

PRESIDENTIAL TASKFORCE ON SEXUAL MISCONDUCT 2015-16

Gustavus Adolphus College

May 2016

CONTENTS

Executive Summary.....	2
Introduction	2
Charge	2
Membership.....	3
Meetings	4
Transparency and Community Outreach.....	4
Background	4
Process	5
Subgroup 1	5
Subgroup 2	5
Subgroup 3	5
Subgroup 4	5
Subgroup 5	5
Recommendations	6
I. Resources	6
II. Information	6
III. Policy	8
Moving Forward.....	11
Appendix A: A Petition for Sexual Misconduct Reform at Gustavus	12
Appendix B: Task Force Meeting Minutes	24
Appendix C: Sexual Misconduct Incident Reporting Form	45
Appendix D: Inventory of Existing Programming, 2014-15.....	47
Glossary of Terms.....	50

EXECUTIVE SUMMARY

Efforts to combat sexual misconduct and to create a safe and respectful community for all have been ongoing for many years at Gustavus. Concern about sexual misconduct at Gustavus and questions regarding whether College policies and practices were appropriate reached a boiling point in the last week of February 2016. One element of the College's response to this crisis was the creation of this Task Force to review existing policies and practices and provide recommendations on how to more fully achieve the Gustavus community expectation of a campus free of sexual misconduct.

This report offers the Task Force's wide-ranging recommendations in the areas of: resources, information, and policy. The Task Force believes enacting these recommendations will create a safer campus and will demonstrate Gustavus's commitment to a respectful and transparent community. As important as these changes would be, the Task Force cautions that the College will need to be continually vigilant to change our culture such that we can create a safe and respectful campus community free of sexual misconduct.

Because of the breadth of the Task Force charge and limited time, we were only able to cover parts of our charge. The Task Force recommends the continuation of a smaller version of this group (a College-wide group) as an ongoing committee to finish this review over the next year.

INTRODUCTION

Efforts to combat sexual misconduct and to create a safe and respectful community for all have been ongoing for many years at Gustavus. However, concern about sexual misconduct at Gustavus and questions regarding whether College policies and practices were appropriate reached a boiling point in the last week of February 2016. Alumni and the Womyn's Awareness Center both circulated *A Petition for Sexual Misconduct Reform at Gustavus* (see [Appendix A](#)). In addition, the Student Senate and other student groups actively engaged the administration to address the issues raised in the Petition as well as other concerns related to sexual misconduct at Gustavus.

In response, President Rebecca Bergman convened a college-wide town hall meeting on sexual misconduct on 7 March 2016 in Christ Chapel. The President opened the town hall meeting by announcing that she was forming a Task Force on Sexual Misconduct that would review existing policies and practices and provide recommendations on how to more fully achieve the Gustavus community expectation of a safe and respectful campus community free of sexual misconduct.

CHARGE

The Task Force charge was to:

1. Articulate the Gustavus community's expectations of a safe and respectful campus community;
2. Review and discuss the petitions submitted by students and alumni regarding sexual misconduct policies and practices as well as the questions and concerns raised before and during the 7 March 2016 open forum on sexual misconduct;
3. Conduct a comprehensive, rigorous review of and discuss Gustavus policies, procedures, and practices related to sexual misconduct in light of evolving best practices;

4. Inventory existing programming and support services related to sexual misconduct;
5. Prepare a preliminary report outlining proposed areas of change in Gustavus' response, support, investigation, prevention, and awareness of sexual misconduct; and
6. Provide recommendations on next steps, including developing a communication plan for possible policy and practice changes as well as programming efforts.

MEMBERSHIP

The following individuals were asked to serve on the Task Force:

Henry Adebisi, Student Representative
Avery Bather, Student Representative
Dan Currell, Board of Trustees Representative
Andrea Garcia, Student Representative
Max Hailperin, Faculty Representative
Jaime Hollis, Administrative Representative, **Co-Chair**
Brian Konkol, Administrative Representative
Martin Lang, Faculty Representative
Andy Lupinek, Student Representative
Lorie Siebels, Staff Representative
Leah Soule, Student Representative
Harold Tish, Staff Representative
Tommy Valentini, Administrative Representative
Amy Vizenor, Faculty Representative
Ex Officio: Carol Brewer, Director of Campus Safety
Ex Officio: Patty Dawson, Sexual Assault Response Team (SART) Team Leader
Ex Officio: Paula O'Loughlin, Interim Title IX Coordinator, **Co-Chair**
Ex Officio: Megan Ruble, Assistant Dean of Students
Ex Officio: JoNes VanHecke, Vice President for Student Life and Dean of Students

As the above list illustrates, the Task Force's membership was devised to make sure all campus stakeholder groups, and particularly students, felt represented by the Task Force. Initially, there had been a hope to get a sixth student member, but the tight timeline and amount of time required to serve on the Task Force meant the position went unfilled. In addition, so that the official voting membership of the Task Force was not dominated by individuals whose formal job responsibilities include implementing the current Gustavus policies and practices regarding sexual misconduct, O'Loughlin, VanHecke, Brewer, Ruble, and Dawson were considered to be non-voting *ex officio* resource people for the Task Force and really meant to help support and provide context for the others.

MEETINGS

The Task Force met six times between 1 April 2016 and 30 May 2016. The meeting dates were as follows:

Monday, 11 April 2016

Tuesday, 19 April 2016

Monday, 2 May 2016

Friday, 6 May 2016

Wednesday, 18 May 2016

Tuesday, 24 May 2016

Minutes for all meetings are available at www.gustavus.edu/titleix/ and as [Appendix B](#).

TRANSPARENCY AND COMMUNITY OUTREACH

The Task Force endeavored to be as transparent and responsive to the greater Gustavus community as possible about its progress. Two days after the first meeting of the Task Force, a Community-L email message shared the importance of community input to this work and provided a group email address for people to reach the entire Task Force (sexualmisconducttaskforce@gustavus.edu). This message also noted that information on the Task Force and its progress (charge, membership, approved meeting minutes, etc.) would be available through a link on the Title IX website (www.gustavus.edu/titleix/). This protocol was followed throughout the term and in fact, as soon as minutes from each meeting were uploaded, the co-chairs alerted the Student Senate chairs. At the first meeting of the Task Force, the student representatives of the Task Force were also specifically charged with keeping Student Senate apprised of the Task Force's progress on a regular basis. Leah Soule '16, in particular, took on this responsibility.

The Task Force also hosted three community listening sessions. The purpose of these listening sessions was two-fold: to provide a venue for community members to share issues and concerns they felt the Task Force should be addressing and for the Task Force to gather input on how best to keep this effort moving forward productively in the 2016-17 school year. These meetings were held on:

Thursday, 12 May 2016 at 3:30-4:30 p.m.

Tuesday, 17 May 2016 at 3:30-4:30 p.m.

Wednesday, 18 May 2016 at 2:00-3:00 p.m.

In total, approximately 20 members of the Gustavus community attended these listening sessions and three others sent email feedback. The feedback received regarding the future of the Task Force is folded into the Task Force's recommendations.

BACKGROUND

Members of the Task Force brought to the table a variety of levels of background and knowledge of the issue of sexual misconduct on college campuses broadly and the policies and procedures used at Gustavus to address the problem. So the first project for the Task Force began even before the first meeting and involved individual members educating themselves on relevant Gustavus policies and

practices, the multiple statutory mandates, a variety of quasi-statutory recommendations and a host of models of how other college campuses handle sexual misconduct. The co-chairs and Task Force member and Board of Trustees representative Dan Currell created a Google Drive folder with relevant materials for members to study and use as resources as the work progressed.

PROCESS

Because of the number of people on the Task Force and the wide-ranging nature of the charge, the Committee divided itself into five subgroups. Each of the subgroups included at least one student, faculty member, and administrator. These groups and their charges are listed below:

SUBGROUP 1

Review the sanction guidelines (headed “Sanction Statement”) in the *Student Sexual Misconduct Policy* in light of Demand 1 from alumni/student petitions, Title IX guidance, VAWA, Clery, Minnesota law, evolving best practice etc. Recommend changes.

SUBGROUP 2

Review Gustavus policies regarding timely warning and data reporting practices in light of Demands 2 and 3 from alumni/students petitions, IX guidance, VAWA, Clery, Minnesota law, FERPA, evolving best practice, etc. Recommend changes.

SUBGROUP 3

Review Gustavus policies regarding receiving reports of sexual misconduct, instituting interim measures, and providing support for complainants and respondents in light of Title IX guidance, VAWA, Clery, Minnesota law, evolving best practice, etc. Recommend changes.

SUBGROUP 4

Review the Gustavus sexual misconduct investigation, sanctioning, and appeals process other than the sanction guidelines (headed “Sanction Statement”) in light of Demand 4 from alumni/student petitions, Title IX guidance, VAWA, Clery, Minnesota law, evolving best practice, etc. Recommend changes.

SUBGROUP 5

Inventory existing programming intended to eliminate sexual misconduct and recommend further possible initiatives, programming, and trainings that will help create a campus culture free from sexual misconduct. Recommend changes and produce a first-draft vision of what it means to have a safe and respectful campus community.

Each of the subgroups was tasked with bringing proposals and recommendations for action relevant to their specific area of focus forward to the Task Force as a whole. Subgroups were also encouraged to bring to the Task Force any questions or issues where they felt the wider group’s input would be helpful. This sub-group structure meant that the Task Force as a whole could be more efficient and cover more of the territory included in its charge. The six meetings of the Task Force were far from “a rubber stamp” of subgroup recommendations. Task Force discussions of both subgroup recommendations and the thorny questions were vigorous and thoughtful.

RECOMMENDATIONS

I. RESOURCES

1.1 Create permanent campus compliance officer to coordinate Title IX and also oversee compliance with various other state and federal mandates regarding sexual misconduct (such as Clery, VAWA, etc.) and to lead campus trainings in these areas. Where this position should reside was undecided, but the person needs to have appropriate training, not have a conflict of interest with their reporting lines, and the institutional status and authority to accomplish their work.

The Task Force is very cognizant of the college's limited resources and yet also is making a very strong and unified recommendation here. Each of the subgroups independently came to this conclusion based on a deep understanding of the complexity and seriousness of the issues involved here and the magnitude of the work to be done as well.

1.2 Dedicated staffing to coordinate and lead prevention and education efforts to shift the campus climate toward intolerance for sexual misconduct. With the understanding of budget constraints regarding additional staffing costs, the Task Force cannot emphasize enough the importance and need for this campus climate change. This culture shift is going to require aggressive, intentional, community-wide education.

II. INFORMATION

2.1 Create a standardized online form for sexual misconduct reporting called "Sexual Misconduct Incident Reporting Form" using the mock-up developed by the group (Appendix C). This form would also have items and information that the College is required to share with anybody reporting sexual misconduct incidents. Assistant Dean of Students, Megan Ruble, is recommended to lead in this work and to coordinate with Director of Web Services, Jerry Nowell, since she works currently with the Maxient system and knows its capacities best.

