

Report of the
University of Oregon
President's Review Panel



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EXECUTIVE SUMMARY

The issue of sexual misconduct and assault has captured the attention of this nation. Although these problems exist across all segments of our society, college campuses have a particularly high incidence of such conduct. Research indicates that though only a small percentage of students will act as perpetrators, a shockingly high percentage of college students are the recipients of unwanted sexual behavior or assault.

The University of Oregon has become increasingly aware of the seriousness of this problem and, with this increased level of awareness, has stepped up its efforts to address it. Although significant efforts have been made by many on the UO campus over the last few years, it is fair to say that the University has found that its policies and practices and the resources devoted to this issue are not adequate to effectively address it. Clearly, much more must be done. The University must now match its increased awareness and understanding of this issue with concrete actions to reduce and prevent sexual misconduct (see glossary) and to improve the institutional response when such incidents do occur.

Over the past few months, this Panel has listened to campus constituents, reviewed policies and practices, and developed recommendations to guide the University's efforts related to sexual misconduct. We describe those recommendations in some detail in this report. The recommendations fall into four categories: 1. Overall recommendations that apply to the development and implementation of a comprehensive program; 2. Recommendations that apply to the prevention program; 3. Recommendations that apply to response practices; and 4. Recommendations focused on identified campus communities.

Generally, however, we conclude that it is critical that the work on these issues by all segments of the campus must be fully coordinated and centrally led. As we explain, a comprehensive plan for improving prevention and response efforts must be developed so that University leadership, faculty, staff, and students will have a shared understanding of the actions to be taken and the goals to be achieved. The plan must be well integrated into every aspect of campus life.

We believe that a critical component of success will be the creation of a leadership position with the responsibility and authority to oversee and direct the development and implementation of a comprehensive plan and to lead a sustained effort over time to address these issues. A key responsibility of this position will be

to ensure that the steps are taken to move from these recommendations to implementation.

The University must fully acknowledge the problem, develop a plan, and make implementing it a priority. It is critical that the University sustain its attention to this issue and take concrete actions, supported by sufficient resources to address it. Sexual misconduct and sexual assault have been a long-standing problem that will not go away quickly or on its own. Yet, with a committed, well-developed, and united effort by the entire campus community, the University's prevention and response policies and practices can be substantially improved.

There is no question that the UO campus is united in its desire to find a way to remedy this problem. It is very important that all perspectives on campus be treated with respect and that the talent and resources across the campus be utilized to work to make the University a safe environment in which to pursue education.

Summary of Recommendations

General Prevention and Response Recommendations

1. Develop and implement a comprehensive campus-wide strategic plan to address University prevention and response efforts
2. Demonstrate sustained and visible senior leadership commitment to addressing this problem
3. Create a central office or designate a senior executive with the responsibility and sufficient authority to plan, coordinate and oversee the development and sustained implementation of a comprehensive strategic plan
4. Create a permanent advisory group to assist in the development of the program structure and provide ongoing advice, guidance, and support to the President and senior executive
5. Dedicate sufficient resources to reflect institutional commitment and to achieve the prevention and response goals
6. Institute ongoing monitoring and evaluation of University programs and their effectiveness in preventing and responding to incidents of sexual misconduct
7. Participate in well-designed and responsibly administered campus climate surveys

Prevention Recommendations

1. Improve the content, availability, and timing of prevention education programs.
 - a. Present prevention education programs not only during freshman orientation but also throughout students' experience at the UO
 - b. Provide a course that would include information on prevention and response to sexual misconduct and that would include issues such as the meaning of consent, healthy relationships, and alcohol and drug use
 - c. Identify and train student leaders to assist with the prevention education program
 - d. Substantially enhance bystander intervention education
 - e. Expand the availability of self-empowerment through self-defense courses
 - f. Ensure a process for follow-up on a student's background when it comes to the attention of the UO that the student or applicant has violated a student conduct code or criminal law

Response Recommendations

1. Adopt measures to increase reporting of incidents of sexual misconduct
 - a. Improve delivery to students of information about reporting
 - b. Designate mandatory reporters and clearly communicate who they are to all members of the campus community
 - c. Designate confidential reporters and clearly communicate to the entire campus community who they are
 - d. Provide information about reporting and requesting confidentiality to the entire campus community
 - e. Train all mandatory reporters and confidential reporters
 - f. Ensure anonymous reporting is available
2. Review the allocation of Title IX responsibilities; ascertain the efficacy of the structure; and the adequacy of the resources devoted to them
3. Adopt a Good Samaritan and Medical Amnesty policy
4. Improve the linkage between students and support services
 - a. Make information about support resources readily available
 - b. Ensure prompt responses
 - c. Develop plans and programs to meet the need for support services
 - d. Partner with support programs outside the University
 - e. Look at best practice programs for training responders such as the SILVER (safety, listen, validate, empower, refer) program
5. Ensure timely and thorough investigations of sexual misconduct reports
 - a. Complete a memorandum of understanding between the University of Oregon Police Department (UOPD) and the Eugene Police Department (EPD)
 - b. Ensure prompt, timely completion of University investigations of allegations of sexual misconduct
 - c. Thoroughly and continuously train University investigators
 - d. Provide prompt information to students about how information obtained in the investigation may be used
 - e. Provide a report to involved students about the outcome of the investigation
6. Adopt a clear and fair adjudication process for violations of the Student Conduct Code involving allegations of sexual misconduct
 - a. Amend the Student Conduct Code to include a separate section on the processing of sexual misconduct cases
 - b. Clarify those provisions of the Code dealing with alternative dispute resolution procedures when an incident of sexual misconduct is alleged
 - c. Adopt new procedures for adjudicating a violation of the Student Conduct Code relating to an allegation of sexual misconduct

1. Adopt and make available to all participants clear and specific rules for the conduct of the administrative conference
2. Give a full and fair opportunity to all participants in an administrative conference to present information and respond to information presented by the other side
3. Apply the preponderance standard as the burden of proof in proceedings before the administrator
4. Issue a written decision and make it available to both parties
5. Allow appeals of administrators' decisions
6. Provide for equal provision of legal representation
7. Ensure that there is no required contact between the accuser and the accused during the administrative process
8. Allow for participation of student advisors but clarify the limitations on their participation
9. Provide clear information on what sanctions apply or are available
10. Notify the parties that the result of the appeal is subject to review in court

Specific Campus Communities Recommendations

1. Fraternities and Sororities
 - a. Ensure coordination among law enforcement agencies
 - b. Provide additional training and programming for members of fraternities and sororities
 - c. Train and use student leaders in fraternities and sororities
 - d. Publicize information reporting each fraternity and sorority's history of sanctions, including probation
 - e. Create and impose meaningful sanctions on fraternities and sororities for failure to adequately address sexual misconduct issues and related issues of alcohol and drug abuse
 - f. Assess and make necessary improvements in exterior lighting around fraternity and sorority houses
2. Student-Athletes
 - a. Undertake additional prevention education
 - b. Train and use student-athlete leaders in prevention education for student-athletes
 - c. Ensure that the UO Athletics Department senior leadership is visibly committed to UO sexual misconduct prevention and response programs

- d. Require the Athletics Department to make a meaningful contribution of resources to the prevention program on an ongoing basis
 - e. Ensure that reports of sexual misconduct by student-athletes continue to be handled according to standard University procedures
 - f. Include promotion of student conduct compliance in coaches' performance evaluations
 - g. Require that the Athletics Department immediately review any charge of sexual misconduct and consider whether suspension from team activities is warranted
 - h. Ensure a process for follow-up on a student's background when it comes to the attention of the UO that the student has violated a student conduct code or criminal law
 - i. Share best practices among the various UO athletic teams
 - j. Maximize opportunities to integrate student-athletes into the campus as a whole
3. International Students
 - a. Provide additional support and education for international students
 4. LGBTQIA Community
 - a. Develop approaches that provide additional support for the distinct challenges and circumstances faced by individuals identifying as members of the LGBTQIA communities
 5. Graduate Students
 - a. Devote more attention to the particular circumstances of graduate students
 6. Other UO Facilities
 - a. Where possible, provide resources to UO students at other UO facilities
 7. Student Organizations
 - a. Encourage involvement by student organizations in prevention efforts

“There is clearly significant resolve by the entire University community to create a campus culture and infrastructure that prevent sexual assault and misconduct and deal with it appropriately when it does occur.”



INTRODUCTION

In July 2014 the President of the University of Oregon charged the Review Panel with conducting a review of the University’s practices, policies, and protocols related to the prevention of and response to sexual misconduct on campus. The Panel was asked to consider the “unique experiences for various campus communities including student-athletes, fraternity and sorority members, student housing residents, historically underrepresented groups, LGBTQ students and others.” The President also requested that we “research best practices at other universities and review the report of the White House Task Force to Protect Students from Assault and other relevant materials to ensure that UO policies and practices meet the highest standards and the best research on preventing and responding to sexual misconduct.”ⁱ

Our charge did not include investigation or adjudication of any specific past or pending incidents of sexual misconduct. Rather, we were asked to review the current policies and practices of the University and to make recommendations for both immediate and long-term changes that will improve the University’s processes for prevention, response, and education related to sexual misconduct, with the goal of creating a safer campus and a culture of dignity and respect for all students. In addition, we did not review sexual misconduct as it related to faculty interactions

with students. We agree with the University Senate Task Force that the current UO policies addressing this issue should be reviewed and improved. Additionally, we recommend that the University review issues of faculty training, adjudication, and sanctions for matters related to sexual misconduct.

