

November 2020

BE A PART OF THE CHANGE.

**SUPPORTING SURVIVORS OF
SEXUAL MISCONDUCT AT CASE
WESTERN RESERVE UNIVERSITY**

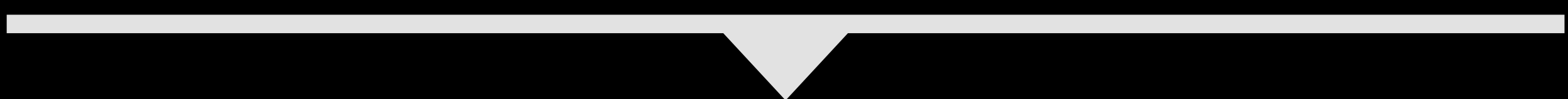
**PROPOSED TO: CWRU
BOARD OF TRUSTEES**

**PREPARED BY: SEXUAL
MISCONDUCT COMMITTEE**

Supporting Survivors of Sexual Misconduct

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Supporting Survivors of Sexual Misconduct

GLOSSARY

Abuser / Respondent/Defendant: an individual who victimized another individual with any form of sexual assault or misconduct

Advisor: a person chosen by a party or appointed to accompany the party to meetings related to the resolution process, advise the party on that process, and conduct cross-examination for the party at any Process A hearing (parties/witnesses are questioned by Panel and then by Advisors)

Confidential Resource: an employee who is not a Mandated Reporter of notice of sexual harassment or retaliation, including anyone in University Health and Counseling Services (UHCS), Student Advocate for Gender Violence Prevention and Outreach, and Cleveland Rape Crisis Center (CRCC)

Formal Complaint: a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment or retaliation for engaging in protected activity against a Respondent and requesting that the university investigate the allegation

Informal Resolution: a process by which a mutually agreed upon resolution of an allegation is reached; when parties agree to resolve the matter through an alternate resolution process usually before a formal investigation, when the Respondent accepts responsibility for violating policy and desires to accept a sanction and end the resolution process, or when the Title IX Coordinator or designee can resolve the matter informally through supportive measures. Informal Resolution can be stopped at any time to pursue the Formal Grievance Process.

Investigator: trained investigators for the Office of Equity review cases and meet with the Complainant, Respondent, and witnesses as a team to compile and present the final report as part of the investigation process for Sexual Harassment Policy violations

Mandated Reporter: an employee of CWRU who is obligated by policy to share knowledge, notice, and/or reports of sexual harassment or retaliation with the Title IX Coordinator; this includes Greek Life Office (GLO), resident assistants, teaching assistants, orientation leaders, and all other employees unless otherwise noted

Non-consensual Sexual Contact: sexual activity that occurs without the person's active, ongoing voluntary agreement (e.g. initiating sexual activity despite the person's refusal; ignoring cues to stop or slow down; proceeding without checking in or while the person was still deciding; or otherwise failing to obtain the person's consent)

Office of Equity: the CWRU office responsible for addressing campus issues raised that are related to Title IX, such as ensuring equal access to university programs and protecting the rights of all on campus from discrimination based on or related to gender including sexual harassment

Prevention Advocacy Compliance Clery Team (PACCT): the charge of PACCT is to facilitate and support a collaborative approach to the advocacy, compliance, Clery reporting, and prevention of power-based personal violence at Case Western Reserve University

Panelist: the Formal Grievance Process relies on a Pool of faculty, staff, and students to serve at hearings as panel members, who are appointed by the Title IX Coordinator, listed on the Office of Equity website, and trained annually to serve in the following roles: to provide appropriate intake of and initial guidance pertaining to complaints, to act as an Advisor to parties, to assist or perform initial assessment, to investigate complaints, to serve as hearing facilitators, to serve as a Decision-maker regarding the complaint, to serve as an Appeal Decision-maker

Sexual Misconduct: behaviors with sexual connotations that interfere with an individual's academic or professional performance, limit the individual's ability to participate in an academic program, or create an intimidating, hostile, or offensive social, academic, or work environment; including but not limited to the offenses of sexual harassment, sexual assault, rape, domestic violence, dating violence, and stalking