2.2 Create a comprehensive single-hub sexual misconduct information website. Create a simple, easily navigable, and comprehensive "clearinghouse" webpage for sexual misconduct including survivor support, all-College policy information, aggregate data reporting, and all other sexual misconduct concerns. Continue to collaborate with the Director of Web Services to ensure clear design of a single sexual misconduct clearinghouse website, including user-friendly interface, easy access to various components of relevant information, and effective interconnection with other components of Gustavus site and search interface to ensure the page is easily discoverable for all various audiences (community members seeking to report, people seeking policy information, external agents seeking data reporting, etc.).

- 2.2.1 The website should be primarily identified with sexual misconduct and sexual assault, not Title IX or other terms, to be consistent with language in common parlance within the community.
- 2.2.2 Clear design is imperative. As such, campus experts in web design, communication, and graphic design should be consulted to create a clear and inviting page, with attention to addressing all intended audiences ranging from distressed survivors in need of immediate support to community members seeking deep information on policy or aggregate data. Carleton College offers a good model: https://apps.carleton.edu/dos/sexual_misconduct/.

- 2.2.3 Campus web design experts should be consulted to help ensure the page is easily accessible from key “feeders” (e.g., Dean of Students website).
- 2.2.4 Provide access to daily crime log through link on new sexual misconduct information website.

2.3 Establish and publish clarified language on when, how, and by whom “timely warning” notifications regarding sexual misconduct will be issued. More specifically:

- 2.3.1 Revise draft Timely Warning Standard Operating Procedure internal document for Campus Safety.
 - 2.3.1.1 Clarify conditions for timely warning of sexual misconduct to reflect best practices language indicated by Stafford & Associates (adopted by some universities) to provide better guidance regarding when to issue a timely warning: *“Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by the Campus PD. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other University community members, therefore; a Timely Warning Notice would not be distributed.”*
 - 2.3.1.2 Clarify conditions of Timely Warning and Emergency Notification Standard Operating Procedure to treat sexual assault as a significant threat to the campus community. That is, err on the side of issuing a warning versus withholding one when issuing timely warning and emergency notification. As suggested in Stafford & Associates guidance: *“The shootings at Virginia Tech unequivocally taught me one thing—you never know what is coming next. We would all do well to learn that lesson now. If you can’t say with certainty that no further threat exists, put out the warning, notice or whatever you want to call it and do it quickly. You can always update it when and if there is no longer a potential threat.”*
- 2.3.2 Include summarized version of the revised Timely Warning Standard Operating Procedure for publication in *College Sexual Misconduct Policy*.
- 2.3.3 Publish college notifications chart on new sexual misconduct information website.

2.4 Improve sexual misconduct data reporting procedures by annually compiling and publishing a clear and accessible sexual misconduct reporting and response summary to include prior 12 months of information in the following areas (A model here would be Carleton College’s (https://apps.carleton.edu/dos/sexual_misconduct/assets/Spring_2012_Report.pdf)). The summary should include:

- 2.4.1 A full, anonymous explanation of every sexual misconduct complaint investigated. Identify status of complainant and respondent (student, staff, College, etc.), general nature of charge, finding, and details of sanction as specific as possible while reasonably protecting identities of those involved.
- 2.4.2 Aggregate summary of all incident reports of a sexual nature that occur within the campus community (as defined by Clery parameters and anything else required by new Minnesota law) including informal or anonymous reports, received by administration through various channels (Silent Witness, sexual assault reporting form, Title IX coordinator, Collegiate Fellows, SART, etc.).

- 2.4.3 A summary of work of ongoing or ad hoc committees addressing sexual misconduct policy and education.
- 2.4.4 A detailed report of campus sexual misconduct prevention programming and other training conducted by any official campus organization including administrative offices, academic department or programs, recognized student organizations, or outside providers. Title, provider/sponsor, date, location, target audience, estimated attendance, brief summary of specific topics addressed.
- 2.4.5 A comparative analysis report of sexual misconduct information addressed in campus climate survey data and National College Health Assessment survey data (example available online at <http://goo.gl/x6aoBp>). This report would reveal patterns or trends in sexual misconduct behavior and contextualize sexual misconduct climate at Gustavus versus peer institutions. The Task Force recognizes that this is work that only could be done if additional staffing resources are provided (See [resource recommendations](#); current staffing limits make it impossible).
- 2.4.6 Any other relevant information to increase transparency and awareness regarding sexual misconduct within the community.
- 2.4.7 Provide an opt-in email list for community members to have the annual report automatically delivered to their inbox upon its release. This email list might also be used to circulate other relevant information, such as invitations to programming and training events.

III. POLICY

3.1 Sexual misconduct hearing boards should continue to consist of a three person hearing panel consisting of one administrator, one faculty member, and one student.

3.2 Change the *Student Sexual Misconduct Policy*¹ as follows (Changes in underline below):

Decision Making (*Gustie Guide*, pg. 78) The contents of the Investigative Report along with the written responses (if submitted) from both parties will be forwarded to a Sexual Misconduct Board to determine if it is more likely than not that the *Student Sexual Misconduct Policy* has been violated as alleged in the complaint. Actual names will be redacted or replaced with pseudonyms in all written documents to protect the identities of parties and witnesses in the matter. Upon review of the Investigation Report, the Board may, in their discretion, request additional investigation by the investigator. The standard of the evidence used in decision-making is a preponderance standard (“more likely than not”). If found responsible, appropriate sanction(s) will be assigned. Within two business days following a decision of the Board, the Dean of Students will draft a Notice of Determination and deliver the contents to both parties simultaneously.

3.3 Gustavus should continue to have sexual misconduct hearings on the basis of record only without complainant or respondent present. If new information is offered in either parties’ response for the hearing or appeal, then allow for response to the new information by the other party.

3.3 Change Gustavus’s sexual misconduct appeal process so that one of the conditions of appeal changes from “Unreasonableness of penalty.” to “substantially disproportionate to the finding.”

¹ This proposal was reviewed and approved by the Board of Trustees during April 2016 meeting.

3.4 Gustavus should increase training hours required for adjudicators before they can hear a case above and beyond what is already recommended by federal law (and already used by the College). The amount of additional training is not specified and merits further study.

3.5 Change Sanction Statements for sexual misconduct in *Gustie Guide* and on new single website to provide more detail as follows:

- 3.5.1 Sanction Statement
 - 3.5.1.1 Any sanctions that are imposed will be:
 - 3.5.1.1.1 Reflective of the seriousness of gender-based misconduct.
 - 3.5.1.1.2 Adequate to protect the safety of the campus community and equitable access to education.
 - 3.5.1.1.3 Fair and appropriate given the facts of the particular case; and
 - 3.5.1.1.4 Consistent with the College's handling of similar cases.
- 3.5.2 Sanctions will be determined by the college authority in accordance with the following factors:
 - 3.5.2.1 the nature of the misconduct (sexual exploitation, contact, intercourse, stalking, intimate partner violence or harassment);
 - 3.5.2.2 the severity of the incident;
 - 3.5.2.3 the expressed wishes of the complainant;
 - 3.5.2.4 other previous violations of college policies;
 - 3.5.2.5 the potential ongoing risk to the complainant or campus community;
 - 3.5.2.6 the impact of the violation on the campus community, its members, or its property;
 - 3.5.2.7 any aggravating factors (overt bias, coercion, incapacitation, etc.);
 - 3.5.2.8 any mitigating factors (disability or mental health diagnoses, actions taken to prevent reoccurrence, restorative actions, etc.); and
 - 3.5.2.9 sanctions imposed in similar cases by the college.

Any student found responsible for violating the policy on sexual exploitation will likely receive a sanction ranging from admonition to expulsion.

Any student found responsible for violating the policy on non-consensual or forced sexual contact, will likely receive a sanction ranging from disciplinary probation to expulsion.

Any student found responsible for violating the policy on non-consensual or forced sexual intercourse will likely face a sanction of suspension or expulsion.

Any student found responsible for violating the policy on stalking or intimate partner violence will likely receive a sanction ranging from admonition to expulsion.

Any student found responsible for violating the policy on sexual harassment will likely receive a sanction ranging from disciplinary censure to expulsion.

The following is a visual display of the sanctions listed above.

	Admonition	Disciplinary Censure	Disciplinary Probation	Suspension	Expulsion
Sexual Exploitation					
Non-Consensual or Forced Sexual Contact					
Non-Consensual or Forced Sexual Intercourse					
Stalking					
Intimate Partner Violence					
Sexual Harassment					

A complete list of potential sanctions may be found in the sanctions section of the student conduct systems, found online at www.gustavus.edu/deanofstudents/policies/gustieguide/student-judicial-system.php#Sanctions.

Sanctions are imposed immediately unless the Dean of Students stays their implementation pending the outcome of an appeal.

3.6 Move from punitive to transformative justice and in turn “help create a campus culture free from sexual misconduct,” the Task Force recommends the following:

- 3.6.1. Affirm the work by those on campus currently seeking to create a campus culture free from sexual misconduct
- 3.6.2. Affirm the work by those that have sought to create a campus culture free from sexual misconduct

3.7 In light of the above-mentioned principles of transformative justice, focus on prevention through the following priorities:

- 3.7.1 An inventory of existing programming is provided ([Appendix D](#)). However, the college can strengthen individual knowledge and skills through programming expansion to increase:
 - 3.7.1.1. Workshops about the definition of sexual assault, its impact, how to respond to disclosures, campus policies, and where to find local resources. In addition: Bystander intervention, healthy sexuality, media literacy, engaging men (especially athletes), and anti-oppression work.
 - 3.7.1.2. Specifically provide alcohol education programming and alcohol’s role in sexual misconduct.
- 3.7.2 Promoting Community Education: Campus events often are aimed at reaching a large number of people at once, yet such events are more impactful when they are a part of a larger community conversation that focuses on addressing norms, attitudes, and beliefs on campus that contribute to sexual violence.

- 3.7.3 Educating Providers: Faculty, staff, administration, and student leaders can play a key role in setting the campus culture and modeling social norms.
- 3.7.4 Fostering Coalitions and Networks: Collaboration brings more resources, perspectives, and experiences that can help improve the content and expand the reach of prevention.
- 3.7.5 Changing Organizational Practices: Adopt policies and practices for improving the internal culture and norms around gender, sexual violence, and relationships throughout the campus community. Examples of specific communities and cultures on campus include academic departments, faculty senate, student organizations, the Greek system, athletic teams and departments, and residence hall communities, among others.
- 3.7.6 Influencing Policy: Strong policies ensure that survivors have access to services, can take actions that protect their safety and promote recovery, and can seek transformative justice through the campus discipline system.

MOVING FORWARD

The Task Force recommends the continuation of this group (a College-wide group) as an ongoing committee for next year. It should be smaller in number, however. After 2016-17, there should be a group with responsibility for the ongoing review and revision of sexual misconduct policy, training, and education; this would ideally be embedded within an extant committee structure, such as the President's Council for Diversity, Equity, and Inclusion.