We have spent many hours listening to members of the campus community, including students, faculty, staff, administrators, outside resource entities, law enforcement representatives, and others. We conducted numerous individual interviews, met with small groups of students, staff, and faculty, and held public hearings. We also received over 100 written comments, many of which were submitted through our website, which allowed for confidentiality. Our goal was to hear as many perspectives as possible. We were impressed by the committed individuals who met with us, provided comments through the survey, and participated in public forums. The information they provided greatly aided us in our work.

In addition, we have spoken with representatives from other universities about sexual misconduct on campus and have examined their practices. We found many promising initiatives and practices being implemented at other campuses, as well as at the UO. Further, we met with the co-chairs of the University Senate Task Force to Address Sexual Violence and Survivor Support during each of our campus sessions beginning in July. These meetings included wide-ranging and informative discussions that contributed greatly to our understanding of the factors that will be required to make a prevention and response plan effective, especially as it relates to leadership and curriculum, and to make improvements in the University's response to incidents of sexual misconduct. We also reviewed many articles and reports that have been written by universities, governmental and private entities, as well as by individuals with expertise on this subject.ⁱⁱ

The members of this Panel had varying degrees of awareness concerning sexual misconduct issues prior to beginning their work. As we gathered information, our appreciation of the frequency and seriousness of these incidents has increased tremendously. Although many individuals on college campuses, including the UO, have made significant efforts to address this problem, universities have only recently come to more fully understand it and to redefine their role and responsibility in addressing the situation. Despite the recent increase in attention to campus sexual misconduct, and increased resources devoted to dealing with it, the UO, like many universities, still finds itself without a sufficient and satisfactory program of prevention and response. This Panel and the University Senate Task Force are two indicators, among others, of the University's commitment to

effectively address these issues. This newfound commitment by universities throughout the country has resulted in substantially increased efforts to understand and address campus sexual misconduct and to implement significant improvements in University practices and policies. In fact, one of the challenges faced by this Panel was to keep up-to-date with the many changes being made by the UO and other universities throughout the country during the time of the development of this report. As we will discuss, however, much remains to be done.

One of the many important messages that this Panel heard from the various members of the campus community was an urgent and unmistakable need for the University to take action to effectively address and prevent campus sexual assaults, interpersonal violence, and other forms of sexual misconduct, and to address and reduce the related issues of alcohol and drug abuse. There is clearly significant resolve by the entire University community to create a campus culture and infrastructure that prevent sexual misconduct and deal with it appropriately when it does occur. Many within the UO community are already involved, supporting practices and programs currently in place, while recognizing that the University must take an ever-more coordinated, strategic approach to prevention. That finding runs throughout the self-study reports.

This combination of collective will, significant self-study, best practice programs, and innovative ideas from faculty, staff, and others, makes this the opportune time for the University of Oregon to become a leading institution in the development and implementation of best practice prevention and response programs.

Based on the information that we reviewed, we have developed an extensive set of recommendations. It is important to keep in mind, however, that these recommendations are based on current information and that they should not be viewed as definitive answers or solutions to the complex and difficult issues presented. Adjustments and improvements to the University's policies and practices related to the prevention of and response to sexual misconduct must be an ongoing process that is responsive to new information and to the continual monitoring of the effectiveness of actions taken by this and other universities to address these issues.

We have divided our recommendations into four categories:

- Those that apply generally to the overall prevention and response program directed to the entire UO community;
- Those that apply specifically to prevention efforts directed to the entire UO community;

- Those that apply specifically to response efforts directed to the entire UO community; and
- Additional prevention and response efforts directed to specific communities within the UO's overall community.

“It is imperative that the University develop and implement, in a sustained way over time, a coordinated and comprehensive strategic plan.”



GENERAL PREVENTION AND RESPONSE RECOMMENDATIONS

Based on the Panel’s review and research, we believe that the University should take the following general actions:

- 1. Develop and implement a comprehensive campus-wide strategic plan to address University prevention and response efforts.**

There have been efforts over time at the UO to develop a comprehensive plan to prevent and respond to incidents of sexual misconduct. Although some progress has been made, success has been limited, due largely to insufficient continued funding. The UO did undertake significant self-study work on campus sexual assault and a number of reports have been issued. In addition, beginning in 2002, when the United States Department of Justice awarded funds to the UO Office of Student Life to create a comprehensive and innovative response to sexual assault on campus, the Office of Student Life (now named the Office of the Dean of Students) began a concerted effort to define and organize a comprehensive approach to prevention. Further federal funding came in 2004, allowing the Office of the Dean of Students to

develop a public-health-based approach (see glossary) to prevention, a best practice that undergirds its efforts to this day. The federal funds also resulted in the formation of the Sexual Wellness Advocacy Team (SWAT) with its peer theatre approach that is focused on education about consent and healthy behavior, and the prevention of all forms of sexual violence including sexual assault, partner violence, domestic violence, and stalking. SWAT has become one of the University's most visible tools. The grants also allowed Student Life to train and staff a sexual assault nurse examiner, public safety officers and staff, and campus and community partners.

Apparently, however, the grant funding ended in December 2006. The Office of the Dean of Students reports that, at that time, its efforts became "reactive in nature, spotty and fragmented."ⁱⁱⁱ After struggling with limited funding for infrastructure and staffing, the Dean of Students office, in 2010 developed a plan comprised of 26 recommendations designed to address gaps and develop a more comprehensive approach to prevention and response. The Dean of Students office identified directions for strategic investments (including creating an infrastructure that included staffing), and greater attention paid to primary, secondary and tertiary prevention efforts (see glossary).

Despite the work and investment that have been undertaken, campus stakeholders told us that they were unaware of how or whether these activities work in concert. In the interviews and the comments we received, there were many calls for coordination across campus platforms (e.g., the classroom, housing, extra and co-curricular activities, campus leaders, and student-led programs). We also found that faculty, staff, and students do not always have a sufficiently strong, shared agreement or understanding of goals, skills, and outcomes associated with UO's prevention and response efforts.

We agree with the observation of the University Senate Task Force that, despite significant efforts for many years in a constrained resource environment, the UO's approach has been "additive." Prevention and response activities at the UO appear to have become more of a portfolio of interlocking elements than parts of a comprehensive strategic plan.

This lack of a comprehensive campus-wide plan has prevented the University from using its resources in the best way possible. It has resulted in the loss of programs with potential to be effective prevention and response tools. For

example, programs that had been dependent on one individual or entity sometimes were lost when the particular person or support for the program became unavailable and there was no campus-wide commitment to continue the program.^{iv} Similarly, potentially worthwhile programs have been eliminated when controversy developed about them. Rather than working together to develop the programs in a way that was satisfactory to all, different campus groups allowed programs to be eliminated.^v A strategic plan would ensure that the decision to end a program was intentional, allocating resources to continue what works.

In short, for these reasons and others, it is imperative that the University develop and implement, in a sustained way over time, a coordinated and comprehensive strategic plan that will increase the collective impact of existing programs, allow for the identification of gaps, and be subject to revision and refinement as needed. A comprehensive strategic prevention and response plan is a University-wide priority and must be recognized as such. As we will discuss, this plan should be multi-faceted, involving every form of communication that will be effective in spreading a clear and consistent message of sexual misconduct prevention and response. And, it should be based on both a public health model and best practices of prevention and response as endorsed by the Centers for Disease Control. This is a challenging task, but one that we believe is absolutely essential.

Finally, the comprehensive strategic plan cannot be a static document. Rather, it needs to be a dynamic plan that is continually reviewed and adapted to take into account new information regarding the effectiveness of particular programs and the development of best practices.

2. Demonstrate sustained and visible senior leadership commitment to addressing this problem.

Visible and committed senior leaders must lead the way for the University, demonstrating their concern and engagement with this issue in every way possible. That is a best practice. The University must communicate more forcefully and promptly its commitment to an environment at the UO in which sexual misconduct will not be tolerated and that is respectful of all individuals in all ways. The message must come from all campus leaders and must be seen as a core value of the UO.

3. Create a central office or designate a senior executive with the responsibility and sufficient authority to plan, coordinate, and oversee the development and sustained implementation of a comprehensive strategic plan.

As discussed above, some of the challenges facing the University with respect to both the prevention of incidents of sexual misconduct and to the University's ability to effectively respond to such incidents are due to the lack of coordination among various University entities with duties related to these matters. We have found that many departments throughout the University share responsibility for the various aspects of prevention and response. Many individual programs appear to be operating effectively and are coordinated to some degree with other University efforts. However, there appear to be gaps in both the prevention and response programs and, at times, the lack of coordination and oversight results in inconsistencies and ineffectiveness and, consequently, a failure to meet student needs. In order to be strategic and comprehensive the campus must know who has responsibility for overseeing the ongoing development and implementation of the plan.

It is our conclusion that many of the problems that exist with respect to the University's prevention and response efforts are due to the fact that there is no one person or entity whose primary responsibility is to ensure that the efforts of the various programs are consistent, effective, coordinated, and efficient in their use of available resources. This Panel recommends that the University create a full-time position with sufficient authority and resources solely to oversee and coordinate all University efforts related to the prevention of and response to sexual misconduct.^{vi} For purposes of this document, we will refer to the position by the title of "senior executive."

It is important that the person appointed to this position have demonstrable expertise in the subject area of sexual violence prevention and response, including the legal and regulatory framework, as well as demonstrated cultural competence. The responsibilities of the position should, at a minimum, include:

- a. Taking the lead role in the development and implementation of the comprehensive plan and ensuring its continued effectiveness over time

- b. Cataloging and coordinating the work of all providers in the area of sexual violence prevention and response
- c. Coordinating training of the campus community regarding sexual violence prevention and response, ensuring that all segments of campus are properly trained
- d. Assessing the effectiveness of providers and the programs instituted based on specific data, best practices, and regular interaction, including participation in annual performance reviews
- e. Ensuring meaningful sanctions for fraternities and sororities that violate the Student Conduct Code or any applicable rules or law
- f. Coordinating consistent and sustained publicity for the existence and work of providers in the area of sexual violence prevention and response

University personnel who have knowledge and understanding of the University's organizational structure should be tasked with determining the specific location and design of this position. The University Senate Task Force's suggestion of a centralized office, described in some detail in its recent report, is one possible approach.