Survivor / Complainant: an individual who experienced any form of sexual assault or misconduct

TGQN: individuals who identify as any of the following gender categories: transgender woman, transgender man, nonbinary/genderqueer, gender questioning, or gender not listed

Title IX: part of federal education statutes that states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance"

Supporting Survivors of Sexual Misconduct

PREFACE

It is well known that sexual assault is a grave issue on college campuses across the country. The Campus Climate Survey on Sexual Assault and Misconduct prepared for the Association of American Universities found sexual assault and misconduct at 33 of the nation's major universities, including Case Western Reserve University. The survey found that 1 in 4 undergraduate women, 1 in 16 undergraduate men, and 1 in 4 TGQN students have experienced sexual misconduct and rape at their universities, the place they call home for their formative post-secondary education.

Over the summer, one of our worst fears—that sexual assault is indeed rampant on this campus—was highlighted through an anonymous social media account on Instagram named “CWRU Survivors.” In just 21 days, the account received over 600 submissions from CWRU students. No other Instagram account of this nature had achieved this feat, this fast, especially at a school of our size. Sexual abuse at our university was exposed through media such as the Cleveland Scene, WTop News, and CBS News. The student body and alumni alike are calling for action. A massive culture change has already begun on our campus, and the University must ask itself one simple question: Will we be aiding in this change or standing by?

A task force composed of volunteer undergraduate, graduate, and transfer students, who worked tirelessly with advisors, lawyers, and CWRU alumni, met regularly throughout the Fall of 2020 to discuss sexual misconduct on CWRU's campus, the root causes of some of these issues, and what simple steps could improve the situation on campus. Issues relating to campus culture, lack of knowledge regarding the Title IX and sexual harassment policy, a need for transparency, and education were all discussed. After several initial meetings that revolved around discussion of these issues, over 40 students were divided into 4 subcommittees to focus on identifying key issues and solutions to improve our CWRU community. This is the task force's proposal to address the current campus culture surrounding sexual misconduct.

We have divided our concerns into 4 main areas: Title IX and University Policy; Greek Life, Student Organizations, and University Offices; Campus Culture and Education; and Survivor Support.

After hearing numerous students recount their personal experiences with the “Title IX” process and sexual misconduct at CWRU, one thing has been made clear: We are, unfortunately, not supporting nor educating the CWRU community enough in terms of sexual misconduct. Sexual assault survivors and the accused alike are subjected to an inconsistent, unfair, and problematic process in place to address allegations. A change must be made.

We hope that this proposal and our insight gained during our many conversations and meetings serves as a guide to accomplishing the proposed actions and creating positive change on our campus. We firmly believe that CWRU is one of the best universities in the United States, and the top university in Ohio. However, we must lead by example. We must be part of the change. CWRU has the opportunity to become the leading example of what to do and how to handle sexual misconduct allegations. This is the opportunity to do it.

Supporting Survivors of Sexual Misconduct

TITLE IX PROCESS AND UNIVERSITY POLICY

There is no shortage of articles and news clips detailing sexual misconduct on college campuses and identifying shortcomings in schools' responses, both from the victims and the accused. CWRU has not been an exception to this, with students feeling distressed and unsatisfied on both ends of the process. Although there are new Title IX regulations that recently went into effect that have resulted in some change already, CWRU can take simple actions to improve upon the Office of Equity's functions and to support all students, faculty, staff, and community members involved in the processes related to the sexual harassment policy. We firmly believe that CWRU can be a positive model for other college campuses, beginning with these outlined action steps.

Action Steps:

1. Provide more training to Office of Equity staff.

ATIXA is the company that CWRU uses in providing training relating to sexual misconduct to the Office of Equity's Investigators and Panelists. Currently, Investigators receive 16 hours of formal training and Panelists receive 8 hours. We propose to increase training to 24 hours to meet the ATIXA standard before a person can serve in these essential roles, as well as the following:

- Increase training on trauma response for Investigators.
- Increase training on maintaining neutrality during hearings for panelists due to the importance of consistency for both parties involved. A central tenet to the new Title IX regulations is to ensure a level of fundamental fairness and to protect the rights of those involved in the process. Without consistency and neutrality, CWRU will struggle to provide a fair hearing as mandated by the regulations.
- Continually update training that the Office of Equity receives relating to new regulations.