APPENDIX A: A PETITION FOR SEXUAL MISCONDUCT REFORM AT GUSTAVUS

A Petition for Sexual Misconduct Policy Reform at Gustavus Adolphus College, 2016

To:

President Rebecca Bergman

JoNes Van Hecke, Vice President for Student Life and Dean of Students Megan Ruble, Assistant Dean of Students

Stephen Bennett, Associate Dean of Students Charlie Potts, Director of Residential Life

The Board of Trustees:

The Rev. Jon V. Anderson

John O. Hallberg

Jan Ledin Michaletz

Scott P. Anderson

Jeffrey D. Heggedahl

Thomas J. Mielke

Tracy L. Bahl

Susie B. Heim

Marcia L. Page

Warren L. Beck

George G. Hicks

The Rev. Craig A. Pederson

Grayce Belvedere-Young

The Rev. John D. Hogenson

The Rev. Wayne B. Peterson

Daniel G. Currell

Linda G. Huett

The Rev. Dan S. Poffenberger

Bruce A. Edward

Linda Bailey Keefe

Christopher J. Rasmussen

James H. Gale

Talmadge E. King, Jr.

Beth Sparboe Schnell

Marcus M. Gustafson

Paul R. Koch

Ronald C. White

CC:

Mark Braun, Provost and Dean of the College

Paula O'Loughlin, Associate Provost and Dean of Arts and Humanities

Brenda Kelly, Interim Associate Provost of the Science and Education in Provost's Office, Interim Dean in Chemistry, and Associate Professor in Biology

Shanon Nowell, Assistant to the Provost

We, the leadership of the Gustavus Adolphus College Womyn's Awareness Center and the undersigned, present the following demands to President Rebecca Bergman, the Board of Trustees, and Student Life administrators in an effort to rid our campus of sexual and dating violence.

In the past few days sexual and dating violence have again become a focus of campus dialogue. This is not a new conversation. Rape and gender-based violence has been a problem at Gustavus for as long as this community can remember and persists today. We, the leadership of the Womyn's Awareness Center and the undersigned call upon the community and the institution's leadership to move this conversation to action. We are done living in fear. Thus we put forward the following demands and pledge to withhold donations to the College until demands are met:

Demand One: To be completed by the end of Spring Semester 2016.

Reform the sexual misconduct sanctioning policy to resemble the following policy from Ohio University (as of 3/3/16). Include mandatory expulsions for all findings of rape.

“There are three general questions that will be evaluated as sanctioning decisions are made. The appropriate sanctioning guidelines are included after each one.

Question 1: Was there a sexual misconduct violation? If yes, expect a minimum of 1 semester suspension.

Question 2: Was there physical contact? If yes, expect a minimum of a 1 year suspension.

Question 3: Was there penetration of any form? If yes, expect expulsion*.

*A presidential interim suspension will always be considered in these cases. A presidential interim suspension may also be used in other cases, depending on specific circumstances.

In addition to all three questions, consideration should be given to any additional factors that were involved. These may include but are not limited to, the use of force or the premeditated use of drugs or alcohol. In cases where this applies, sanctions should be increased appropriately based on these circumstances.

Students who are eligible to return to campus after fulfilling a suspension will be expected to participate in an educational intervention and will not be permitted to have any form of contact with the other student(s) involved in the case for the duration of their enrollment at Ohio University.”

Demand Two: To be met by the end of Spring Semester 2016.

Develop, publish, and publicize a clear policy outlining the circumstances in which a timely safety warning is issued. Involve the campus community when crafting this policy through online and in-person forums.

Demand Three: Ongoing process to be initiated by April 15th, 2016.

Publish the following aggregate data on the Gustavus website and publicize through campus email. All following data should be included in one cohesive report and updated twice a semester. The first report should be published by April 15th. The report should include, but is not limited to:

How many cases are reported

How many survivors were denied accommodations they requested

How long cases remained open, on average

How students found responsible were sanctioned Appeals and success/denial, changing of sanctions

Demand Four: To be completed by the end of Spring Semester 2016.

Reform Sexual Misconduct Board and Sanctioning Board in the following ways:

Separate Sexual Misconduct Board (those to determine responsibility) and the Sanctioning Board.

Screen potential members of the conduct and sanctioning boards for rape myth acceptance and implicit identity bias. Use the results of this screening in the selection process.

Remove students from conduct and sanctioning boards.

Increase training of conduct and sanctioning board members to a minimum of 20 hours and ensure competency in the following areas:

“All persons involved in implementing a school’s grievance procedures (e.g., Title IX coordinators, others who receive complaints, investigators, and adjudicators) must have training or experience in handling sexual violence complaints, and in the operation of the school’s grievance procedures. The training

should include information on working with and interviewing persons subjected to sexual violence; information on particular types of conduct that would constitute sexual violence, including same-sex sexual violence; the proper standard of review for sexual violence complaints (preponderance of the evidence); information on consent and the role drugs or alcohol can play in the ability to consent; the importance of accountability for individuals found to have committed sexual violence; the need for remedial actions for the perpetrator, complainant, and school community; how to determine credibility; how to evaluate evidence and weigh it in an impartial manner; how to conduct investigations; confidentiality; the effects of trauma, including neurobiological change; and cultural awareness training regarding how sexual violence may impact students differently depending on their cultural backgrounds.” (OCR, 2014, Questions and Answers on Title IX and Sexual Violence, pg 47)

Demand Five: To be completed by April 29th, 2016.

Develop, publish, and publicize a Survivor’s Bill of Rights to be provided to each survivor with a hard copy upon reporting. The Bill of Rights should outline a survivor’s rights at every step of the process and include a clearly published statement that notes that the institution cannot prevent survivors from sharing information about their conduct case under any circumstances. The college should collaborate with survivors and advocates to create this document.

Demand Six: To be met Monday, March 14th, 2016.

Remove student room assignments and addresses from the Gustavus website and schedules of all community members from the shared Google Calendar. Make this information available only with the affirmative consent of individuals.

Demand Seven: To be met by the first day of first year orientation for the class of 2020.

Clarify, simplify, organize, and unify the entire sexual misconduct policy. Use definitions that are comprehensive, clear, and consistent across all college literature and reduce jargon in these definitions. Involve the campus community when crafting this policy through online and in-person forums.

Demand Eight: Ongoing, to be initiated immediately.

Develop and implement a research-based comprehensive prevention strategy that includes goals and outcomes, measure the impact and re-evaluate strategy yearly, work with campus leaders to maximize participation from students, and ensure that sufficient resources are allocated to creating this programming.

Publish an initial comprehensive prevention strategy by May 15th, 2016.

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Signed, the concerned members of Gustavus Adolphus College community:

Supporters	Year of Graduation or Relationship to the College
1. Leah Soule, Petition Drafter & WAC Co-President	2016
2. Jessica Green, Petition Drafter & WAC Co-President	2018
3. Grace Mundt, Petition Drafter	2016
4. Katlynn Alm, Petition Drafter	2016

5. Elizabeth Long, Petition Drafter	2018
6. Hannah Silva-Breen, Petition Drafter	2018
7. Esrea Perez-Bill	2017
8. Shentoria Cobbs, Petition Drafter	2017
9. James Ramsburg	2018
10. Clara Wicklund	2017
11. Kelsey Hanstad	2014
12. Mackenzie Levin	2016
13. Emily Odermatt	2018
14. Elizabeth Toeben	2018
15. Aaron Millet	2018
16. Ryan Eichenauer	Attended for 20142015
17. Jesse Womack	2016
18. Patrick Kelliher	2016
19. Amanda Downs	2017
20. Alexander L. Jensen	2018
21. Andrea Garcia Malledo	2016
22. Ashley Ann Jordan	2017
23. Linde Carmack	2016
24. Elijah Sciammas	2017
25. Mattilan Winter Martin	2018
26. Holden Sauve	2017
27. Samuel Keillor	2017
28. Dustin Deutsch	2017
29. Dana Riebe	2017
30. Alexa Giebink	2016
31. Lanie Flint	2019
32. Emma Gasterland-Gustafsson	2019
33. Cory Gillitzer	2019
34. Shiloh Landskov	2016
35. Allison Hosman	2016
36. Jami Hansen	2018
37. Aurora Vautrin	2018
38. Kelle Nett	2016
39. Danielle Trajano	2018
40. Callie Fischer	2017
41. Emily Ann Meyer	2016
42. Kelli Poffenberger	2018
43. Alicia Hanson	2016
44. Hannah Kim Lan Tran	2018
45 .Ryan Ragoonanan	2019
46. Henry Craig Elling	2017
47. Maria Pazandak	2018

48. Erin Baumann	2017
48.Emily Craig	2018
49. Erik Blomquist	2014
50. Anna Totzke	2018
51. Jordan Boge	Family member of student
52. Kari Grundmeier	2016
53. Kari Roll	2016
54. Erin Elisa Ingram	2018
55. Kate Redden	2013
56. Alicia Ehleringer	2019
57. Mikaela Warner	2016
58. Laura Cefalu	2016
59. Peter Bode	2017
60. Dylan Korte	2016
61. Julie Gilbert	Faculty member
62. Camille Isadora Smith	GACSSI alum
63. Elena Gottlick	2019
64. Andra Gulenchyn	2017
65. Alexander Giese	2017
66. Thomas Sullivan	2019
67. David Michael Brown	2016
68. Christopher Gilbert	Faculty
69. Cameron Blair	2015
70. Keegan Bosch	Colleague through Forensics Competition
71. Laura Wilberts	2019
72. Cade Shelton	Community member
73. Andrew Deziel	2019
74. Jacob Marcott	2018
75. Hayley Booher	2017
76. Sydney Newman	2016
77. Claudia Martinez	2013
78. Courtney Train	2015
79. Dan Kramer	2016
80. Sophie Panetti	2017
81. Stephanie Nguyen	2019
82. Jenna Mortel	2018
83. Alison Baker	2018
84. Bill SilvaBreen	Parent of current student
85. Katherine Escalante (Jorgensen)	2010
86. Rojonaina Andriamihaja	2016
87. Rachel Witt	2017
88. Jalen Gray	2017
89. Caroline Augustine	2019

90. Mikayla Kvittem-Barr	2017
91. Claire Chwalek	2017
92. Katharina Janzen	2016
93. Sarah Bale	2018
94. Adrienne Gruenes	2016
95. Joseph B. Robbins	2018
96. Paige Glenn Yahnke	2013
97. Joseph Renier	2014
98. Tim Watts	2017
99. James M. Skoog	2017
100. Natalie Ringold	2017
101. Kimberly Mundt	Parent of current student
102. Ariana Olson-Bouchareb	2016
103. Kacie Baltés	2018
104. Victoria Nicole Contreras	2016
105. Hayley Nemmers	2016
106. Josh plattner	2011
107. Anna Krieger	2017
108. Amy Specker	2019
109. Emily A. Erickson	2015
110. Gwynneth Thompson	2012
111. Elliot Mohler	2018
112. Nate Long	2016
113. Rachel Lund	2019
114. Lauren Paige Ihle	2018
115. Ashley Becker	2019
116. Lynne Silva-Breen, MDiv, MA, LMFT	Parent of current student
117. Kofi Kumi Archer	2017
118. Taryn Jansen	2019
119. Rebekah Schulz-Jackson	2010
120. Christian Gustafson	2018
121. Kaleb Kregel	2019
122. Jessica Yang	2018
123. Beth Hansen	2017
124. Tong C Thao	2008
125. Kendra Frey	2016
126. Tylor Schwarz	Community member
127. Cole Nelson	2018
128. Madeline Struck	2017
129. Allison Retterath	2018
130. Kerrie Rae Humble	2017
131. Serena Schreifels	2019
132. EB Skinner	2019