Another possible approach, discussed by the Panel, would involve centralized leadership without bringing all FTE's responsible for planning and implementation under one office. This suggested approach is made in recognition of the fact that most of the infrastructure required for these programs is already in place, but is distributed across many campus units with elements embedded in specialized settings. We understand that there are benefits to these staff members remaining in their specialized settings. What is currently lacking is a central leader to coordinate and manage overall efforts in this area. If the University decides to take this approach, it would not be necessary to bring all of the various entities and personnel into one office. The University could instead create a collaborative team in which each participant would contribute a specified percentage of his or her FTE. Such a structure would provide the senior executive with sufficient authority and ability to carry out his or her mandate. In any event, the University needs to determine a leadership structure that will effectively coordinate, integrate, and optimize the interplay of prevention, response, and federal reporting efforts.

It is critical to the effectiveness of the senior executive position that the person appointed be given sufficient authority and resources to properly

carry out this work. Further, the person must report to someone high enough in the organization to demonstrate the importance and authority of the role on campus. Regardless of the reporting line that is decided upon, the senior executive should have direct access to the President in the event that it becomes necessary to obtain additional resources or to focus attention and action regarding a specific incident or set of circumstances. Finally, the senior executive should provide regular reports regarding progress in the area of sexual violence awareness, prevention, and response to the President and the University Board of Trustees.

4. Create a permanent advisory group to assist in the development of the program structure and provide ongoing advice, guidance, and support to the President and senior executive.

We recommend that the President appoint an advisory group to provide the bridge between the UO's existing program structure and the implementation of the more comprehensive program recommended in this report and also to provide ongoing guidance and support to the senior executive or office created to manage and direct the future program. This advisory body should be made up of representatives of as many constituencies as possible, including students, faculty, staff, administration, and alumni, as well as individuals outside of the University.

5. Dedicate sufficient resources to reflect institutional commitment and to achieve the prevention and response goals.

The recommendations of this Review Panel will succeed only if the University dedicates the necessary additional resources to these matters. The University has indicated that this is a priority issue and it must demonstrate its sincerity by making every effort to support its commitment with sufficient resources. As one UO faculty member stated:

"It is clear that sexual violence prevention at UO is under-resourced, and that to be effective, there must be significant new resources devoted to multi-level, evidence-based prevention programming. Resources are the real measure of an institutional commitment to an issue, and despite the extensive messaging about the importance of prevention, the lack of resources devoted to this issue tells another story."

Resources devoted to prevention and response efforts have been increased over the past few years, but it is clear that more resources are necessary. Since 2007, the University's sexual assault prevention activities, primarily coordinated through the Office of the Dean of Students, have grown from a single position to a much more comprehensive program that includes a number of prevention specialists in the areas of sexual assault, alcohol abuse, and fraternity and sorority life. In 2010, the Office of the Dean of Students submitted a plan to move the University toward a more comprehensive and sustainable sexual assault prevention and response program. Since then, many of the plan's prevention education recommendations have been successfully implemented, including SWAT performances that new students must attend at orientation, and online alcohol and sexual assault awareness training required for all new students. In addition, a variety of prevention programs and awareness campaigns have been conducted in athletics, fraternity and sorority houses, and in the residence halls.

The University increased resources again in 2014, adding two full-time staff members to the Office of the Dean of Students (one with responsibility for sexual assault prevention and one for alcohol and other drug abuse prevention), participating in a peer-to-peer prevention program with the ASUO, and initiating a comprehensive campaign for students in the area of sexual assault, alcohol and other drug abuse, and suicide prevention.

This increased attention and resource allocation by the UO is commendable. However, the Panel heard repeatedly in comments and interviews that more resources and staff are necessary if the University is to develop and implement an effective prevention and response program. Although we will not attempt to quantify the costs of implementing the recommendations of this Panel, it is apparent that additional positions and resources are needed. It is imperative that the University recognize that this is, unfortunately, the "new normal," and universities must expect to add to their budgets to address sexual misconduct issues.

6. Institute ongoing monitoring and evaluation of University programs and their effectiveness in preventing and responding to incidents of sexual misconduct.

The Review Panel believes that it is imperative that the University develop mechanisms for assessing the effectiveness of the measures that it takes in this area. As a UO faculty member explained:

“One difficulty with developing a prevention program is that there has been very little research on the effectiveness of most prevention strategies. Most evaluations examine the effects of an intervention on changing attitudes about sexual violence, but there have been few that have measured the real outcome of interest, the incidence of violence.”

Universities throughout the country are currently working diligently on these issues to make improvements in their policies and practices. However, University practices and policies related to sexual misconduct are very much a work in progress. Consequently, the effectiveness of practices must be continually evaluated and adjustments made based on those assessments. We encourage the University to keep abreast of the work of other universities on these issues. We also recommend, however, that the UO work to design and develop assessment tools that will allow it to understand what is and is not effective at the UO, and to make adjustments as necessary on an ongoing basis.

During our review process, the Panel learned about many research and assessment tools, as well as the considerable expertise in this area on campus. The University should make optimal use of available resources, and supplement them as necessary. One immediate and essential need is to track and assess service use. It will be important to track the impact of programming, and, in general, determine whether the University’s efforts are working. Such efforts might include evaluative responses from individuals who have experienced University practices. It will also be important to engage in regular reporting of outcomes of evaluations to the President and Board of Trustees.

7. Participate in well-designed and responsibly administered campus climate surveys

One important tool to assess efficacy over time is the use of climate surveys. We are aware that a campus climate survey has recently been completed at the UO. We applaud such efforts. We believe that regular and inclusive campus climate surveys should be conducted. It is also important for the University to participate in a carefully and responsibly designed and

administered national survey that produces comparative data, in the event that such a survey is developed, in order to understand the effectiveness of its practices relative to peer institutions.

“Prevention education programs must occur not only during freshman orientation; they should also occur throughout students’ experience at the UO, as frequently and in as many ways as possible.”



PREVENTION RECOMMENDATIONS

Based on the Panel’s review and research of prevention methods, we believe that the University should take the following specific actions:

1. **Improve the content, availability, and timing of prevention programs.**
 - a. **Present prevention education programs not only during freshman orientation but also throughout students’ experience at the UO**

As a UO faculty member aptly stated, “To prevent sexual violence, we need a comprehensive range of efforts repeated over time.” UO focuses a significant portion of its resources and programming on primary prevention, especially aimed at first-year students. Examples of this programming include the SWAT performances at IntroDUCKtion, the Red Zone Campaign and Red Flag Display during the first weeks of class, and other awareness-building activities such as new student publications, residence hall programs, give-aways, and brochures. In addition, the University uses required online prevention

programs like AlcoholEDU and Haven to develop a baseline and as tools for educating first-year students.

These programs receive very positive evaluations and should be continued and enhanced. The one suggestion that we would make regarding these programs is that, wherever possible, they should include an element of small group interaction. Students tell us that small groups greatly enhance their learning experience and our review of best practices confirms that small group training produces the most effective and long-lasting results.

While primary education and awareness activities directed at freshmen students are strong, it is important that education continue throughout students' experience at the UO. Following their first year, most students leave the residence halls and move to other living situations. Prevention programming must scaffold in a way that recognizes that students will experience the pressures of intimacy or alcohol and drug use at different times. Attention as students are being recruited and arriving on campus is certainly important, but the UO's prevention efforts must be broadened to become more comprehensive, such as harm-reducing or risk-reducing strategies and strategies to be used in the immediate response to an act of sexual misconduct, including support for survivors and accountability for offenders.

Our review also found some gaps in current prevention activities. As we will discuss in the section of this report on "specific campus communities," there are some campus groups, such as international students, that are not reached in the most effective way with respect to sexual misconduct issues. Further, it also appears that transfer students do not have access to IntroDUCKtion and SWAT performances, depending on the timing of their arrival on campus. The University should develop practices and programs to address these gaps.

Finally, the University should ensure that students are exposed to frequent and multiple messages from a variety of sources that are strategically and effectively delivered over their time at the UO. For example, one university learned that a concentrated six-week poster and social media marketing campaign for bystander and community

capacity building, as an element of a multi-faceted overall program, is more effective than a throughout-the-year program that becomes invisible as it becomes standard and expected.

It is also apparent that the University must use innovative methods to communicate on this subject. The University has, in fact, developed some creative education programs such as the SWAT performance that we noted earlier. It also is looking at ways to get the message out through communication methods used by students such as social media. A staff member respondent to our online survey pointed out the UO Health Center's SexPositive app. We urge the University to continue its efforts to communicate in ways that effectively engage students and to continue to look at innovative efforts used by other universities that have been effective in getting student attention and effectively conveying the necessary information to them.

b. Provide a course that would include information on prevention and response to sexual misconduct and that would include issues such as the meaning of consent, healthy relationships, and alcohol and drug use

Throughout the review process, the Panel heard from many different sources that there is a need to develop a course that would include information on prevention and response to issues of sexual misconduct and that the course should include related issues such as the meaning of consent, healthy relationships, and alcohol and drug use. Some suggest that the course should be mandatory and others that it be optional. There is also the question of whether or not the course should be credit bearing. These questions are best left to faculty and others with expertise in curricular issues. We urge the University to seriously consider this suggestion.

c. Identify and train student leaders to assist with the prevention education program

During on-campus interviews, members of the UO student community expressed their personal interest in participating in prevention efforts. We agree that including and training student leaders, residence advisers, chapter presidents, team captains, and peer

mentors should be expanded, enhanced, and sustained. As one student explained: "The messenger is every bit as important as the message."