2. Create an accountability measure for policy promises.

Rules, policies, and procedures are meaningless if they are not followed and enforced. We need a way to notify the Office of Equity of issues and concerns as they arise. We propose two different methods for this accountability measure.

- The first option is to develop a university reporting and feedback mechanism that can be applied to any staff or faculty member when other grievance or complaint measures are not applicable or sufficient, with the capacity to be specific to the Office of Equity, UHCS, CWRU Police, and any other areas of concern.
 - This may take the form of a CWRU accountability app that includes these offices and departments or incorporation into an existing app (CWRU Shield, Campus Groups)
 - Ask students to fill out a survey immediately after visiting the Office of Equity, UHCS, and other offices relating to the sexual harassment policy and Title IX. This would provide an avenue for CWRU students to raise the many concerns that they have voiced.
 - Appoint student representatives or a group of student liaisons to work with on-campus services for certain complaints/issues, with a focus on referral for resources and support.
 - This would alleviate student concerns relating to staff and implement an automated review system for students to fill out after any encounter with university services and develop better rapport and transparency with the student body..
- The alternative is for the Office of Equity website to post contact information for the U.S. Department of Education Civil Rights Office—Cleveland in the "Resources" section.
 - If the latter measure is chosen, the information for this reporting process must be prominently linked on the website, clearly stating that any student can use this to report sexual misconduct AND/OR failure of the Office of Equity to follow its policies.
- Each university service and office should use feedback regarding their personnel and faculty members, in order to evaluate and remediate employees via thorough membership reviews.

3. Utilize a campus-wide marketing campaign to explain Title IX and the CWRU sexual harassment policy.

- Identifying the Office of Equity and emphasizing contact information.
- Increasing understanding about Title IX and its protections and limitations, especially regarding the new regulations put in place as of August 2020.
- Revamping bathroom posters (more information in a later section of the proposal).
- Creating and widely distributing easy, accessible guides on Title IX and university policy for students such as those recently created by the "PAACT" Committee.

4. Increase transparency through documentation (i.e. annual reports relating to sexual misconduct) and communication.

- By providing annual reports from the past 7 years on the Office of Equity website, CWRU can help its community achieve greater knowledge and understanding of the prevalence of sexual misconduct cases among its members.
- Create a roundtable between the Office of Equity staff, including Investigators, and students to ask questions about training and other information regarding Title IX and CWRU sexual harassment policy. The CWRU community has a right to know about the prevalence of sexual misconduct and rape at our university and how the Office of Equity handles these issues.

Supporting Survivors of Sexual Misconduct

GREEK LIFE, STUDENT ORGS, AND UNIVERSITY OFFICES

Action Steps:

Many student testimonials and concerns specifically name Greek Life, varsity and club athletics, and other influential student and university organizations as focal points of sexual misconduct. The significance of this insight is heightened by the fact that the vast majority of the student body is involved in at least one of the 200+ extracurricular activities and organizations offered at CWRU. Over 1/3 of students are involved in Greek Life, and 90% of those students are involved in other organizations and athletic teams. Students join these organizations as a means to enhance their academic and career goals, pursue interests beyond their studies, associate with like-minded peers and create meaningful connections. These experiences and benefits of participation are devalued if the organizations' goals are undermined by allegations that they support and/or perpetuate a culture of sexual misconduct. We must ensure that the social capital and developmental potential represented by these various organizations is harnessed in a positive, productive manner, rather than in the harmful ways that have become evident in many student testimonials. With adequate support from university offices and departments, we hope that these organizations can play an essential, constructive role in the personal and professional growth of CWRU students from matriculation to graduation.

1. Hold the GLO accountable for the implementation of mandatory sexual misconduct training for all Greek chapter advisors.

- This should include an overview of Title IX and the sexual harassment policy, filing a report, new regulations, accessing resources, and accommodations available to students.