133. Scott Thomas	2017
134. Tyler Strandberg	2019
135. Ben Anderson	2019
136. Elli Moran	2017
137. Samantha Paripovich	2016
138. Avery Bather	2018
139. Tony Spain	2009
140. Cody Kirk	2018
141. Sam Kuschel	2018
142. Samantha Heggem	2017
143. Randall James Harlan	2018
144. Rachel Schuth	2016
145. Sophie Leininger	2018
146. Tanner Olson	2017
147. Emily Weltzin	2017
148. Whitney Daleiden	Attended GAC from 2005-2008
149. Micaela Chesnut	2018
150. Haley Diana Totzke	2014
151. Tory Makela	2018
152. Esrea Perez-Bill	2017
153. Karrin Becker	2017
154. Caley Paripovich	2016
155. Kablia Her	2012
156. Elisabeth McCabe	2018
157. Madeline Aberg	2017
158. Elias Anoszko	2009
159. Hannah Markquart	2017
160. Erika Rossow	2017
161. Alexis Sienczak	2019
162. Anders Wallock	2018
163. Kelsie Close	2016
164. Andrew Lupinek	2017
165. Elizabeth Hjelle	2017
166. Brianne Bury	2019
167. Amanda Landaverde	2018
168. Andrew Hillis	2017
169. Beth Cefalu	Parent of current student
170. Sean Tessmer	2011
171. Maddie Kinney	2019
172. Kinzie Wiklander	2017
173. Tanner Sonnek	2019
174. Raymond Henry Lee	2018
175. Stetson McAdams	2014

176. Laura Herbers	2016
177. Emily Rudquist	2016
178. Kyle Powers	2019, no relationship
179. George Kukacka	Parent of current student
180. Samantha Vang	2016
181. Melodica Kukacka	Parent of current student
182. Chee Her	2010
183. Jeffrey Nelson	2016
184. Judith Gabriel	Former German TA, employed by the College
185. Gretchen Annika Boeckman	2019
186. Natalie Huntley (Green)	2014
187. Ellen Kneeskern	2018
188. Elizabeth Hailey Adams	2017
189. Noah Nguyen	2018
190. Olivia Gori	2017
191. Allison Eisenschenk	2017
192. Micah Thornquist	2015
193. Preston R. Schlueter	2017
194. Margaret Crosby	2016
195. Der Vang	2013
196. Kathryn Nelson Hund	1979
197. Laura Peasley	2017
198. Rebecca Awe	2017
199. Mason Kruize	Former Student
200. Melissa Nelson	2017
201. Sarah Vanyo	2017
202. Lauren Shurson	2016
203. Paget Pengelly	2016
204. Tony Kocina	2017
205. Marshall Bell	2016
206. Heidi Ide	2016
207. Samantha Harbeck	2019
208. Ian Shay	2013
209. Alina Bachman	2017
210. Madeline Carlson	2017
211. Laura Carpenter	2017
212. MaKena Hofer	2016
213. Callie Johnson	2017
214. Iker R. Ortiz Hidalgo	2017
215. Yesenia Hidalgo	2019
216. Cory Witt	2017
217. Ashley Ritten	2017
218. Chelsea Dowdall	2017

219. Charles Rudberg	2016
220. Joel Malwitz	2017
221. Katy Fuller	2018
222. Natasha Behboudi	2018
223. Tami Adeola	2019
224. Caroline Probst	2018
225. Rachel Schmitt	2011
226. Anierobi Eziolise	2017
227. Elise Edwards	2019
228. Tyler Larson	Transferred out of Gustavus
229. Zach Burnside	Former Student - Transfer
230. Madeline Barclay	Student at College of Saint Benedict, 2019
231. Jessica Bahn	2018
232. Morgan Hubers	2017
233. Travis Sigafos	2016
234. Angelica Toledo	2016
235. Emily Woodard	2019
236. Shaefer Rugar	2018
237. Whitney Willaert	2016
238. McKayla Murphy	2016
239. Katherine Pearson	2016
240. Samantha McNamer	2018
241. Maria Hanson	2018
242. Esther Mwnagi	2017
243. Jaurdyn Gilliss	2017
244. Charlie Brace	2015
245. Sofie Wicklund	2019
246. Jessica Kopet	2016
247. Claire Goblirsch	2017
248. Morgan Durbin	Part of the MIAC
249. Maddison Ackiss	2017
250. Julia L. Wenstrom	2017
251. Yoshikazu Suzuki-Lambrecht	2008
252. Lindsey	2017
253. Samantha Ponder	2019
254. Froylan Perez Orozco	2019
255. Hannah Erickson	2016
256. Brooklyn Tate	2017
257. Jacob Skold	2019
258. Benjamin Keran	2017
259. Lauren Schrader	2017
260. Zakariya Khan	2018
261. Nora Christensen	2014

262. Sophie Panetti	2017
263. Carly Mau	2017
264. Danielle Rudin	Friend of current student
265. Laura Peasley	2017
266. Kathryn Dudley	2017
267. Janna LaFountaine	1981
268. Breanna Schlegel	2015
269. Megan Gustafson	2016
270. Mariah welsh	2015
271. Andrew P Phillips	2012
272. Haley Belden	2016
273. Tara Miller	2016
274. Megan Lokensgard	2016
275. Sam Renier	2016
276. Kaitlyn Klein	2018
277. Rachel Skoglund	2018
278. Erica Ashley Power	2018
279. Paige Palomaki	Friend of current student
280. Mara Klipfel	2017
281. Alexis Hillbeck	2016
282. Diana Draayer	2018
283. John Lundquist	2018
284. Alondra Paz Kingman	Friend of current student
285. Zackery Allison	2017
286. Miranda Olson	Fellow MIAC school
287. Nathalee boissiere	2016
288. Jameiley Aristide	2016
289. Mara Kaye Fenske	2017
290. Carolyn M. Engquist	1958
291. William Anthony Scott	2018
292. Jace L. Riggin	2016
293. Chew Vang	2009
294. Emma Pittelko	2019
295. Danielle Harms	2009
296. Megan Krippner	2014
297. Tania Schueller Delehanty	2009
298. Peter Stauduhar	2009
299. Melia Cerrato	2009
300. Maripaz Alvarez Tostado Gonzalez Mendez	2019
301. Brynn Makela	2016
302. Adam Bogen	2019
303. Megan Gillen	2016
304. Mia Cannon	2016

305. Rachel Mosca	2015
306. Elizabeth Jenny	2016
307. Jill Locke	Professor
308. Leah Elizabeth Pruden	2017
309. Kasandra Carranza	2019
310. Meta Nagel	2019
311. Katherine Zitzmann	2017
312. Zac Brown	2016
313. Adeline Mateus	2019
314. Nathan Kroschel	2016
315. Megan Ann Johnson	2018
316. Ian McKeag	2017
317. Sharron Wang	2017
318. Alexandra Nelson	2017
319. Ashley Ann Fults	2018
320. Elsa Larsen	2017
321. Ritwik Mahbub	2019
322. Clay Sletta	2018
323. Shailagh Lannon	2018
324. Kevin Green	Parent of current student
325. Isabella Robertson	2018
326. Kate Wittenstein	Professor
327. Alex Shaikoski	2017
328. Emily Severson	2017
329. Kristen Ann Weller	2010
330. Julianne Lannon	Parent of current student
331. Hyllarie Barillas	2018
332. Rebecca Hare	2014
333. Katherine Allen	2018
334. Eme Udo	2018
336. Laura K Johnson	2016
337. Whitney P Hohman	2008
338. Bradley Rice	2017
339. Andie Kukacka	2019
340. Jena Willis	2017
341. Jason Kosch	Student at St. John's University
342. Britta Powell	2016
343. Allison Alsaker	2012
344. Robert Otting-Crandall	Collegiate supporter
345. Fiona Lynch	2017
346. Alex Johnson	2016
347. Kelly K. Nelson	2010
348. Julie A Hanson	1997

349. Daniel Lannon	Parent of current student
350. Karin Torrey	2004
351. Ellyn Adelman	2018
352. Wade Adams	Parent of current student
353. Kelly L Adams	Parent of current student
354. Eliza Edwards	Friend of a current student
355. Patrick Lannon	Godfather and uncle of current student
356. Olivia Alm Brillantes	Exchange student
357. Chloe Shaw	2019
358. Jennifer Facendola	2017
359. Molly Jureidini	2018
360. Kelly Lindahl	2016
361. Allison Brown	2017
362. Deborah Fineman	Parent of current student
363. Brita VanOsdol	2016
364. Hubert - Christian Ngabirano	2018
365. Christina Jean Marton	2017
366. Grace Holbrook	2017
367. Herchran Singh	2017
368. Hanan Mohamud	2018
369. Gino Fraboni	2018
370. Kristin Holst	2015
371. Hayat Butta	2018
372. Gabrielle Alm	Sister attends Gustavus
373. Jessica Garrett	Parent of current student
374. Angela Herrera	2017
375. Sylvia Michels	2017
376. Connie Boatwright	2014
377. Gustavo Correa	2018
378. Delany Sweet	2016
379. Mickey Quinn	2016
380. Emma Myhre	2019
381. Chelsea M. Farr	2015
382. Morgan Timm	2016
383. Spencer J Garrett	Parent of current student
384. Greta Engen	2018
385. Morgan Field	2016
386. Elizabeth Froden	2016
387. Luke Mielke	Community Member
388. Samuel Burnham	2019

APPENDIX B: TASK FORCE MEETING MINUTES

Sexual Misconduct Task Force

April 11, 2016, Minutes

Present: Henry Adebisi, Avery Bather, Andrea Garcia , Leah Soule, Max Hailperin, Amy Vizenor, Martin Lang, Jaime Hollis, Tommy Valentini, Brian Konkol, Dan Curell, Lorie Siebels, Harold Tish, Paula O'Loughlin, Patty Dawson, President Bergman

Absent: Andy Lupinek, Megan Ruble, JoNes Van Hecke, Carol Brewer, student #6 TBA

Summary

- People introduced themselves.
- Jaime suggested a set of ground rules:
 1. Listen attentively and actively
 2. Allow others to talk. Do not monopolize the discussion.
 3. One person speaks at a time.
 4. Speak for yourself.
 5. If you feel hurt by what someone says, tell them and inform them why.
 6. Some of the things we will say in these meetings may be considered private or personal. Do not share these things with other people, unless we all say it is ok.
 7. Do not share what you discuss in meetings with the larger community. The task force will formally release information to the campus community.
 8. Ask for clarification when confused.
 9. Be respectful. Challenge ideas without attacking the person.
 10. People agreed to the ground rules.
- President Bergman went over the charge:
 1. Articulate the Gustavus community's expectations of a safe and respectful campus community;
 2. Review and discuss the petitions submitted by students and alumni regarding sexual misconduct policies and practices as well as the questions and concerns raised before and during the March 7 Open Forum on Sexual Misconduct;
 3. Conduct a comprehensive, rigorous review of and discuss Gustavus policies, procedures, and practices related to sexual misconduct in light of evolving best practices.
 4. Inventory existing programming and support services related to sexual misconduct;
 5. Prepare a preliminary report outlining proposed areas of change in Gustavus' response, support, investigation, prevention, and awareness of sexual misconduct.
 6. Provide recommendations on next steps, including developing a communication plan for possible policy and practice changes as well as programming efforts.
- She noted that it is a very important and difficult topic to grapple with and thanked the task force for serving the college in this work. She recognized the size of the areas covered in the charge and that the task force may not be able to finish everything this term President Bergman

was appreciative that what the Task Force accomplishes will move us as a campus in a direction of improvement.

