clear that expulsion is automatically appropriate for all of them, especially given the standard of evidence that colleges are mandated by the federal government to use (see below). Many people who work in the field also believe that mandatory expulsion for every kind of sexual assault can have the effect of biasing members of campus review panels against determining that an offense has occurred. Many people who work in the field also believe that mandatory expulsion for every kind of sexual assault can have the counter-productive effect of inhibiting survivors from reporting. This is because survivors are sometimes unsure in their own minds what occurred and can be leery of initiating a process that can have only one severe end.
- The standard of proof to be applied: As noted above, in the criminal justice system, the guilt of an alleged perpetrator must be established “beyond a reasonable doubt.” Colleges are mandated by the federal government to apply the standard of “preponderance of evidence.” This means that if adjudicators determine that 51% or more of the evidence supports the claim, they must rule that a violation has occurred. The preponderance of evidence standard is also the standard of proof under a Title IX civil action. For more information, please see the following resources from the Office of Civil Rights:
 - [the dear colleague letter of 4/2011](#)
 - [the OCRs Q&A of spring 2014](#)
 - [notalone.gov](#)
- Process for investigation and adjudication: Colleges, including Williams, have been evolving their processes to increase the degree of privacy and support for both the reporting party and the responding party as well as to increase the level of expertise brought to bear in investigation and adjudication. For example, at Williams all reports of sexual assault are now investigated by outside professionals.

Framing the Conversation about Sexual Assault Prevention and Response on College Campuses

Accountability for Offenders

4

College Policies and Processes (cont'd)

- Integration with local legal authorities: Colleges have some latitude in how they work with local authorities on cases. Survivors always have the right to pursue legal avenues. As recommended by the Office of Civil Rights, Williams' policy is to notify police of each report of a sexual assault on campus, withholding the name of the survivor when asked to. Federal law requires all colleges that participate in federal financial aid programs to keep and disclose information about crime on and near their campuses.

Following a review of all its sexual assault processes over the course of 2012 -2013, Williams significantly altered them with the goals of raising reporting rates, improving the quality of the process and more effectively protecting everyone involved in the process. (See inset "Evolution of Williams' Policies And Processes.") Further review is being undertaken this year, which includes an invitation to all current and recent students who participated in the new processes (complainants, respondents, witnesses, and supporters) to suggest refinements.

Evolution of Williams Policies and Processes

Williams' policies and processes have evolved significantly over the past five years. In the spring of 2014 it added the position of Director of Sexual Assault Prevention and Response and brought Meg Bossong '05 on board to fill the position. There are several critical aspects of Williams' policies that we consider worth highlighting:

- Providing support and a range of options to complainants: Williams' policy calls for supporting survivors by offering them counseling and advice about all of their options for pursuing complaints (legal and college-based). The college's protocol also offers housing, academic and other arrangements to address survivors' sense of safety and well-being.
- The college's disciplinary process is designed to ensure that the privacy of both the reporting party and responding party is protected, that resolution is reached in a timely manner, that investigations are conducted by outside professionals, that rulings are made by college members trained to do so and that students never need to talk about their case in front of a panel of peers or professors. This is an area where Williams has made changes over the past few years.
- It has been Williams' policy to inform the Williamstown Police Department whenever a case is reported, withholding the name of the reporting party when asked to.
- Over the past three years (2011/12, 2012/13, 2013/14), 33 cases of sexual assault were reported to Williams. In those, 14 reporting students chose to pursue the college's adjudication process. In 13 of those cases, the college found that violations of its Code of Conduct had occurred. Three of these cases led to expulsion and 10 resulted in suspensions ranging from one to five semesters. In the most recent year, the average duration of suspension was two years.

APPENDIX: DESCRIPTION OF TITLE IX

Title IX

Title IX is a landmark civil rights law that prohibits sex discrimination in education. While many think of Title IX as it relates to gender equity in sports, it also addresses sexual harassment, gender-based discrimination, and sexual violence. Under Title IX, sexual violence is an umbrella term that includes:

- Attempted or completed rape
- Attempted or completed sexual assault
- Sexual harassment
- Stalking
- Voyeurism
- Exhibitionism
- Verbal or physical sexuality-based threats or abuse
- Intimate partner violence

Any college that participates in federal financial programs is required by law to be compliant with Title IX. Title IX is enforced by the Department of Education Office of Civil Rights. Title IX does not apply only to female students. It protects any individual from sex-based discrimination, regardless of their real or perceived biological sex, gender identity, and/or gender expression. Title IX also protects faculty and staff.

Under Title IX, colleges are required to actively ensure that their campus is devoid of sex discrimination. They are mandated to take immediate steps to address sexual violence on campus to prevent it from further affecting a student or students. If a school knows or reasonably should know about an incident of sexual violence, it must respond to it, remedy the harm inflicted, and prevent it from occurring again.

Title IX also mandates the following:

- Colleges must have a designated Title IX coordinator and that individual's contact information should be available in the college's non-discrimination notice.
- Colleges must disseminate a notice of non-discrimination.
- The process for investigating and adjudicating allegations of sexual violence must be equitable for all parties .
- Colleges must have an established procedure for addressing complaints of sexual discrimination, sexual harassment, or sexual violence.
- Colleges must ensure that a survivor of sexual violence does not have to share spaces, such as dorms, classes and campus jobs with his or her assailant.
- Colleges may not retaliate against someone filing a complaint and must keep a survivor safe from other retaliatory behavior or harassment.

APPENDIX: DESCRIPTION OF TITLE IX (Continued)

Title IX (Continued)

- Colleges can issue a no-contact directive to prevent the accused assailant from approaching or interacting with the survivor.
- Colleges are prohibited from encouraging or allowing mediation (as opposed to a formal hearing) of the complaint.
- Colleges are prohibited from discouraging a survivor from continuing their education (i.e. they cannot tell a survivor to “take time off” or transfer institutions).

Students, faculty and staff can file Title IX violation allegations against their institutions with the Department of Education’s Office of Civil Rights. If a college is found by the Department of Education to be in violation of Title IX, the college will be given instructions for how to come into compliance. If a college rejects the terms for coming into compliance or fails to take appropriate action to come into compliance, the Department of Education can revoke the institution’s federal aid. To date, no institution has had its federal aid revoked.

Only four institutions in the United States reject federal funding to avoid compliance with Title IX.

College Sexual Misconduct Policies

Under federal law, colleges are required to publish an established sexual misconduct policy. The policy must include:

- A definition of consent
- A clear explanation of the college’s investigative and adjudicative processes
- A definition of the standard of evidence used by the college when determining if sexual misconduct occurred
- Information on all possible sanctions that may be imposed against the accused assailant
- Description of range of protective measures the college can offer to the survivor and the accused
- Simultaneous notification of the accuser and the accused regarding any results.

Investigative and adjudicative procedures must:

- Be fair, prompt and impartial
- Conducted by annually trained officials
- Allow both the accuser and the accused to have the advisor of their choosing

The majority of colleges updated their campus sexual misconduct policies following the Reauthorization of the Violence Against Women Act in 2013, which included the Campus SaVE Act. And, many colleges are continuing to update their misconduct policies in anticipation of the passage of the Campus Accountability and Safety Act (CASAAct), which was introduced by Senator McCaskill to the United States Senate in August 2014.