We also recommend that student leaders from across campus, including student-athletes and leaders from fraternity and sorority life, residence hall assistants, club sports, band, political and student government organizations, publications, and other highly engaged students, be brought together to receive training to become peer mentors. The training should be well organized and consistent, and it should address how best to implement prevention measures on campus. It should include bystander training and also cultural competency. Each of these campus communities should participate in identifying who would be its effective student leaders. This program of training and leadership could be a capstone experience entirely consistent with the UO's identity as a place that builds leaders who are intellectually curious and driven by a desire to make the world a better place.

Additional small group refresher trainings of student leaders should be implemented on a regular basis using targeted communication tools developed in coordination with student leaders of each community. Student forums should be made available for discussion of issues pertaining to healthy sexual relations, bystander opportunities, etc.

d. Substantially enhance bystander intervention education

We have learned from a variety of sources that bystander training is an important tool in prevention education. Current prevention best practice recognizes that prohibitory messaging is inadequate on its own, in part because the commonly estimated 93% of men who will never engage in sexual misconduct or assault may feel somewhat divorced or alienated from the prevention effort. The new approach increases the emphasis on "bystander" or community capacity-building, talking to the whole community as potential bystanders rather than as potential victims or potential perpetrators, in order to engage everyone in a general culture change that reduces tolerance of unwanted behavior.

For this reason, UO's prevention program should increase its emphasis on bystander and community capacity building as a key component to accomplish sustained and pervasive culture change. To this end, the UO should review and assess the bystander and community capacity-building programs that have already been developed by other institutions so that the University can consider adopting, customizing, hybridizing, or developing its own program.^{vii}

e. Expand the availability of self-empowerment through self-defense courses.

During our review process, we heard a great deal about the value of self-defense courses. This information came from a number of sources, including students who have participated in the classes, teachers who deliver the training, and those who have studied the impact of learning self-defense skills. Recent research by a UO faculty member^{viii} indicates that there are many benefits, both physical and psychological, to self-defense training. For example, in addition to the obvious benefit of increasing a person's ability to defend against assault, self-defense skills may decrease the likelihood of being subject to an act of violence and may, also aid a survivor in his or her recovery.

We recognize that in the context of sexual assault, promoting self-defense training can be perceived as putting the burden of protection on a survivor; in effect, blaming her or him. However, seen as a healthy behavior both from a physical and mental standpoint and as self-care, we believe that self-defense training should be made more available for students. We agree with the University Senate Task Force's recommendation that self-defense training be significantly expanded.

f. Ensure a process for follow-up on a student's background when it comes to the attention of the UO that the student or applicant has violated a student conduct code or criminal law.

When the UO obtains information that gives it reasonable cause to believe that a student or student applicant, including a transfer applicant, has violated a student conduct code or a criminal law in the past and that violation might make the student a danger to the

UO campus community, the UO should make an effort to obtain information about the violation to the extent that doing so is legally possible. If such information confirms that the violation did occur and the nature of the offense suggests that the student might pose a threat to the safety of the campus, the University should take appropriate action to ensure the safety of the campus.

“The entire University community is clearly and significantly resolved to create a campus culture and infrastructure that prevents sexual misconduct and deals with it appropriately when it does occur.”



RESPONSE RECOMMENDATIONS

Based on the Panel’s review and research, we believe that the University should take the following actions:

- 1. Adopt measures to increase reporting of incidents of sexual misconduct.**

Available evidence strongly suggests that only a very small percentage of incidents of sexual misconduct at the UO are reported. This situation is not unique to the University of Oregon. It appears to be the case across the country. There are a number of explanations for this phenomenon that we have heard from students, staff, and representatives of other universities.

It is our understanding that the primary reasons for not reporting include a lack of understanding of how to report an incident, insufficient and inaccurate information about what will happen if an incident is reported, a lack of trust in those to whom a report would be made, or some combination of these factors. In particular, many students believe that the mandatory reporting requirement takes the matter out of the control of the complainant. In addition, we learned that survivors are frequently reluctant to make a report because of embarrassment, fear of social stigmatization or retaliation,

or a belief that the survivor would be seen as somehow at least partially responsible for what happened.

It is a goal of the University, one with which the Review Panel agrees, to increase the percentage of incidents of sexual misconduct that are reported. Only when the University is aware of such incidents is it able to direct appropriate resources to those involved. In addition, the reporting of such incidents will help to ensure that appropriate actions are taken against perpetrators and also will allow the University to take action to protect its students and the campus community. Our recommendations related to reporting are as follows:

a. Improve delivery to students of information about reporting.

The University must communicate the critical information about reporting to students in a clear, accurate, easily accessible, and simple form that gets their attention. The University has worked very hard to improve how it provides information to students about how to report an incident of sexual misconduct. It is also looking at practices relating to reporting used by other universities and identifying best practices for the University of Oregon. Statistics seem to indicate that these recent efforts are working, at least to some extent, because reporting has increased somewhat over the last few years.

Despite these improvements, students have told us repeatedly that they do not know how to report incidents of sexual misconduct, how to seek help in reporting, or how to seek help in making decisions about reporting. Further, they do not understand the consequences of reporting. It is imperative that the message about exactly how to get information about the reporting process be available in a very clear and simple form, delivered in multiple ways, and readily accessible to all. As one student stated, the University must provide students with information “that is easily understood and connects with them.”

The new hotline that the University made available in April 2014 is an excellent example of a simple method that is clear, readily available, and allows students to obtain immediate, accurate information. Another very simple method that has been used is the placement of posters in high visibility areas. An additional idea, not yet

implemented, is to put the reporting and support phone numbers on the back of the student ID card.

The University has been working toward developing other effective methods of disseminating this information. The existing web pages are vast improvements over earlier versions and include a great deal of good, well-organized information. The Panel was particularly impressed by the newly developed SAFE (www.safe.uoregon.edu) page. The publication, "Help For Students," recently issued by the University, also includes more simplified and clear information about resources available to students. The University should continue to work toward refining its existing tools and developing new ones that will be effective in communicating with students about these issues.

Our conversations and research reveal that providing information about reporting presents a challenge. There is a consensus that students are reluctant to pay attention because most believe that sexual misconduct issues will not affect them. Consequently, programs designed to convince students, both men and women, that sexual misconduct has a serious effect on their campus community and individual students, and perhaps someday on themselves, seem critical. As with information about prevention, the University needs to convey to students throughout the school year and their entire time at the University a consistent and persuasive message about reporting.

We have noted that some universities have developed "Frequently Asked Questions" on their websites. These are a helpful, easy way for students to access answers to questions they might have on this subject. The one used by Yale (www.smr.yale.edu) is an excellent example.

b. Designate mandatory reporters and clearly communicate who they are to all members of the campus community

The University must examine and revise its policies and practices relating to mandatory reporting. The issue of who should be designated as mandatory reporters (see glossary), as well as the question of who is required to have that role under Title IX (see glossary), is complex and difficult. There are those who believe that designating as broad a group as possible as mandatory reporters is

critical to a University's ability to respond effectively to sexual misconduct and that, therefore, a very inclusive mandatory reporting requirement is necessary in order to provide support resources to those who need them, to ensure adequate accountability to those who violate the Code in this manner, and to protect the University's students and the campus community. Some believe that Title IX mandates this approach.

There is also a very different belief held by most experts in this area^{ix}, as well as by the overwhelming majority of students with whom we spoke, that a broad, and certainly a universal, mandatory reporting requirement serves as a serious disincentive to reporting incidents of sexual misconduct and that the University's mandatory reporting policy has gone too far. Students tell us that as long as they believe that the University uses this broad mandatory reporting requirement, they will be reluctant to make reports to anyone whom they believe will pass the information on.

After reviewing the applicable legal requirements and the extensive written materials on this issue, the Review Panel concludes that the broad view that the University has taken in its policy of universal mandatory reporting is not compelled by applicable law nor is it a best practice. National best practice standards for mandatory reporting policies have shifted to recognize that universal mandatory reporting policies do not achieve their intended goals of providing dependable and sufficient support for survivors but, in fact, inhibit reporting and often isolate survivors without support by leaving them with no confidential (see glossary) offices with which they can explore options and develop informed decisions for themselves. Title IX does not require universal mandatory reporting. Rather, it specifies that University community members have clear information regarding which individuals are and are not offices of notice (see glossary).

Accordingly, it appears that the University has considerable discretion in designating who is and is not a mandatory reporter under Title IX. We recommend that the University adopt rules and policies, consistent with applicable laws that provide for a more limited designation of mandatory reporters. Further, we encourage the University to designate tiered levels of confidentiality, where legally

permissible, that allow some designated individuals to report an incident without identifying the complainant.

c. Designate confidential reporters and clearly communicate to the entire campus community who they are.

Consistent with our recommendation related to the redefining of who is a mandatory reporter, we urge the University to clearly identify as many confidential resources (see glossary) as possible and inform students of the availability of these resources. In our view, having as many options as possible to students at the outset of the process will allow them to make informed choices and obtain necessary support. It is important that students understand that there are trustworthy staff to whom they can turn for confidential support and services without putting the University on notice and, by doing so, to require detailed, non-confidential reports.