- President Bergman further asked the Task Force to articulate a vision of what a safe and respectful campus community would be. She asked the Task Force to go through the student and alumni/ae petition demand by demand taking a hard look at existing policies and programming. She asked the Task Force to inventory existing programs and gaps therein. She requested that the Task force summarize these programs and gaps we identify and make recommendations for filling these gaps beginning next fall. She also asked the Task Force to consider how this work will go forward after the end of this term and next fall. For example, should a version of this Task Force continue?
- Responding to the President, Max asked if the Task Force should deal just with student sexual misconduct concerns or for employees as well? The President asked that the Task Force address concerns raised regarding the policies and processes used for student sexual misconduct first.
- Max also asked what definitions of sexual misconduct to use (GAC's or those in the Ohio documents cited in the petition) and the President asked we use our own as a starting point.
- She concluded her remarks by reaffirming that members of the Task Force are here as representatives of Gustavus and she asked that we make good decisions on behalf of the institution. We need to make decisions that honor our personal perspectives but also go beyond them. In this area like so many others, we need to be in a state of continual improvement. So the Task Force is a step, but it is work that will continue.
- Paula agreed to ask Linda Steinhaus to take notes at the four meetings upcoming.
- Leah raised the Student Senate message and the desire for continued input and transparency. The co-chairs agreed to send out an email to the Gustavus community with our group email alias our names and invite people to reach out to us if they had something they wanted to Task Force to know. We also decided that we wanted to empower the student representatives to give Student Senate updates if the students wanted to. Paula agreed to post our minutes on the Title IX website once approved.
- We then reviewed the proposed division of labor and responsibilities sent out in the agenda and after much discussion modified the small groups to be the following:
 - Subgroup 1
 - Review the sanction guidelines (headed "Sanction Statement") in the Student Sexual Misconduct policy in light of Demand 1 from alumni/student petitions, Title IX guidance, VAWA, Clery, MN law, evolving best practice etc. Recommend changes.
 - Subgroup 2
 - Review Gustavus policies regarding timely warning and data reporting practices in light of Demands 2 and 3 from alumni/students petitions, IX guidance, VAWA, Clery, MN law, FERPA, evolving best practice, etc. Recommend changes.
 - Subgroup 3
 - Review Gustavus policies regarding receiving reports of sexual misconduct, instituting interim measures, and providing support for complainants and respondents in light of Title IX guidance, VAWA, Clery, MN law, evolving best practice, etc. Recommend changes.
 - Subgroup 4

- Review the Gustavus sexual misconduct investigation, sanctioning, and appeals process other than the sanction guidelines (headed “Sanction Statement”) in light of Demand 4 from alumni/student petitions, Title IX guidance, VAWA, Clery, MN law, evolving best practice, etc. Recommend changes.
 - Subgroup 5
 - Inventory existing programming intended to eliminate sexual misconduct and recommend further possible initiatives, programming, and trainings that will help create a campus culture free from sexual misconduct. Recommend changes and produce a first-draft vision of what it means to have a safe and respectful campus community.
- Paula then went over some tentative subgroup assignments. She explained the co-chairs’ principle that every subgroup should have at least one student and one faculty/administrator and ideally there would be a faculty and administrator. She also explained that the co-chairs wanted to acknowledge the shared governance elements of this and so 2 students, 2 faculty and 1 administrator were being given the responsibilities of convening the subgroups. The ex officio folks identified by a * are considered to be resources for all groups but for ease are being placed with the group which appears most relevant for their work.
- After some discussion, the following people were selected for each subgroup:
 - Subgroup 1
 - Review the sanction guidelines (headed “Sanction Statement”) in the Student Sexual Misconduct policy in light of Demand 1 from alumni/student petitions, Title IX guidance, VAWA, Clery, MN law, evolving best practice etc. Recommend changes.
 - Leah Soule (convener), Max, Lorie, Dan, JoNes*
 - Subgroup 2
 - Review Gustavus policies regarding timely warning and data reporting practices in light of Demands 2 and 3 from alumni/students petitions, IX guidance, VAWA, Clery, MN law, FERPA, evolving best practice, etc. Recommend changes.
 - Martin Lang (convener), Henry, Harold, Carol*
 - Subgroup 3
 - Review Gustavus policies regarding receiving reports of sexual misconduct, instituting interim measures, and providing support for complainants and respondents in light of Title IX guidance, VAWA, Clery, MN law, evolving best practice, etc. Recommend changes.
 - Amy Vizenor (convener), Avery, Jaime, Patty*
 - Subgroup 4
 - Review the Gustavus sexual misconduct investigation, sanctioning, and appeals process other than the sanction guidelines (headed “Sanction Statement”) in light of Demand 4 from alumni/student petitions, Title IX guidance, VAWA, Clery, MN law, evolving best practice, etc. Recommend changes.
 - Tommy Valentini (convener), Andy, Dan, Megan*
 - Subgroup 5
 - Inventory existing programming intended to eliminate sexual misconduct and recommend further possible initiatives, programming, and trainings that will help create a campus culture free from sexual misconduct.

- Recommend changes and produce a first-draft vision of what it means to have a safe and respectful campus community.
 - Andrea (convener), Brian, Jaime, student #6 tba, Paula *
- The last item was how the next several meetings would run. Paula noted the size of our group and so the best that can be done is that meetings are set up so that it will rotate who misses them. Paula proposed that each subgroup would report in on their recommendations as well as their points of strong disagreement each meeting. Subgroups would present their materials in written form on the google drive so that the Task Force as a whole had time to review it before discussion. Subgroups would then ask for more or less time for discussion depending on how much material they were presenting. This is a work in progress, but divided equally each group will only get 12 minutes at each mtg.
- For the last few minutes, people met in their subgroups.
- The next meeting is Tuesday, April 19th from 3-4 in the Board Room.

Sexual Misconduct Task Force

April 19, 2016, Minutes

Attendees: Paula O'Loughlin, Jaime Hollis, Leah Soule, Lori Siebels, Megan Ruble, Max Hailperin, Tommy Valentini, Avery Bather, Patty Dawson, Henry Adebisi, Andrea Garcia, Carol Brewer, JoNes VanHecke, Harold Tisch, Martin Lang.

Approve Minutes from 4/11/16 - Paula moved, Leah seconded. Minutes approved.

Report out from groups Subcommittee

- Subgroup 1
 - Presented their report found on Google Docs under Subcommittee 1.
 - Discussion on sexual harassment and sexual misconduct and clarifying how they are connected at Gustavus and by various regulatory bodies. Current Gustavus policy was best practice recommendation from ATIXA.
 - Subgroup is also wrestling with how to be sure a punishment reflects the misconduct and whether a rubric of sorts would be useful (i.e. University of MN).
 - Subgroup 1 will follow up with recommendations after the sexual misconduct and harassment definition are further elaborated.
- Subgroup 3
 - They asked for clarification on the direction of this group regarding reporting sexual misconduct. Where does their work start and others end and vice versa?
 - This group will look at the College's processes from the moment the college is informed until the first adjudication decision is made. This includes interim measures and protection steps initially done, though those can continue after first decision in a case is made.
 - They will focus on Advocacy and Support processes for both complainants and respondents.
 - Group will continue to meet and work on process improvements.
- Subgroup 4

- Reviewed notes from Subgroup 4 meetings notes regarding Investigation, adjudication, and appeal.
- Discussion
 - Jamie noted experience from previous institution.
 - JoNes said that a 500 word essay is not the only sanction for a misconduct case ever despite public statements that that suggest it may have been.
 - Subgroup would like to have more discussion on questions as noted from Subgroup 4 meeting notes on 4/14/16. Group will further discuss and bring proposals to next meeting.
- Subgroup 2
 - Reviewing timely warnings to community.
 - Going to review best practice research.
 - Will review what Gustavus current policy is.
 - At end of semester, will provide recommendation to Task Force
 - Key observations
 - Intersectionality of Clery Act
 - College and Universities have different policies regarding FERPA
 - Terminology is vague (timely, threat, emergency, etc)
 - Group will continue to review topics
- Subgroup 5
 - Covering inventory of programming
 - Need to give a list of all of the programming available to group.
 - Once they receiving list, then they will review and provide recommendations

Further discussion regarding defining sexual misconduct.

- Refer Gustie Guide: definition of Sexual Harassment is defined
- Misconduct is umbrella, then harassment is under misconduct
- Misconduct laws are identified by the State and by the Federal, and the definition varies per State
- The Campus Safety and Security has the State and Federal Sexual Misconduct defined
- Patty, Martin and Jamie will spend time to find a clarifying definition of Sexual Misconduct

Get recommendation and definitions for next meeting.

Next meeting Monday, May 2, 2016 at 3:30 pm

Sexual Misconduct Task Force

May 2, 2016, Minutes

Attendees: Paula O'Loughlin, Jaime Hollis, Leah Soule, Amy Vizenor, Lori Siebels, Megan Ruble, Max Hailperin, Avery Bather, Patty Dawson, Andrea Garcia, JoNes VanHecke, Harold Tisch, Martin Lang, Brian Konkol, Dan Currell, Andy Lupinek

Approve Minutes from 4/19/2016 - Max Hailperin approved, Patty Dawson approved. Minutes approved with the corrected spelling of Jaime Hollis name. Corrected.

Max Hailperin reviewed the definition of Sexual Misconduct definition:

For the purposes of this task force's work, "Sexual Misconduct" is defined as any conduct that fits into one or more of the following categories, as defined in the *Student Sexual Misconduct Policy*:

- Non-Consensual Sexual Contact (or attempts to commit same)
- Non-Consensual Sexual Intercourse (or attempts to commit same)
- Sexual Exploitation
- Intimate Partner Violence
- Stalking
- Sexual Harassment - added

Discussions:

- Discussion regarding to include or not include "stalking"
- Amended the definition to include "sexual Harassment"
- Max Hailperin motioned, and Leah Soule second
- Discussion: Martin Lang would like to continue to research definition before approving.
- This definition is only for our task force group, but not as policy.
- Recommendation: we adopt Max Hailperin amended definition. Motion approved.