2. Move all Greek recruitment of first-year students to the spring semester for fraternities and sororities so first-years are fully trained in sexual misconduct topics before joining their prospective organizations.

3. Create a student-run accountability system for all university and student organizations.

- All organizations should formally state that they will not tolerate verbal harassment, unwanted physical contact, and/or rape. Organizations can work with the Office of Equity to create formal statements and constitutional bylaws if necessary.
- Student orgs, university departments, and all other services and offices should be continuously using feedback to guarantee effective reviews of members and personnel whenever necessary.
- The GLO should implement an accountability measure for sexual misconduct that every Greek chapter on campus must institute in their bylaws to more formally address allegations of sexual misconduct. Some chapters are already working on this, and all chapters can consult the Office of Equity for guidance and approval.

4. Provide comprehensive and mandatory education on sexual misconduct and other topics for all varsity and club athletic teams.

- Coaches must emphasize the importance of these issues and evident consequences.
- Have external lecturers or externally-trained students (from CRCC or other similar resources) give discussion-based workshops on sexual misconduct, consent, and other relevant topics

5. Create a mandatory spring semester Greek Life program to address the general lack of comprehensive training, modules, and sexual misconduct knowledge.

- Have professional lecturers or externally-trained students (through CRCC, SMAART, etc.) give workshops and facilitate discussions that are hosted, required, and supported by the GLO.
- Programs should be focused on consent; preventative, non-victim-blaming language; verbal and physical harassment and assault; incident-reporting; risk management beyond alcohol; toxic masculinity; the sexual harassment policy and Title IX process; and other relevant topics.
- Workshops should be discussion-based and emphasize that these measures are necessary to protect current and future members and the general campus from sexual misconduct. Implementation in the spring semester ensures that all current and new members receive sufficient training and education early in their Greek Life experiences.

6. Expand the scope and depth of SMARTR for all Greek members.

- SMARTR modules are not mandatory currently, as Greek chapters request presentations to fulfill national requirements. SMARTR provides valuable information on safe practices relating to drugs, alcohol, and sex; thus, we propose mandatory presentations at least twice a year.
 - Bystander 101 is mandatory education for new Greek members. It is currently undergoing improvement, and we propose a second session focused on sex, consent, and reporting.
 - Studies show that half of all sexual assaults on college campuses involve alcohol consumed by the abuser, survivor, or both. Assault is more likely to occur in settings involving alcohol such as parties or bars, and alcohol is considered a risk factor for sexual misconduct.
- SMARTR is led by students in Greek Life. We would like them to work with the Office of Equity and organizations such as the CRCC, as well as to include more in-depth information on university policy, Title IX, and new regulations in their presentations. We recommend that SMARTR leaders are educated on all topics, not only their individual focus.
- Strengthen communication with GLO and ensure the position of Manager of Culture of Care is filled to facilitate education on further topics such as toxic masculinity.

Supporting Survivors of Sexual Misconduct

CAMPUS CULTURE AND EDUCATION

Student accountability stems directly from the campus culture and quality of sexual conduct education that students receive during their time at CWRU. It is apparent from the AAU Campus Climate Survey on Sexual Assault and Misconduct and recent testimonials from CWRU students that the level of awareness and comprehension of sexual conduct is insufficient, contributing to the rampant sexual misconduct at our university. From the moment that first-year students arrive on campus, they need to understand what comprises a safe environment free from harassment and assault. This culture must be maintained for the duration of every student's time at CWRU through continued dialogue and education that includes all members of the CWRU community. The establishment of a campus culture of mutual respect and safety is a fundamental aspect of ensuring that every student receives the best education possible.

Action Steps:

1. Upgrade the sexual misconduct modules that students are currently require to complete at the start of the first semester.

Implement mandatory online modules every semester; consequences may include but are not limited to warnings, student conduct referral, and SIS registration hold until training is completed. Modules should include consent and impact of substance use/intoxication; bystander intervention; LGBTQ+ perspectives; Title IX; reporting; immunity for alcohol consumption; and preventative, non-victim-blaming language. Modules can provide information about campus resources but not as the only source of information.