We believe that the University's ombuds office should be given confidential status. The vast majority of University ombuds offices, in accordance with the International Ombudsman Association Standards of Practice and the opinion of other organizations including the American Bar Association, are provided with confidentiality protection and are identified as not being offices of notice. We agree with the recommendation of the University Senate Task Force that the ombuds at the UO be given confidentiality protection.

We continually heard in our conversations with all parts of the campus community that individuals—both students and faculty—did not know who were confidential reporters. The University must take action to correct this.

d. Provide information about reporting and requesting confidentiality to the entire campus community.

The University should ensure that students receive clear and accurate information about the implications of making a report and the option of requesting confidentiality. The University should provide to students, and to anyone who may be assisting them, clear and accurate information about confidentiality.

e. Train all mandatory and confidential reporters.

Those to whom students make reports, whether mandatory reporters or confidential reporters, must be adequately and consistently trained so that they are qualified to give students accurate, consistent, and optimally supportive information that ensures that they receive appropriate guidance as to how to proceed and where to obtain help, both with respect to support and process issues. The University appears to have recognized the importance of such training and has been working to broaden and improve training programs. We encourage more such efforts. The recent recommendation of the University Senate Task Force to provide additional information to faculty to enhance their ability to assist students who face these issues is a good example of the education process that the University should be undertaking.

f. Ensure anonymous reporting is available

The University should ensure that students know how to make anonymous reports (see glossary). Further, anonymous reporting must really be anonymous. As recommended by the University Senate Task Force, the University must ensure that IP addresses of anonymous reporters are not accessible. In addition, information regarding the availability of public computers on which an anonymous report can be submitted should be made readily available.

2. Review the allocation of Title IX responsibilities; ascertain the efficacy of the structure; and the adequacy of the resources devoted to them.

As discussed earlier in this report, we recommend that the University create a position or office with a mandate to coordinate responsibilities related to sexual misconduct. In designing this position or office, the University should also examine how best to carry out its Title IX responsibilities and, in particular, where the Title IX Coordinator or Coordinators should fit within the University structure.

Currently, the designated Title IX Coordinator is the director of the Office of Affirmative Action and Equal Opportunity (OAAEO). We believe that the

University should consider whether this is the most effective way to administer the University's Title IX responsibilities. Other universities take a variety of approaches as to who is designated as the University's Title IX Coordinator and how that designee functions. Some universities and commentators believe that the Title IX Coordinator should be completely independent of existing University departments. One of the reasons given for this approach is that it instills a belief on the part of the students and others that the Title IX Coordinator is a completely neutral and independent person. That perception increases student trust in the process.

Additionally, appointing a Title IX Coordinator who does not have other University responsibilities may make sense from a workload standpoint. It is a positive step that universities have recognized the scope of Title IX requirements and have a renewed focus on meeting them. However, the potential workload with increased reporting could be overwhelming. The workload for the UO's Title IX Coordinator appears to be quite heavy at this time and likely will only grow if reporting does increase.

Appointing a Title IX Coordinator who does not have other responsibilities would allow the person designated to devote his or her full energies to the execution of Title IX responsibilities. We understand that an additional staff person recently was added at OAAEO to deal with this workload, but it seems likely that more resources will be needed. Many universities have designated more than one Title IX Coordinator or Deputy Coordinators as recommended by the University Senate Task Force. We also believe that it is beneficial to have the Title IX Coordinator be as visible as possible and that having a person appointed solely as the Title IX Coordinator would contribute to that visibility.

In any event, we urge the University to consider whether the current structure for meeting its Title IX responsibilities should be altered in any way.

3. Adopt a Good Samaritan and Medical Amnesty policy.

Under a Good Samaritan and Medical Amnesty policy (see glossary), no student experiencing or reporting sexual misconduct or seeking medical assistance for an alcohol or other drug-related emergency will be subject to University disciplinary action for the violation of possession or consumption of alcohol or drugs. This policy extends to students who experience or report

sexual misconduct, or who call for medical assistance. We agree that this is a good policy that will likely help to increase reporting and we support its adoption. The existence and explanation of this policy should be widely distributed.

4. Improve the linkage between students and support services.

a. Make information about support resources readily available.

In addition to providing information about how to report incidents of sexual misconduct and the implications and consequences of reporting, the University must provide students with readily available, clear and simple information about resources where they can go to discuss their options. In addition, the University must make information readily available to students as to how to access support resources once the student has decided to make, or not make, a report.

b. Ensure prompt responses.

A critical part of the University response is the timeliness of the contact from the University once a report is made. Although we have been told that there have been instances where the University's response has not been prompt, it appears that the University has made significant improvements in this regard and that, at this time, once a report of an alleged incident of sexual misconduct is made, representatives of the Office of the Dean of Students promptly contact the reporter.

c. Develop plans and programs to meet the need for support services.

Our understanding is that once a report is made, support is provided to students by the Office of the Dean of Students. Currently, this office is offering and providing support to students throughout the process. These services receive positive reviews from the students to whom they are provided. However, as the workload for giving necessary support grows, we question whether the Office of the Dean of Students will be capable of continuing to provide this high level of service.

During our review process, we heard that there is a need for more one-on-one continuous support as the survivor goes through the process following the report of an incident of sexual misconduct. For example, we were told that it would be extremely helpful to have someone who could accompany survivors to various meetings and appointments, such as doctor's appointments, as they go through the process. It appears that it would be difficult to meet this additional need with current staff.

One option, of course, is to add more staff. Alternatively, it may make sense to supplement the staff by designating and training a pool of individuals that could include University staff, faculty, and community members to serve as advisors for complainants, and who would be available to provide consistent individual support to students throughout the process as needed. Some universities have successfully adopted such a program to provide effective support. We urge the University to look into the possibility of creating a pool of trained, dedicated advisors available to students involved in this process.

d. Partner with support programs outside the University.

We agree with the recommendation of the University Senate Task Force that the University should continue to explore partnerships with support programs outside the University and that the University should enter into a memoranda of understanding that would regularize and strengthen such cooperative efforts.

e. Look at best practice programs for training responders such as the SILVER (safety, listen, validate, empower, refer) program

Many universities use the SILVER (safety, listen, validate, empower, refer) principles as a guide for employees responding to students reporting an incident of sexual misconduct. The approach appears to be one of the best available. It emphasizes how the person to whom the report is made should interact with the student who makes the report. From what we heard, we conclude that such a program would be a significant improvement of the status quo.

5. Ensure timely and thorough investigations of sexual misconduct reports.

All of the resources that we have reviewed and consulted indicate that a timely, thorough investigation by a person with sufficient training, skill, and experience is critical to an effective response to a complaint of sexual misconduct. In particular, it is important that those conducting investigations have experience and training specifically related to allegations of this kind. We have identified a few areas of concern related to the investigative process and make the following recommendations:

a. Complete a memorandum of understanding between the University of Oregon Police Department (UOPD) and the Eugene Police Department (EPD)

Reports of alleged sexual assault may be made to, among others, the UO Police Department, the Eugene Police Department, or both. When the UO police are involved, the investigations appear to be well coordinated with other internal University investigations. However, when EPD is involved, it seems that, in some instances, the efforts are not well coordinated. That lack of coordination can result in delays, failure to support students in the best way possible, and duplicated efforts.

We understand that the EPD and the University are currently working on a Memorandum of Understanding. Such an agreement is critical to an effective University response to incidents of sexual misconduct. The Panel strongly urges that the completion of such an agreement be a high priority and that the agreement be finalized as soon as possible.

b. Ensure prompt, timely completion of University investigations of allegations of sexual misconduct.

It is extremely important to both the complainant and the accused in sexual misconduct cases that the matter be resolved quickly. It is also essential to the University's ability to meet its goal of providing a safe environment to its students.

The University seems to understand the importance of timeliness in sexual misconduct investigations and it appears that initial investigations are done in a very timely manner. We recognize that in some instances, delays occur because of factors beyond the control of the University. Law enforcement agencies may have legitimate needs to have the University delay its investigative work. It is our recommendation and our hope that when law enforcement agency needs require such delays, the agencies will prioritize the cases and provide the University with regular updates. Again, this points to the critical need for a memorandum of understanding between police agencies and the University.

The University has designated time frames for investigations. We believe that the University should undertake regular assessments of whether these timelines are adequate and whether they have been met. If the timelines are not adequate or are not being met, the University must correct that deficiency with additional resources.

c. Thoroughly and continuously train University investigators.

Because of the significant impact of the findings and recommendations resulting from reports of sexual misconduct, it is imperative that investigators be thoroughly and continuously trained. The University seems to be doing a good job of this at this time, and as demand increases, it must continue to meet this responsibility.

d. Provide prompt information to students about how information obtained in the investigation may be used.

It is important that students be told how information obtained during the course of an investigation will be used, along with an explanation of the confidentiality of the information. Our understanding is that this is occurring during investigations at this time, and it is critical that this continue.

e. Provide a report to students about the outcome of the investigation.

The students involved in the allegation should receive a report on the outcome of the investigation as soon as possible. We were told by a

number of persons that one of the major complaints about the University's handling of complaints of sexual misconduct is that those involved are not advised at all, or not advised promptly, about the progress or outcome of an investigation of a complaint. We recommend that the University examine the current process in order to ensure that there is regular communication on the progress of the investigation as well as prompt communication about its outcome to the extent that the law allows the information to be shared.

6. Adopt a clear and fair adjudication process for violations of the Student Conduct Code involving allegations of sexual misconduct.

The renewed focus by universities on the issue of sexual misconduct on campus has resulted in considerable discussion about what are appropriate procedures for the disposition of alleged Student Conduct Code violations involving these issues. Traditionally, sexual misconduct allegations have been subject to the same procedures as any other code violations.