JoNes VanHecke reviewed change to the *Student Sexual Misconduct Policy* made at April Board of Trustees meeting. (Change below in ALL CAPS.)

- This proposal was reviewed and approved by the Board of Trustees during April 2016 meeting
- Decision Making (Gustie Guide, pg 78)
 - The contents of the Investigative Report along with the written responses (if submitted) from both parties will be forwarded to a Sexual Misconduct Board to determine if it is more likely than not that the *Student Sexual Misconduct Policy* has been violated as alleged in the Complaint. ACTUAL NAMES WILL BE REDACTED OR REPLACED WITH PSEUDONYMS IN ALL WRITTEN DOCUMENTS TO PROTECT THE IDENTITIES OF PARTIES AND WITNESSES IN THE MATTER. Upon review of the Investigation Report, the Board may, in their discretion, request additional investigation by the investigator. The standard of the evidence used in decision-making is a preponderance standard ("more likely than not"). If found responsible, appropriate sanction(s) will be assigned. Within two business days following a decision of the Board, the Dean of Students will draft a Notice of Determination and deliver the contents to both parties simultaneously.

Group 3

Jaime Hollis presented Group 3's first rec:

They recommend an online reporting form that allows an option for confidential reporting. The form should contain statements that informs victims of the information listed below. This should be in addition to the silent witness page.

1. Online reporting is required by the Minnesota 2015 Statutes (Subd. 5 - a, b, c). Policy must tell students who will have access to the report.

2. All complaints received would be uploaded to the online reporting system. If the report is taken in-person (including confidential reporters), that reporter would use the online system to report to the College. This report would go to the T9 Coord.

a) On this form there would be a drop down list identifying the reporting party (victim, witness, SART, employee, etc.).

3. Policy must address how victims confidentiality will be protected, including record keeping that excludes personally-identifiable information on victims (VAWA 4/1/14 - pg3).

4. OCR strongly supports victim's right to confidentiality. If requested the school should inform victim that this may limit the college's ability to fully investigate the case. This should be stated on the online reporting form (OCR "Q & A" 4/29/14 - pgs 18-22). A new tab on the T9 page should be created addressing issues of confidentiality. a) If victims don't want their identity given to the perpetrator, colleges must weigh the balance of confidentiality in each case versus the responsibility to provide a safe and nondiscriminatory environment for all (pg 21). This information is somewhat touched upon on the Gustavus T9 webpage under the tab "formal reporting", but should be expanded. This page refers to victims not wanting to pursue a complaint process, but not giving name to respondent. b) White House Task Force "Sample Language for Reporting and Confidentially Disclosing Sexual Violence" provides sample language for weighing victim's request for confidentiality.

College should provide link on college homepage o make reporting for sexual misconduct similar to "Bias Reporting" which can be easily found on the Gustavus website.

Discussion ensued as to which forms came up when searching the college website. Campus Security Authority (CSA) expectations come up on Campus Safety and other things come up with linked to the dean of students and Title IX pages. Discussion then occurred regarding where such a form should live and what it should ask and how in a way that is not re-traumatizing for any students. A variety of opinions were voiced and then Martin Lang requested tabling the recommendation and asking group 3 to more specifically recommend an online report protocol with more detail including where form will "live" online.

- 1 No vote and the remainder Yes to the motion to table.
- This topic is tabled.

Group 4

Andy Lupinek reported for Group 4 - (see documents on Google Drive dated "Updates for 5/2/16)

Item 1 Should Gustavus utilize students on Sexual Misconduct hearing boards? Note that the Board of Trustees passed a policy revision which will substitute actual names in all case documents with pseudonyms.

a. OPTION A: No change. Continue to utilize a three person hearing panel consisting of one administrator, one faculty member, and one student.

b. OPTION B: Remove students from hearing panels and utilize a three person panel consisting of a combination of faculty and administrators.

c. OPTION C: Move to a single decision maker (usually a member of the Dean of Students Office).

Subcommittee suggests A

- Discussion: Section A means no change and leave 3 people involved: one administrator, one faculty and one student
- Motion to recommend this to President approved unanimously.

Item 2 Should Gustavus utilize in-person hearings instead of hearings on the basis of record? Note that we offered in-person hearings until this fall, when we changed to align with current best practice in the field.

a. OPTION A: No change. Continue to utilize hearings only on the basis of record.

b. OPTION B: Return to in-person hearings, offering appropriate accommodations to reduce trauma and re-victimization as much as possible.

c. OPTION C: Continue with hearings on the basis of record, but offer a second response option for each party so that they can see (and respond to) the first response of the other. This helps somewhat the argument that there is no ability to “cross-examine” the other party. It extends the time of the process.

- Discussion: Option C adds time, however would it improve the process. This option will make it harder to meet the timeliness factor. Currently we do C when new information is brought forward.
- Amendment: Option A and include “if new information is offered, then allow for another response.
- Paula motioned, Martin second - Motion approved unanimously to recommend to President.

Item 3 and did not have a strong recommendation

- Discussion on “unreasonable penalty” noting OCR verbiage, and discussion regarding that the law does not allow an appeals because a person does not like the outcome.
- Amendment: Leah suggested table until group gets to review sanctioning in Group 2
- Leah Soule motioned. Martin second - Motion tabled unanimously.

Item 4 to screen potential adjudicators for bias before they can be in board pools. Subcommittee recommends we not do this.

- Paula O’Loughlin motioned to table, and Leah Soule second - Motion approved

Meeting adjourned at 4:28 pm.

Next meeting will be at 330 PM on Friday, 5/6.

Sexual Misconduct Task Force

May 6, 2016, Minutes

Attendees: Paula O'Loughlin, Jaime Hollis, Leah Soule, Amy Vizenor, Max Hailperin, Avery Bather, Andrea Garcia, Martin Lang, Dan Currell, Andy Lupinek, Henry Adebisi, Megan Ruble, JoNes VanHecke

Approve Minutes from 5/2/2016 - Amy Vizenor approved, Max Hailperin approved.

Group "check in" to understand how Task Force members are feeling about progress of group. Some concerns expressed by how much background knowledge is required to really dig into these issues. Some concerns were expressed that we are not making enough progress and others' are pleasantly surprised that we are making actual progress. Students were encouraged to keep speaking up and not let the non-students dominate discussion. Logistically, the size of this group and the tight timeline makes it really hard overall, but we are doing the best we can.

Leah Soule (Group1) brought forward a request to hire a single full-time Title IX Coordinator at Gustavus.

- Discussion regarding this request occurred with discussion of the current IX set-up.
- Other subgroups agree that this position or at least more resources devoted to a position around sexual misconduct is necessary.
- Leah's group will encompass this request into their group recommendation at the 5/18 meeting

Group 1

Leah Soule presented Group 1's recommendation of changes to language in Student Misconduct policy, Gustie Guide,

Sanction Statement

- Any sanctions that are imposed will be:
- Reflective of the seriousness of gender-based misconduct.
- Adequate to protect the safety of the campus community and equitable access to education.
- Fair and appropriate given the facts of the particular case; and
- Consistent with the College's handling of similar cases.

Sanctions will be determined by the college authority in accordance with the following factors:

- the nature of the misconduct (sexual exploitation, contact, intercourse, stalking, intimate partner violence or harassment);
- the severity of the incident;
- the expressed wishes of the complainant;
- other previous violations of college policies;
- the potential ongoing risk to the complainant or campus community;
- the impact of the violation on the campus community, its members, or its property;
- any aggravating factors (overt bias, coercion, incapacitation, etc.);
- any mitigating factors (disability or mental health diagnoses, actions taken to prevent reoccurrence, restorative actions, etc.); and

- sanctions imposed in similar cases by the college.

Any student found responsible for violating the policy on Sexual Exploitation will likely receive a sanction ranging from admonition to expulsion.

Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Contact, will likely receive a sanction ranging from disciplinary probation to expulsion.

Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Intercourse will likely face a sanction of suspension or expulsion.

Any student found responsible for violating the policy on Stalking or Intimate Partner Violence will likely receive a sanction ranging from admonition to expulsion.

Any student found responsible for violating the policy on Sexual Harassment will likely receive a sanction ranging from disciplinary censure to expulsion.

The following is a visual display of the sanction’s listed above.

	Admonition	Disciplinary Censure	Disciplinary Probation	Suspension	Expulsion
Sexual Exploitation					
Non-Consensual or Forced Sexual Contact					
Non-Consensual or Forced Sexual Intercourse					
Stalking					
Intimate Partner Violence					
Sexual Harassment					

A complete list of potential sanctions may be found in the “sanctions” portion of the student conduct systems, found here: [Student Conduct Sanctions](#)

Sanctions are imposed immediately unless the Dean of Students stays their implementation pending the outcome of an appeal.

Sanction section as it currently reads:

Sanction Statement

Sanctions are imposed immediately unless the Dean of Students stays their implementation pending the outcome of an appeal. The following will be used to guide the Sexual Misconduct Board in assigning sanctions:

Any student found responsible for violating the policy on Sexual Exploitation will likely receive a sanction ranging from admonition to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.*

Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Contact, will likely receive a sanction ranging from disciplinary probation to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.*

Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Intercourse will likely face a sanction of suspension or expulsion.*

Any student found responsible for violating the policy on Stalking or Intimate Partner Violence will likely receive a sanction ranging from admonition to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.*

For students found responsible for sexual harassment or sexual misconduct, their status will likely change and can range from disciplinary censure to disciplinary probation, depending on the severity of the incident and taking into account any previous campus conduct code violations.

A complete list of potential sanctions may be found in the “sanctions” portion of the student conduct systems, found here: [Student Conduct Sanctions](#)

*The conduct body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior.

In making these changes, the sub-group worked to balance each case as different but also provide set policy.

The changes were passed with an amendment to provide more details on the levels.

Group 2

Martin presented Group 2’s interview results

Group 3

Avery presented Group 3 website recommendations which are shown in purple on the Google drive

- Change “Sexual Misconduct” button to “Sexual Misconduct Incident”
- Include “Bias Reporting” checkbox
- Explore the “Remain Anonymous” including a disclaimer regarding possible follow up

The Task Force recommended additional research on right language to use for the online form and what buttons to have.

Finally, co-chairs noted there is only one meeting left after this one and they will want to spend some time discussing at the last meeting as well as right now what will come next year. Should some version of this Task force continue as an advisory body for the IX coordinator, etc?

In the process of this discussion, the decision was made that the

- Task Force should have listening sessions right now so that members of the community not on the Task Force know what is happening.

- Others noted that this is important to communicate before the school year ends.
- It was noted that while we can share what we have been discussing generally, we should not share our recs. With the community until after we share them with the President.
- We should communicate with the community before the end of the year.

In terms of the question about the future of next year and the issue of sexual misconduct on campus, there was some sense that this work be continued. Instead of a separate Task Force, it could live within a current structure on campus. It should also be smaller. More discussion on this on 5/18.

POL noted that after she leaves in early June, the “new” interim IX coordinators until someone permanent is hired will be Steve Bennett and Ken Westphal, with JoNes VanHecke and Megan Ruble providing back-up.