2. Increase campus-wide education regarding sexual misconduct prevention, Title IX, and university policy.

- Create a campus-wide event dedicated to the prevention of sexual misconduct as well as information about Title IX and university policy. All students contributing to campus reeducation efforts should be thoroughly vetted before they may participate.
- Partner with the Ohio Alliance to End Sexual Violence (OAESV) and CRCC to provide trauma-informed training and continue education on domestic violence, dating violence, sexual assault, and stalking for all key campus staff and law enforcement.
- Explore the creation of a credit-bearing seminar focused on the transition into the first year of college, with discussions about sexual conduct among other important topics.
- Post information on bulletin boards in campus buildings, especially dorms, and train RAs specifically on having conversations about sexual misconduct

3. Create a comprehensive, mandatory sexual assault program for Orientation Week.

- This should be led by professional counselors specifically trained in sexual assault issues and represent resources available both on and off campus.
 - The "Red Zone" is the period of time from beginning of fall semester to Thanksgiving break, during which over 50% of all sexual assaults in college are statistically found to occur, correlated with the timing of Greek Life recruitment, "back to school" parties, and first-year students' lack of familiarity with campus.
 - *"While many colleges have programs that educate students about the Red Zone and how to avoid it, some institutions offer ineffective, "fluffy" programs that oversimplify the issue and fail to address the underlying culture that facilitates sexual violence on campus. Sexual assault prevention activists said college administrators must do more than just make students aware of the Red Zone.... A U.S. Department of Justice study of nine colleges found that 629 sexual assaults occurred among first-year students in September and October 2014, which was more than the assaults that occurred during the next four months combined."* -Inside Higher Ed 2019
- Encourage campus leaders in all student organizations to engage in discussions about sexual misconduct through ongoing conversations in their respective organizations
 - This includes leaders and risk managers of clubs, athletics, and Greek Life
 - Freshmen would be introduced to these organizations and may later join them, laying the foundation for a culture shift with each incoming class

4. Strengthen the Prevention Education Program (CWRU Women's Center) through a coordinated bystander intervention campaign with two evidence-based programs (Informed-U and Bringing in the Bystander) and the hire of a full-time education coordinator.

5. Strengthen CWRU's prevention and response efforts with PACCT serving as Coordinated Community Response (CCR) team to review current campus policies and procedures.

Supporting Survivors of Sexual Misconduct

SURVIVOR SUPPORT

We believe that CWRU has the responsibility to provide continual, holistic support of survivors of sexual assault and rape. The stories shared by CWRU students reveal that survivors often do not feel supported or understood by CWRU, citing inadequate resources, unhelpful or unaccommodating staff and faculty, and general lack of awareness of the Office of Equity's role in sexual misconduct and Title IX processes. We believe that improvements in communication and transparency between university administration and students are essential to facilitating better understanding of the support options and resources available to survivors. Furthermore, reassessment of resource allocation is necessary to best support our students and to create the safe environment that is paramount to a quality education.

Action Steps:

1. Create "quick sheets" providing information about Title IX and university policy, legal and mental health resources, etc. which will be posted online, emailed, and otherwise publicized on campus.

- Distribute these sheets during orientation and have them advertised and available during the year throughout campus housing and CWRU offices including the Office of Equity.
- Include the CRCC's phone number, Office of Equity's location on campus, steps in the sexual harassment and Title IX process, list of OAESV resources, and list of student advocates

2. Support relevant student organizations and initiatives (e.g. SAVE, #MeToo CWRU, SMARRT, CWRU Unmasked)

- Encourage them to host more virtual events with support from the Office of Equity as needed, and collaborate with the Office of Equity on educational efforts
- Provide increased funding in the future and prioritize organizations aimed at informing students, supporting survivors, and combatting sexual misconduct

3. Increase student support services.

- Connect students with other necessary resources in Cleveland and at home such as for domestic violence, mental health, etc. and advertise these resources on campus
- Connect students with each other through a voluntary opt-in service that can help survivors reach out to each other as a (potentially anonymous) confidential network of peer support. Megan Long could assist with logistics to create such a program.
- Create a hotline dedicated to sexual misconduct and survivor support.
 - The existing integrity hotline is directed more towards faculty and appears to be mandatory reporting. We propose to have a sexual misconduct specific hotline that either expands upon existing hotlines or is a completely new resource.
 - Potential resources include but are not limited to the Office of Resiliency (which Gabrielle Lincoff could help with) and/or a Crisis Text Line
 - Advertise this new hotline and/or addition to an already existing CWRU hotline as sexual misconduct-specific and intended solely for student support.
- Facilitate access to remote, virtual resources for students within the limits of current tele-health regulations, including referral to appropriate out-of-state resources
- Hire a counselor who specializes in working with sexual assault survivors.