We recommend that, because of the sensitive nature of allegations of sexual misconduct and the potential serious consequences, both legal and personal, for those involved, as well as the impact on the campus community as a whole, the University amend its Student Conduct Code immediately to provide procedures that are specifically designed for allegations of this kind.

We do not believe that the procedures for adjudication of an alleged violation of the Student Conduct Code involving sexual misconduct must mirror a judicial proceeding. Student Conduct proceedings and trials within the judicial system have significantly different purposes. The University's ultimate purpose is to provide a safe learning environment for its students, to provide accountability for actions, and to ensure that students meet the standards of the University--in other words, to protect and educate its students. On the other hand, the judicial process is designed to formally adjudicate alleged civil and criminal acts consistently with applicable state and federal law.

Nonetheless, while we do not believe that a formal judicial procedure is required or necessary to the adjudication of student conduct violations involving allegations of sexual misconduct, we do believe that clear, consistent, effective and fundamentally fair procedures should be used.

Essentially, all participants must be provided with a clear explanation of the process to be used, should be given a full and fair opportunity to be heard before a neutral decision-maker, should have the opportunity to respond to all information submitted to the decision-maker, should have the same opportunity for input on the process to be used, should have equal access to legal representation, and should have the same rights to seek review of the decision. Participants also must be given notice of the outcome of the proceedings.

For the above reasons, we make the following recommendations regarding the Student Conduct adjudication procedures to be used in cases involving allegations of sexual misconduct:

a. Amend the Student Conduct Code to include a separate section on the processing of sexual misconduct cases.

In the present version of the Student Conduct Code, the procedures applicable to a violation involving an alleged incident of sexual misconduct are intertwined with other violations of the Code. The applicable procedures are set out in a number of different sections that address other types of allegations. It takes a careful reading of the Code to identify which provisions apply when sexual misconduct is involved. The Review Panel recommends that the Code be amended to include a separate section that clearly sets out all of the specific procedures that apply in cases involving sexual misconduct.

b. Clarify those provisions of the Code dealing with alternative dispute resolution procedures when an incident of sexual misconduct is alleged.

The Review Panel recognizes that there are legal requirements, in particular in Title IX, that limit the use of alternative dispute resolution in cases of sexual misconduct and sexual assault.

Nonetheless, we note that other universities provide for some use of mediation or alternative dispute resolution procedures, including what are known as restorative justice approaches. We encourage the University to make such alternative procedures available at points in the process where their use would comply with all legal requirements and would be appropriate. There may well be cases where alternative

approaches would best serve the interests of all parties. Obviously, such alternative approaches should never be used unless the complainant makes an informed and voluntary decision to engage in such an option.

c. Adopt new procedures for adjudicating a violation of the Student Conduct Code relating to an allegation of sexual misconduct.

The Panel recommends that the University adopt clear and consistent procedures for the adjudication of sexual misconduct cases. These procedures should be best suited to the circumstances at the University of Oregon. The applicable procedures adopted by the University should be easily accessible to everyone.

Administrative conference model. The administrative process that the Board of Trustees recently adopted on a temporary basis, in which one person makes the initial decision after an informal hearing of the case, seems to be one of the most common and effective processes for adjudicating these cases. In our view, this has been a good process on other campuses and could work well at the UO. There are a number of specific requirements related to this process that we recommend the University implement:

1) Adopt and make available to all participants clear and specific rules for the conduct of the administrative conference. Presumably, under the new administrative conference process, a Title IX investigator will continue to conduct investigations, and will give the investigative report and recommendation to the administrator who will be reviewing the case. At this time, there do not appear to be any specific rules adopted to govern the process. The procedures to be used in the administrative conference should be clearly spelled out in formal rules and should be consistently applied to all cases.

2) Give a full and fair opportunity to all participants in an administrative conference to present information and respond to information presented by the other side. At a minimum, the administrator should allow both

sides a full opportunity to present all information they deem necessary and appropriate. In the process used by some universities, the administrator also allows each side to respond to information that he or she receives from the other side. We recommend that this practice be adopted, as it ensures that both sides receive a full and fair opportunity to be heard.

We also note that at some universities, the administrator of the conference gives a copy of his or her draft findings to each side in the process and asks for a response. This too seems a good practice. A full and fair opportunity to present information and a chance to respond to information received from the other side seem particularly important in view of the low standard of proof now used by the University in establishing a violation of the Student Conduct Code in these cases.

3) Apply the preponderance standard as the burden of proof in proceedings before the administrator. The Federal Office of Civil Rights currently recommends that the burden of proof (see glossary) in these proceedings be a “preponderance of the evidence” (see glossary) as opposed to higher evidentiary standards such as “clear and convincing evidence,” that have been traditionally used. The University has historically used the preponderance of the evidence standard in determining if a violation of the student code has been established unless the violation would lead to expulsion, in which case the University applied the more rigorous clear and convincing standard. However, the University recently revised its Code to ensure that the preponderance standard is applied in all circumstances. That policy should continue.

4) Issue a written decision and make it available to both parties. The administrator should make an audio recording of the proceedings and render a written decision that includes findings of fact based on the material presented to the administrator and conclusions regarding whether those facts amount to the violation of a Code

provision. The written decision should be made available to both parties as soon as possible.

5) Allow appeals of administrators' decisions. Most universities that employ the administrative conference model allow for some sort of appeal of the administrator's decision. The appeals are most commonly taken to a higher administrator or to a hearings panel. Because these issues are of such critical importance to the students involved as well as to the University community, we believe that there must be a right of appeal.

One option is that the appeal be taken to a hearings panel made up of University faculty and staff who have been trained not only in the proper procedures and legal standards to be used, but also in the dynamics and trauma involved in such incidents. We believe, however, that a better option is to have the appeal heard by a neutral third party who is not associated with the University. The person should be a lawyer experienced in adjudication, preferably in matters involving allegations of sexual misconduct.

Further, both sides to the case must be entitled to the same rights of appeal and the appeal process should be clearly spelled out in the Code.

An additional issue with respect to the appeal of the administrator's decision is the question of how much deference, if any, his or her decision is due. We recommend that, as in many formal administrative appeals within state and federal agencies, the administrator's factual findings be accepted on appeal if there is any evidence in the record to support them. The administrator's legal conclusions, however—that is, the decision as to whether the facts support the ultimate outcome—should receive no deference and should be decided anew by the reviewing body.

The appeal process should be completed in a prompt manner and should not significantly delay the resolution of the case.

6) Provide for equal provision of legal representation.

Under the current University practice, the accused student has free legal representation available through an office funded by the Associated Students of the University of Oregon (ASUO), but the accuser does not. That practice cannot continue. The parties must be treated equally. If one side is provided with free legal representation, the other side should be as well.

7) Ensure that there is no required contact between the accuser and the accused during the administrative process.

We also recommend in the strongest terms that, whatever process is used for resolution of these matters, the accuser and the accused person should not be required to be in the same room, nor should direct questioning of either the complainant or the accused by the other side be allowed. We are told that the possibility that the accuser might be in the same room as the accused during the process or be subject to questioning by the accused understandably deters many students from reporting. For that reason among others, the “no face-to-face contact” policy should be strictly enforced and well publicized.

8) Allow for participation of student advisors but clarify the limitations on their participation.

It is our understanding that the UO Student Conduct Code presently allows an advisor of the student’s choice to assist the students. The University should adopt specific rules to govern the participation of advisors so as to ensure that they do not obstruct the proceedings.

9) Provide clear information on what sanctions apply or are available.

All parties involved in a sexual misconduct proceeding should be made aware of the range of sanctions that might be imposed on the accused if he or she is found to have committed a violation.

10) Notify the parties that the result of the appeal is subject to review in court. The final order issued by the University can be submitted to a court for review. Parties should be notified of this fact.

“...there are also some identifiable campus communities that present unique issues and face circumstances distinct from and in addition to those faced by the general student population.”



SPECIFIC CAMPUS COMMUNITIES RECOMMENDATIONS

All of the recommendations that we have made thus far relate to the prevention and response efforts of the University for all students. The unique circumstances of various campus communities, however, present additional issues and opportunities. For example, in addition to the campus-wide communications that we recommend be used by the University, many of these special campus community have the opportunity to develop centralized communications and modes of delivery that are particularly suited for their respective individual communities.

We have addressed the campus communities that were included in the President’s charge to the Panel. We have also addressed a number of specific campus communities that came to our attention during our review process. We recognize that there are other campus communities that we have not specifically addressed that may also experience unique circumstances and issues. As explained in a letter written by the University-wide Diversity Committee, it is important to keep in mind

that individuals of different social groups can be impacted by sexual harassment and sexual assault differently. We agree with the recommendation and perspectives addressed in that letter that, in the process of developing practices and policies related to sexual misconduct, the University should seek to understand and be responsive to differences, acknowledging that “as a community we can also encourage each other to reflect on the more subtle ways that unconscious bias can affect our views of sexual violence.”^x

We make the following observations and recommendations:

1. Fraternities and Sororities

a. Ensure coordination among law enforcement agencies.

Law enforcement work involving activities at fraternities and sororities should be coordinated as much as possible both to enhance prevention efforts and to respond to incidents as promptly and effectively as possible. We encourage the UO to continue to work with law enforcement agencies to complete a Memorandum of Understanding for work involving fraternities and sororities that would provide, among other things, for appropriate information sharing and for the potential broadening of the UOPD patrol. It is the Panel’s conclusion that having UOPD more involved with oversight of fraternities and sororities could enhance the effectiveness of prevention and response efforts related to these communities.

b. Provide additional training and programming for members of fraternities and sororities.