Adjourn at 4:42 pm

Next Meeting May 18, 2016

Sexual Misconduct Task Force May 18, 2016, Minutes

Attendees: Paula O’Loughlin, Jaime Hollis, Lori Siebels, Megan Ruble, Patty Dawson, JoNes VanHecke, Brian Konkol, Carol Brewer, Amy Vizenor, Max Hailperin, Martin Lang, Tommy Valentini, Leah Soule, Avery Bather, Andrea Garcia, Dan Currell

Approve Minutes from 5/6/2016 - Max Hailperin approved minutes, Martin Lang second. Approved minutes.

Review Subgroups:

Group 5: Inventory Existing Programming - Chaplain Brian Konkol and Andrea Garcia

Inventory existing programming intended to eliminate sexual misconduct and recommend further possible initiatives, programming, and trainings that will help create a campus culture free from sexual misconduct.

Inventory of Existing Programming

Dates(s)	Beginning and End Time	Type of Program	Intended Audience	Attendance (Estimates)	Sponsor
7/17/2014	1:00 p.m. - 3:00 p.m.	Bystander Intervention webinar	Administration, Faculty, Staff	10	Dean of Students Office
8/1/2014	N/A	Campus Clarity online course	First year students, select student leaders	788 (requirement for all FY students)	Dean of Students Office
8/29/2014	7 - 8 p.m., 8 - 9 p.m.	Mike Domritz, “Can I Kiss You?”	First year students	600	New Student Orientation

Dates(s)	Beginning and End Time	Type of Program	Intended Audience	Attendance (Estimates)	Sponsor
9/2/2014	N/A	Campus Clarity poster campaign - 3 posters	All students	N/A	Dean of Students Office
9/14/2014	N/A	Consent poster campaign	Students	N/A	Peer Assistants
9/26/2014	2:30 p.m.- 4:00 p.m.	Bystander Intervention Working Group	Administration, faculty, staff, students	15	Dean of Students Office
10/15/2014	1:00 p.m-2 p.m.	Bystander Social Media Campaign "It's On Us"	Administrators, faculty, staff, students	7	Dean of Students Office
10/29/2014		I Heart Female Orgasm	Students	250	WAC
10/30/2014	Day	Halloween Safety tabling	Students	N/A	WAC
11/1/2014	N/A	Campus Clarity hookup poster campaign	Students	N/A	Dean of Students Office
11/9/2014	2 p.m. start	Fired Up: Survivors Stories of Trauma, Hope and Change	All students	200	CAB, SART, CADA
11/11/2014	6 - 8 p.m.	Mock House Party	Students	250+	Residential Life/Greek Life
11/12/2014	7 p.m.	The Evolution of Rape Culture	Students, community	280	Building Bridges
11/12/2014	8:30 p.m.	The Evolution of Rape Culture	Students	15	Residential Life
1/15/2015	7 - 9 p.m.	Fire & Ice Sexual Health Carnival	First year students	140	Dean of Students & Res Life
1/22/2015	7 - 9 p.m.	Fire & Ice Sexual Health Carnival	First year students	70	Dean of Students & Res Life
1/25/2015	8:00 PM	Be A Buddy	First year students (Norelius 3E)	6	PAs
2/1/2015	N/A	Campus Clarity - second module	First year students	278	Dean of Students
2/12/2015	7 p.m.	Gustavus vs. Rape Culture	"by student leaders for student leaders"	200	SAE, AST, & Building Bridges
2/20/2015	10:00 AM	Count on Gusties Bystander Tabling		25	PAs
2/25/2015	N/A	Safe Bar Initiative launch	Bar patrons (including students)		Patrick's Bar
3/2/2015	7:00 PM	Bystander Role	Bar patrons	40	PAs/Patrick's Bar

Dates(s)	Beginning and End Time	Type of Program	Intended Audience	Attendance (Estimates)	Sponsor
		Playing	(including students)		
3/7/2015	all day	Building Bridges Conference: Hidden in Plain Sight: Recognizing and Rejecting Rape Culture	campus community, community	1,000	Building Bridges
3/10/2015	7 p.m.	Vagina Monologues	students	35	WAC
3/11/2015	7 p.m.	Vagina Monologues	students	55	WAC
3/24/2015	7:00 AM	Sex in the Dark	first year students	5	PAs
4/7/2015	N/A	"Ask First" poster campaign	students	N/A	DOS/SART
4/7/2015	N/A	SAAM table tents in Marketplace	students	N/A	Dean of Students
4/11/2015		Screening/discussion of Flirting with Danger @ Greek Educational Conference	fraternity and sorority members		Inter Greek Senate
4/13/2015	N/A	AST awareness week tabling	campus community	N/A	AST
4/13/2015		Burger Basket fundraiser @ Patrick's	campus, community	60	AST
4/16/2015		Self Defense workshop	students		AST/SAE
4/19/2015	11:30 a.m.	AST Sexual Assault Awareness Benefit & Brunch	students, invited guests	105	Alpha Sigma Tau
4/23/2015	2:30 - 4:30	Gustavus Health Fair - sexual violence prevention table	students	350	Dean of Students
4/25/2015		Safe Bar 5k	Students, community	40	Patrick's Bar, IGS
4/30/2015	7:00 PM	Sex in the Dark	students (Uhler)	16	PAs
5/4/2015	8 - 10 p.m.	Take Back the Night	students	50	WAC
5/5/2015	12:30 - 2:30	Safer Sex Carnival	students	150	Dean of Students
5/7/2015	7 - 9:30 p.m.	Hunting Ground	Students, campus	70	

Dates(s)	Beginning and End Time	Type of Program	Intended Audience	Attendance (Estimates)	Sponsor
		screening & discussion	community		
5/7/2015	2:30	Rape Awareness / Solidarity gathering	students	40	students
		Campus Clarity - third module	first year students	84	Dean of Students

In addition to the above programming information, the following web-related resources are of note:

Website Resources (Gustavus Adolphus College):

<https://gustavus.edu/titleix/>

<https://gustavus.edu/sart/>

<https://gustavus.edu/deanofstudents/policies/gustieguide/sexual-assault.php>

<https://gustavus.edu/deanofstudents/sexualmisconduct/>

Recommendations & Plan for Action

In order to move from punitive to transformative justice and in turn “help create a campus culture free from sexual misconduct”, we recommend the following:

- Affirm the work by those on campus currently seeking to create a campus culture free from sexual misconduct
- Affirm the work by those that have sought to create a campus culture free from sexual misconduct
- In light of the above-mentioned principles of transformative justice, focus on prevention through the following priorities:
 - Strengthening individual knowledge and skills.
 - Workshops about the definition of sexual assault, its impact, how to respond to disclosures, campus policies, and where to find local resources. In addition: Bystander intervention, healthy sexuality, media literacy, engaging men (especially athletes), and anti-oppression work.
 - Promoting Community Education
 - Campus events often are aimed at reaching a large number of people at once, yet such events are more impactful when they are a part of a larger community conversation that focuses on addressing norms, attitudes, and beliefs on campus that contribute to sexual violence.
 - Educating Providers
 - Faculty, staff, administration, and student leaders can play a key role in setting the campus culture and modeling social norms.
 - Fostering Coalitions and Networks

- Collaboration brings more resources, perspectives, and experiences that can help improve the content and expand the reach of prevention.
 - Changing Organizational Practices
 - Adopt policies and practices for improving the internal culture and norms around gender, sexual violence, and relationships throughout the campus community. Examples of specific communities and cultures on campus include academic departments, faculty senate, student organizations, the greek system, athletic teams and departments, and residence hall communities, among others.
 - Influencing Policy
 - Strong policies ensure that survivors have access to services, can take actions that protect their safety and promote recovery, and can seek transformative justice through the campus discipline system.
- Hire a Full-Time Title 9 Coordinator
- Move from Sexual Misconduct Taskforce to Sexual Misconduct Committee
- Hire Independent Review

Discussion:

- Motion was made to include Alcohol Education in the programming offered.
- Motion approved the recommendations above including adding alcohol education programming..
- **Removed the following and will discuss later in this meeting**
 - Hire a Full-Time Title 9 Coordinator
 - Hire Independent Review

Group 3: Website - Reported by Amy Vizenor and Avery Bather

- Recommendation - to create a form shown on Google Forms as a mock up for GTS called “Sexual Misconduct Incident Reporting Form”
- Discussion: Megan Ruble suggests that additional links and information can be added to “Thank you for submission”.
- These would be items administration is required to issue to anybody reporting sexual misconduct incidents [approved to add on 5/24]
- Edit Discussion - add “unsure” option for Bias, and make the “Desired Outcomes” as optional
- Motion to approve Group 3 “Sexual Misconduct Incident Reporting Form”, to continue with Megan knowing that additional changes will be refined. [5/24 removed ‘GTS’, and added ‘with Megan’. This is because it is a Maxient form that falls under her area, not GTS.]
- It was noted that Group 3 was able to address reporting issues this term but did not have time to evaluate interim remedies and support.
- Motion made to adopt recommendation and motion approved.

Group 2: Timely Warnings and Data Reporting - Reported by Martin Lang and Carol Brewer

A. Create a Comprehensive Sexual Misconduct Information Web Site

Create a simple, easily navigable, and comprehensive “clearinghouse” web page for sexual misconduct including survivor support, all policy information, aggregate data reporting, and all other sexual misconduct concerns. ([Example here.](#))

1. The website should be primarily identified with Sexual Misconduct and Sexual Assault, not Title IX or other terms, to be consistent with language in common parlance within the community.
2. Clear design is imperative. Campus experts in web design, communication, and graphic design should be consulted to create a clear and inviting page, with attention to addressing all intended audiences ranging from distressed survivors in need of immediate support to community members seeking deep information on policy or aggregate data.
3. Campus web design experts should be consulted to help ensure the page is easily accessible from key “feeders” (e.g. Dean of Students page) as well appearing as the top hit in searches for various key terms.

Discussion:

- Recommend a Central Hub for a web page rather than multiple pages.
- Motion made to approve the Group 2 recommendation on creating a comprehensive sexual misconduct information website and motion passed.

B. Clarify and Communicate Timely Warning Protocol

Establish and publish clarified language on when, how, and by whom “timely warning” notifications regarding sexual misconduct will be issued.

1. Revise draft Timely Warning Standard Operating Procedure internal document for Campus Safety.

a. Clarify conditions for timely warning of sexual misconduct to reflect best practices language indicated by Stafford & Associates (adopted by some universities) to provide better guidance regarding when to issue a Timely Warning: “Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by the Campus PD. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other University community members, therefore; a Timely Warning Notice would not be distributed.”

b. Clarify conditions of Timely Warning and Emergency Notification Standard Operating Procedure to treat sexual assault as a significant threat to the campus community when a pattern of assaults has been reported and err on the side of caution (that is, err on the side of issuing a warning vs. withholding one) [5/24 removed “to” and approved addition] when issuing Timely Warning and Emergency Notification. As suggested in Stafford and Assoc. guidance: “The shootings at Virginia Tech unequivocally taught me one thing—you never know what is coming next. We would all do well to learn that lesson now. If you can’t say with certainty that no further threat exists, put out the warning, notice or whatever you want to call it and do it quickly. You can always update it when and if there is no longer a potential threat.”