4. Hire more student advocates to provide holistic survivor support.

- Hire at least 1-2 more student advocates on campus to develop victim services and hotline support in collaboration with community partners. Megan Long does a great job and many students find her very helpful, yet she is extremely overworked.
- Create a team or office for student advocates and Women's Center to work together.

5. Educate students on the Office of Equity's abilities and capacity for support per legal limitations.

- Transparency is a fundamental issue underlying the aforementioned problems, and many students do not understand what the Office of Equity can or cannot legally do in terms of support outside of the sexual harassment policy and Title IX process.
- A better understanding of the purpose and limitations of the Office of Equity will help to guide students toward the resources that best fit their needs, which may include seeking further support, pursuing other legal processes, or anything else that is not a service provided by the Office of Equity.
- Communication and transparency are key components of every aspect of this proposal. Their importance must be reflected in the efficacy and variety of efforts for education and student awareness, through online and print media and via many different avenues to ensure that the entire student body is well-informed. Survivors must be believed and supported by an administration and community that genuinely cares for students' safety and well-being.

Supporting Survivors of Sexual Misconduct

Student Quotes

"I told the Title IX director repeatedly that I did not want to report the incident [...] It took involving my own mother to get her to leave me alone" - CWRU Alum

"CWRU needs to address sexual misconduct by their staff, not just their students"
-CWRU Student

"He graduated despite committing criminal harrasment and stalking. CWRU's Title IX office does not support victims." - CWRU Alum

"This university does not care about survivors [...] It's not entirely the administration's fault either- the student culture is problematic too" -'20

"My Title IX experience was somehow more traumatic than the actual incident" -'22

"Nothing ever went past the reporting phase and there was nothing done to make us feel safer or less violated" -'23

"I honestly think it's the first time at CWRU I've had hope these things could change" -'22

"There were people around me who knew I was drunk [...] I wish someone had intervened" -'22

"I have been brutally raped multiple times at case [...] The saddest part is I probably have had the average amount of sexual trauma for a girl at Case" - CWRU student

" Even my rapist knew people get off scott-free at this school, he told his friends 'my parents are rich, I'll be chilling'. Guess he was right." -CWRU student

"The guy who raped me was on the student board for title IX. He has had numerous other encounters with other girls on campus" - '21

"Nothing gets done because of money" -'21

"My RA was gossiping [...] I heard her say 'just because it wasn't good sex doesnt mean it was assault' [...] I felt that I couldn't trust my RA" -'18

"The first question the Title IX investigator asked me was if I had previously consented to sex with my rapist before, which made me feel like I was lying about my experience." -'22

Supporting Survivors of Sexual Misconduct

Special Thanks To:

The brave survivors who came forward, shared their stories, and provided this committee with invaluable information.

Sexual Misconduct Committee Undergraduate Chair: Lea Cazaudumec Lucas
Sexual Misconduct Committee Graduate Chair: Victoria Deng

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Campus Culture and Education Subcommittee: Andrea Arline, Kate Okun, Raissa Rih-Reh, Milana Sacco, Timi Salami, Nathan Shapiro, Julia van Oordt

Survivor Support Subcommittee: Anisha Bhargava, Neha Boinpally, Wintana Eyob, Alisa Gealey, Abby Hume, Tae-Hee Kim, Anaiya Manuel, Abby Martin, Deepti Naruka, Gabrielle O'Sickey, Kiley Urquhart, Enna Van Den Akker, Blaire Volbers, Adrienne Wachtman, Alekhya Yadavalli