The information that we have received indicates that incidents of sexual misconduct are a particular problem at fraternity functions. For that reason, it is critical that additional programming be designed specially for, and directed at, fraternities and sororities. Critically, student leaders from among fraternities and sororities must take the lead in developing and implementing programs that will educate members on the issues related to sexual misconduct, and they must work to change the culture of this campus community. Clearly communicating standards of healthy sexual behavior and consequences for sexual misconduct must be emphasized. The close-knit nature of these social organizations would seem to make

bystander intervention a particularly effective tool. Therefore, we recommend mandated training on bystander intervention in fraternities and sororities.

We also understand that fraternities and sororities have recently been working to increase their efforts on prevention and are directing resources toward prevention activities. For example, we encourage their implementation of a “Safe Sisters Program,” sober monitors, and new risk management positions. Fraternities and sororities are also currently engaged in creating a sexual assault task force to address issues of sexual misconduct and alcohol use. The University administration should encourage and support this endeavor and the work of the fraternities and sororities should be coordinated and monitored by the senior executive or office created by the University.

c. Train and use student leaders in fraternities and sororities.

As discussed in our specific recommendations related to prevention, we recommend that student leaders from fraternity and sorority life be identified and brought together with student leaders from other areas of campus to receive training to become peer mentors.

d. Publicize information reporting each fraternity and sorority’s history of sanctions, including probation.

We also agree with the University Senate Task Force’s observation that information about misconduct involving fraternities and sororities should be made more visible. We were told that information about which houses were on probation or under some other disciplinary sanction, and the basis for the probation or sanction, is not readily available. We believe that such information should be published in a way that it is accessible to the entire campus community.

e. Create and impose meaningful sanctions on fraternities and sororities for failure to adequately address sexual misconduct issues and related issues of alcohol and drug abuse.

The University should create and impose meaningful sanctions on fraternities and sororities if they fail to adequately address sexual

misconduct issues and related issues of alcohol and drug abuse. We recommend that each fraternity and sorority be required to submit an annual report specifying the actions it has taken to prevent and respond to sexual misconduct, and evaluating the success or failure of those actions. The reports should be reviewed by the President, in consultation with the senior executive, the Office of the Dean of Students, and other persons of the President's choosing. If, after reviewing the reports and other relevant and reliable sources, the President concludes that a fraternity or sorority has failed to take adequate measures to prevent sexual misconduct or failed adequately to respond to incidents of sexual misconduct by its members, the President should impose meaningful sanctions, including, if deemed appropriate by the President, suspension of all affiliation with and support by the University.

f. Assess and make necessary improvements in exterior lighting around fraternity and sorority houses.

A practical suggestion fraternity and sorority leaders shared was improving the lighting in the vicinity of sorority houses, specifically the area around 15th Street. Administration should assess exterior lighting conditions and make any necessary improvements.

2. Student-Athletes

Student-athletes are another campus community that presents unique challenges and opportunities that the President charged us to address. Accordingly, the Panel makes the following recommendations related to the UO Athletics Department and student-athletes:

a. Undertake additional prevention education.

As discussed above, the Panel believes it is important for the University to seek ways to integrate coaches and student-athletes with other parts of the campus to foster a spirit of shared responsibility and respect. Student-athletes and coaches should participate in the prevention education programs available to all students as much as possible. We recognize, however, that because there are unique circumstances and issues facing student-athletes,

additional training should occur. Among the unique education needs are the following:

1. Because student-athletes may enter the University at different times than other students, it is possible that in some instances, early campus prevention efforts such as IntroDUCKtion may not reach them. For that reason, the Athletics Department should conduct "pre-arrival" prevention and education for student-athletes.
2. Student-athletes may be subject to greater media scrutiny and campus attention that may raise additional issues. Athletics Department personnel and coaches should include information about this fact in education programs directed at student-athletes.
3. Student-athletes may be considered role models and held to higher standards than other students at times. They may also have at least the perception of additional prestige and power. Again, the Athletics Department should address these issues and provide assistance to student-athletes in dealing with these additional expectations and responsibilities.

b. Train and use student-athlete leaders in prevention education for student-athletes.

As mentioned above, there are some unique circumstances that student-athletes face that require or provide opportunities for additional prevention training and education. Student leaders in athletics should be trained and used to assist with this additional training. For example, as noted above, many student-athletes arrive on campus before other students. It would make sense for the Athletics Department, together with student-athlete leaders who are also on campus early, to take advantage of the opportunity to conduct personal or small group training to familiarize the student-athletes with the practices and policies of the UO related to sexual misconduct.

c. Ensure that the UO Athletics Department senior leadership is visibly committed to UO sexual misconduct prevention and

response programs.

UO has a particular opportunity, with its well-known coaches and student-athletes, to show leadership by involving senior leaders, including athletics personnel, in prevention campaigns. The recent *It's on Us* campaign video

<https://www.youtube.com/watch?v=YaZw1eekmZU> is one example of the Athletics Department working with University partners on peer-to-peer prevention issues. Athletics should be encouraged to provide resources to create additional prevention messages.

d. Require the Athletics Department to make a meaningful contribution of resources to the prevention program on an ongoing basis.

As evidence of its commitment to the UO comprehensive plan, and because of its high profile leadership, we recommend that the University require the Athletics Department to make a meaningful contribution of resources to the campus-wide sexual assault prevention program.

e. Ensure that reports of sexual misconduct by student-athletes continue to be handled according to standard University procedures.

The University should ensure that reports of sexual misconduct by student-athletes continue to be handled through the University's regular process for such cases. All Athletics Department personnel who receive such reports must follow University reporting policies and procedures. The investigation of the report should be handled in the same manner as any other report of sexual misconduct at the University and no separate investigation should be conducted by the Athletics Department except as required to review compliance with team rules. This process should be stressed in Athletics Department personnel training in compliance with their contracts that stipulate that they comply with all rules, regulations, policies and decisions established by the University.

f. Include promotion of student conduct compliance in coaches' performance evaluations.

Coaches' annual performance reviews should be tied to the way in which they carry out their contractual obligations regarding student-athlete compliance with team rules and the University's Code of Conduct. Each team's head coach should be required to submit an annual report specifying the actions he or she has taken or supervised to prevent sexual misconduct by team members, and the success or failure of those actions. The reports and any other relevant and reliable information should be reviewed by the President, in consultation with other persons of his or her choosing. If, after such review, the President determines that a coach or a person under the coach's supervision has failed to meet his or her contractual obligations regarding student conduct or has failed to take appropriate action in response to an incident of sexual misconduct, the president should impose meaningful sanctions including, if deemed appropriate by the President, reduction or elimination of bonus or merit pay.

g. Require that the Athletics Department immediately review any charge of sexual misconduct and consider whether suspension from team activities is warranted

The University should require that the Athletics Department immediately review any charge of sexual misconduct and consider whether suspension from team activities is warranted.

h. Ensure a process for follow-up on a student's background when it comes to the attention of the UO that the student has violated a student conduct code or criminal law.

The Prevention Recommendations Section of this report details the need for the University to follow-up on a student's background when it comes to the attention of the UO that the student has violated a student conduct code or criminal law in the past. Following this principle, if the Athletics Department during its recruiting process, or at any other time during a student-athlete's time at the UO, has reasonable cause to believe that a student or student applicant has violated a student conduct code or a criminal law in the past, and that the violation would make the student a potential danger to the UO

campus community, the Athletics Department should attempt to obtain further information about the violation in a legally permissible manner. If such information confirms that the violation did occur and the nature of the offense would pose a potential threat to the safety of the campus, the Athletics Department must report that fact to the University administration so that it can take appropriate action to ensure the safety of the campus.

i. Share best practices among the various UO athletic teams.

We learned in our interviews with Athletics Department personnel that many of the teams have intensive and effective processes to recruit student-athletes of high character without a history of problem behavior, including sexual misconduct. However, we also learned that most of the policies and efforts on these issues are made on an individual team basis. We recognize that recruiting for different sports may differ in some respects and not all practices would work for every team. Nonetheless, in our view, there needs to be a better coordinated department-wide effort that ensures that the effective parts of individual team programs are available for use by all athletic programs as appropriate. We encourage the Athletics Department to develop common best practices and to provide for the sharing of best practices among its teams.

j. Maximize opportunities to integrate student-athletes into the campus as a whole.

Student-athletes should be encouraged to participate in campus activities, including prevention education programs that will allow these students to interact as much as possible with all UO students. Opportunities for interaction between student-athletes and other students will benefit the campus community as a whole as it will allow students to learn about and understand each other's perspective and campus experience and work together on common goals.

3. International Students

a. Provide additional support and education for international students

International students make up approximately 13% of the student population of the UO and are an important part of the campus community. These students have a wide range of cultural traditions and face particular challenges as they enter the unfamiliar UO and American cultural settings, far from their homes, uncertain of the prevalent cultural norms, and navigating with varying degrees of English language fluency. Special efforts must be made to include them in prevention education and planning and to address their special circumstances.

As discussed above with regard to information on prevention, the University should pay particular attention to ensuring that communications regarding reporting can be accessed and understood by international students or those for whom English is not their first language. There appears to be far less information and resources available to international students who may require additional measures of education and support. A faculty member noted that the University should “improve orientation of international students to be more explicit about the norms and expectations here on campus,” and added that we should “[translate] important materials.” We see it as important that the University provide culturally appropriate guidance to these international communities. One good option to meet these needs is to develop online training modules for international students tailored to their unique cultural and language considerations. The University’s personnel in the Office of International Affairs should be involved in the development of this program. It would seem preferable for international students to take this online training prior to their arrival at the University.