2. Include summarized version of revised Timely Warning Standard Operating Procedure for publication in College Sexual Misconduct Policy.

3. Publish draft College Notifications Chart on new Sexual Misconduct Information website.

Discussion: Additional conversation with GTS to understand ensure clear design of the clearinghouse website, including user friendly interface, easy access to various components of relevant information, and effective interconnection with other components of Gustavus site and search interface to ensure

the page is easily discoverable for all various audiences (community members seeking to report, people seeking policy information, external agents seeking data reporting, etc.). [5/24 meeting approved addition of continue to work on web design]

- Motion to approve the recommendations passed

C. Improve Sexual Misconduct Data Reporting Procedures

1. Annually compile and publish a clear and accessible Sexual Misconduct Reporting and Response Summary to include prior 12 months of information in the following areas ([example here](#)):

- a. A full, anonymous explanation of every sexual misconduct complaint investigated.
 - i. Identify status of complainant and respondent (student, staff, College, etc.), general nature of charge, finding, and details of sanction as specific as possible while reasonably protecting identities of those involved.
- b. Aggregate summary of all incident reports of a sexual nature that occur within the campus community (as defined by Clery parameters) [5/24 approved to add to minutes], including informal or anonymous reports, received by administration through various channels (Silent Witness, sexual assault reporting form, Title IX coordinator, CFs, SART, etc.)
- c. A summary of work of ongoing or ad hoc committees addressing sexual misconduct policy and education.
- d. A detailed report of campus sexual misconduct prevention programming and other training conducted by any official campus organization including administrative offices, academic department or programs, recognized student organizations, or outside providers.
 - i. Title, provider/sponsor, date, location, target audience, estimated attendance, brief summary of specific topics addressed
- e. A comparative analysis report of sexual misconduct information addressed in campus climate survey data and National College Health Assessment survey data ([example here](#)). This report would:
 - i. Reveal patterns or trends in sexual misconduct behavior
 - ii. Contextualize sexual misconduct climate at Gustavus versus peer institutions
- f. Any other relevant information to increase transparency and awareness regarding sexual misconduct within the community.

2. Provide an opt-in email list for community members to have the annual report automatically delivered to their inbox upon its release. This email list might also be used to circulate other relevant information, such as invitations to programming and training events.

3. Provide access to daily crime log through link on new Sexual Misconduct Information Website.

Discussion: Complete analysis needs to happen, although time may be an issue.

Amendment: "And anything else required by the new MN Statute."

Question:

- Is letter 'b' above including instances prior to life at Gustavus on the data? Student Life currently includes.
 - No. This proposed report is motivated by the Task Force mission to ensure safe environment for all members of the community. Including reports of incidents from a person's past history that do not pose a threat to the community do not serve that mission. [5/24 Approved - answer is "No"]
- #3 - Carol Brewer has been adding more detail to the daily log to be more compliant per the Clery Law.

Motion to adopt these recommendations passed.

D. Supporting Recommendations

1. Create a Campus Compliance Officer position to:

- a. oversee compliance with various state and federal mandates regarding sexual misconduct and to coordinate training and;
- b. coordinate education efforts to shift campus climate toward intolerance for sexual misconduct.
- c. [5/24 Group recommends changing language from "Campus Compliance Officer" to "Title IX"]

2. Establish a procedure for the ongoing review and revision of sexual misconduct policy, training, and education through a committee structure representing campuswide interests. This would ideally be embedded within an extant committee structure, such as the President's Council for Diversity, Equity, and Inclusion.

Others Topics to Discuss:

- Leah Soule is recommending a full time Title IX Coordinator
- Campus Safety representatives would like to include Compliance regarding Clery Act, and to also add flexibility to add in Prevention and Education Officer
- Student Life representatives suggests a team approach to Title IX and additional Deputy Title IX coordinator to get a broader view [5/24 remove 'three prong' and add 'team']
- We need more intentional staffing for these issues
- Recommendation: Create staffing to encompass Title IX and to encompass additional compliance using definition of:
 - oversee compliance with various state and federal mandates regarding sexual misconduct and to coordinate training and coordinate education efforts to shift campus climate toward intolerance for sexual misconduct.
 - With the understanding of budget constraints regarding additional staffing costs.

Next Year regarding this task force:

- Yes, this moves forward
- Yes, the group is smaller in size

- Carol Brewer has begun a Protocol Team as related to new MN state law [5/24 remove “within Campus Safety” because it is cross campus. And added ‘as related to new MN law”]
- Suggests for summer discussion
- Should reflect stakeholders from all corners of campus as well as offices/expertise involved.

Timeline:

- Draft released for edits on Monday, May 30, 2016 [5/24 removed specific people names and written in a general statement.]
- Make edits
- Complete by June 1, 2016

Next Meeting

- Subgroup 4 has two topics that can be discussed during Senior Week or next year

Sexual Misconduct Task Force May 24, 2016, Minutes

Attendees: Jaime Hollis, Megan Ruble, Patty Dawson, JoNes VanHecke, Brian Konkol, Avery Bather, Andrea Garcia

Approve Minutes from 5/18/2016 - Group adapted minutes and approved.

Group 4

3. Should Gustavus’s appeal process be revised for Sexual Misconduct cases?

- OPTION A: No change. Continue to offer and hear three grounds for appeal.
- OPTION B: Remove the option for either party to appeal based on “Unreasonableness of penalty.”

Our subcommittee has not come to consensus on a recommendation here. The Unreasonableness of Penalty appeal does open options for more subjectivity in the process, which has been criticized and can be a negative. However, there are potential reasons that this claim is legitimate by some people in some circumstances.

Discussion: Change “unreasonableness of penalty” to “substantially disproportionate to the finding” which would be OPTION C. [5/24 approved by the group]

4. Should Gustavus screen potential adjudicators for implicit bias before they can be in the board pool? The subcommittee recommends we do not. **Should Gustavus increase training hours required for adjudicators before they can hear a case?** The subcommittee strongly recommends this but is not inclined at this time to set a concrete number of hours or to dictate content above and beyond what is already recommended by federal law (and already used by the College).

Discussion: No advance screening. Yes, recommend to increase training hours.

Also group discussed Post Assessment for training and decided to table for next academic year.

Meeting adjourned at 2:01 pm

APPENDIX C: SEXUAL MISCONDUCT INCIDENT REPORTING FORM

Gustavus Adolphus College encourages all individuals to report any instance of sexual misconduct involving any student, staff or faculty. The Gustavus community is committed to fostering a safe environment for all. It is helpful but not necessary to know the identity of the person filling out this form. Through this page you can, if you choose, remain completely anonymous. This form records no personally identifiable information unless you choose to provide some or all of it below. Please note that if you choose to remain anonymous, it may limit how the college can respond to reports of sexual misconduct but will not limit the support and resources given to those who report sexual misconduct.

Name (Optional)

Email (Optional)

Role on Campus (Optional)

- Student
- Faculty
- Staff
- Parent
- Visitor

Phone number (Optional)

Date & Time of Incident*

Location of Incident

People Involved Any information you can provide about who is involved in the situation is helpful. (Ex. gender, role on campus, etc.)

Incident Summary* Please provide a detailed description of the situation.

If the situation is bias related, please provide the basis for the bias (check all that apply).

- Age
- (Dis)Ability
- Ethnicity
- Gender
- Gender Identity
- National Origin
- Race
- Religion
- Sexual Orientation
- Socioeconomic status
- Unsure

What is your role in the situation?*

- Victim
- Witness/Bystander
- Mandatory Reporter
- Other

Desired outcome: What would you like to see happen as a result of making this report?

If you have provided your contact information, would you like to be contacted by the following Gustavus Adolphus College offices? (please check all that apply)

- SART (Sexual Assault Response Team)
- Dean of Students Office
- Counseling Center
- Health Services
- Campus Safety

May we contact you for additional information?

- Yes, by email
- Yes, by phone
- No

Supporting Documentation Photos, video, email, and other supporting documents may be attached below. Please feel free to attach additional documentation, photos, etc. to help us follow up on the situation. Note: To preserve physical evidence, place all clothing/items associated with the assault in a paper bag (not plastic).

APPENDIX D: INVENTORY OF EXISTING PROGRAMMING, 2014-15

Dates(s)	Time(s)	Type of Program	Intended Audience	Attendance (Estimates)	Sponsor
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3/2/2015	7 p.m.	Bystander Role Playing	bar patrons (including students)	40	PAs/Patrick’s Bar
3/7/2015	all day	Building Bridges Conference: Hidden in Plain Sight: Recognizing and Rejecting Rape Culture	campus community, community	1,000	Building Bridges
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4/7/2015	N/A	SAAM table tents in Marketplace	students	N/A	Dean of Students
4/11/2015		Screening/discussion of Flirting with Danger @ Greek Educational Conference	fraternity and sorority members		Inter Greek Senate
4/13/2015	N/A	AST awareness week tabling	campus community	N/A	AST
4/13/2015		Burger Basket fundraiser @ Patrick’s	campus, community	60	AST
4/16/2015		Self Defense workshop	students		AST/SAE
4/19/2015	11:30 a.m.	AST Sexual Assault Awareness Benefit and Brunch	students, invited guests	105	Alpha Sigma Tau

Dates(s)	Time(s)	Type of Program	Intended Audience	Attendance (Estimates)	Sponsor
4/23/2015	2:30-4:30 p.m.	Gustavus Health Fair-sexual violence prevention table	students	350	Dean of Students
4/25/2015		Safe Bar 5k	students, community	40	Patrick's Bar, IGS
4/30/2015	7: p.m.	Sex in the Dark	students (Uhler)	16	PAs
5/4/2015	8-10 p.m.	Take Back the Night	students	50	WAC
5/5/2015	12:30-2:30 p.m.	Safer Sex Carnival	students	150	Dean of Students
5/7/2015	7-9:30 p.m.	Hunting Ground screening and discussion	students, campus community	70	
5/7/2015	2:30 p.m.	Rape Awareness / Solidarity gathering	students	40	Students
		Campus Clarity-third module	first year students	84	Dean of Students

GLOSSARY OF TERMS

Clery Act (The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act): The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.

FERPA (Family Educational Rights and Privacy Act): FERPA is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

SART (Sexual Assault Response Team): SART is a trained group consisting of Gustavus staff and faculty available to respond to students who have experienced sexual assault.

Sexual Misconduct: For the purposes of the Task Force's work, Sexual Misconduct was defined as any conduct that fits into one or more of the following categories, as defined in the *Student Sexual Misconduct Policy*: non-consensual sexual contact (or attempts to commit same), non-consensual sexual intercourse (or attempts to commit same), sexual exploitation, intimate partner violence, stalking, and sexual harassment.

Title IX: Title IX is a federal law that protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance.

VAWA (Violence Against Women Act of 1994): VAWA is a federal law that guides the investigation and prosecution of violent crimes against women, imposes automatic and mandatory restitution on those convicted, and allows civil redress in cases prosecutors chose to leave un-prosecuted.