4. LGBTQIA Community

a. Develop approaches that provide additional support for the distinct challenges and circumstances faced by individuals identifying as members of the LGBTQIA communities

Like other distinct campus communities, the LGBTQIA community (see glossary) faces its own set of unique challenges in regards to

issues of sexual misconduct. One respondent to our survey said, “We need to reach out to LGBTQ identities survivors. I’ve had male survivors report feeling they were alone as survivors and who identified feeling like sexual assault against males is invisible on campus.” We received a number of suggestions directed to addressing some of these challenges: implementation of gender inclusive bathrooms, diversity training for the UO Police Department, and having an advocate in the LGBTQIA community deemed as confidential. Additionally, messaging, surveys, and all communications, policies and procedures regarding sexual misconduct issues are typically from the perspective of individuals that do not identify as members of the LGBTQIA community but need to be voiced with an inclusive perspective. Policies or procedures must be structured to prevent unwanted and unintended “outing” of an individual. Representatives of the LGBTQIA communities should be involved in the development and distribution of the messages on this subject.

5. Graduate students

a. Devote more attention to the particular circumstances of graduate students

It became apparent to the Panel that graduate and professional students face issues unique to their circumstances. Graduate students are frequently both students and instructors involved directly in the education of undergraduates. As instructors, their status with regard to undergraduates should be subject to the same constraints and policies that the Panel is asking the University to develop governing relationships between faculty and students.

As students, graduate and professional students are especially vulnerable to acts of sexual harassment or sexual involvement with faculty, for their reporting of harassment or other forms of sexual misconduct by faculty may have profoundly adverse consequences for their careers. Graduate students therefore may also require special protection by their departments and by the University from retaliation. In developing policies regarding faculty-student relationships, the University should pay particular attention to the unique vulnerability of graduate and professional students.

6. Other UO Facilities

a. Where possible, provide resources to UO students at other UO facilities

Some students at other UO facilities do not have any resources related to sexual misconduct available to them. We recommend that resources be made available to these students in a way that works for their geographic location.

7. Student Organizations

a. Encourage involvement by student organizations in prevention efforts

The University should encourage (and require when possible) all student organizations to include a statement regarding sexual misconduct in their resource materials and organizational codes of conduct, and designated leaders should participate in prevention and bystander intervention training.

“UO has the opportunity to define and promote positive, healthy behavior that emphasizes the ability of individuals to understand their choices and make positive choices.”



CHANGING THE CAMPUS CULTURE

It is widely understood that individual behavior and the culture in which it occurs are interrelated. Changing a culture will affect the behavior that occurs in it, while, conversely, changing individuals' behavior will contribute to changing the surrounding culture. Recognizing this reciprocal relationship, the Panel wants to highlight three aspects of the UO community that it believes warrant particular attention.

1. Unhealthy and harmful attitudes must be changed.

Our interactions with the campus community and representatives of other universities and our review of the extensive writing on this subject make it apparent that some of the difficult issues presented by this subject are due, at least in part, to a culture in which boundaries of behavior are unclear and disrespectful, and unacceptable or harmful behavior is sometimes tolerated or at least overlooked. Without a shift in this culture, unacceptable behaviors will continue to be a serious problem, both on campus and within the society

that surrounds it.

Many of the actions that we have recommended provide a beginning point for changing this element of the culture. Making this shift in culture happen, however, will likely involve difficult conversations about individual behavior and institutional leadership. A part of this conversation must involve the relationship between alcohol and drug use and sexual misconduct. We recognize that if emphasized in the context of sexual assault, conversations about drug and alcohol abuse are often misunderstood as blaming the survivor. In order to be sensitive to already complex and personal issues, it is important that conversations about sexual misconduct and assault be geared toward emphasizing the ways in which alcohol or drug abuse can contribute to unhealthy relationships and self-care. This education should also emphasize that alcohol and drug abuse not only disinhibits survivors' reactions to sexual misconduct, but also disinhibits the conduct of abusers. Education regarding alcohol and drug abuse, in other words, should not be addressed to one gender only.

UO has the opportunity to define and promote positive, healthy behavior that emphasizes the ability of individuals to recognize positive choices, and to make them. In our view, the recommendations that we have discussed above, if implemented and fully supported by the campus community, will allow that culture change to begin.

2. The level of respect and cooperation among administration, staff, and faculty.

We also believe that a part of the conversation about changing the University culture must be about the relationship among the University administration, staff, and faculty. It is apparent that the various components of the University have not always worked well together and that considerable tension has arisen because of that. This too is a question of culture.

UO has to find a way to improve constituency relations within the shared governance structure that is characteristic of institutions of higher learning. UO is a collection of high-achieving individuals and communities that encompasses distinctly different identities, affiliations, and populations with many varied reasons for being on campus. A strategic planning process that involves all sectors of the campus in co-creating a plan provides a means to

build trust and create change. The University must work to develop a truly healthy culture of engagement among stakeholder groups.

3. The level of student trust in the University.

Our conversations with students make it apparent that some level of student trust in the University's ability to competently respond to incidents of sexual misconduct has been lost. We were told by many students that they simply do not have confidence that, if they were to report such an incident to the University, it would be handled with sensitivity and fairness, nor do they believe it likely that any action would be taken against the accused student. As one student leader asked, "Why should we bother? Nothing will happen." The students' lack of trust is understandable. As is true for most universities, the University of Oregon's response to incidents of alleged sexual misconduct in the past has not always been consistent or appropriate.

Unfortunately, this lack of trust creates an impediment to reporting incidents of sexual misconduct and, consequently, to reducing them. The University can implement the best processes possible and have excellent support services available, but they are of no value if students are wary of taking advantage of them. As one student stated: "It is especially critical to create a culture of trust between victims and the institution." This is a very real issue that cannot be overcome quickly. The University, however, as is true for many universities nationwide, seems dedicated to correcting the inadequacies in its policies and practices and must redouble its efforts to do so.

“For many reasons, there has long been a failure to recognize and acknowledge the prevalence and seriousness of this problem. The good news is that finally, the gravity of this problem has been acknowledged and significant efforts are now being made to understand and deal with it.”



CONCLUSION

The issues that we have discussed in this report are not new. Problems related to sexual misconduct on University campuses, as well as in society as a whole, have existed for a very long time. For many reasons, there has long been a failure to recognize and acknowledge the prevalence and seriousness of these problems. The good news is that finally, the gravity of the problem has been acknowledged and significant efforts are now being made to understand and confront it.

The University of Oregon, along with most universities throughout the country, is struggling to understand this complex issue, to develop comprehensive, effective prevention programs, and to respond to such incidents in a sensitive, fair, and effective manner when they occur. The development and adoption of best practices are moving forward at a rapid pace. During the time that our Panel conducted this review, hardly a day went by when we did not learn of new information on the

subject suggesting new approaches to various aspects of the issue, new legislation, or new or improved practices at the UO. Program development at all universities, including the UO, is a work in progress and there is a need to constantly monitor the development and effectiveness of new ideas and practices.

It is readily apparent that the necessary improvements in the University's prevention and response programs are going to require additional resources. The need is urgent and immediate. The University must find a way to identify sufficient resources to meet this need. The University's program to prevent incidents of sexual misconduct and provide a meaningful and effective response in the form of support services and, if necessary, adjudication must be a high priority of the UO.

The focus of this report has been on how to best improve the University's prevention of and response to incidents of sexual misconduct. We would be remiss, however, not to mention the exceptional work that has already been done by the University's administration, faculty, students, and staff. The fact that we see many areas that need improvement should not detract from recognition of the exceptional work of these dedicated individuals who are all motivated by the common goal to reduce and, ideally, eliminate incidents of sexual misconduct.

The next step in this process is critical. The University must not just create a plan; it must also take sustained action to implement the plan, and to consistently evaluate its effectiveness. We are hopeful that the University will move forward with this important work in a mutually supportive environment. It has been our privilege to be a part of this review process.

GLOSSARY

Anonymous v. Confidential

If a student reports an incident of sexual misconduct to a designated confidential office, the person to whom the reporter speaks will not convey that information to anyone else. In such a case, the person to whom the report is made may know the identity of the reporter, in which case the report will be confidential but not anonymous. A student may make an anonymous report by using a website that allows the report to be made without the identity of the reporter being known. In such a case, the report will not be confidential, in that the information will be distributed, but will be anonymous since the identity of the reporter will not be known.

Burden of Proof

Burden of proof refers to the responsibility placed on a party in a formal dispute to prove or disprove a fact. See “Preponderance Standard.”

Confidential Reporter

Confidential reporter can refer to an individual who reports an incident of sexual misconduct to an individual or office that will not convey the information to anyone else. The term can also be used to refer to an individual who receives such a report and is not required to distribute it. See “Mandatory Reporters” and “Office of Notice.”

Good Samaritan Policy

A Good Samaritan Policy allows a person who is aware of an incident of sexual misconduct to report that incident without risking a penalty, punishment, or sanction for having been involved in illegal or prohibited use of alcohol or drugs involved in the reported incident. See “Medical Amnesty.”

LGBTQIA

LGBTQIA is an acronym standing for lesbian, gay, bisexual, transgender, queer/questioning, intersex, asexual/aromantic.

Mandatory Reporter

Mandatory Reporters are those individuals who, if they receive a report of sexual misconduct, are required to alert certain others in the University as to the existence and content of the report. Individuals so identified are considered “responsible” as that term is used in Title IX.

Medical Amnesty

Medical Amnesty refers to the policy under which an individual seeking medical help for conditions resulting from alcohol or drug use, or when reporting an incident of sexual misconduct or assault, will not be subject to disciplinary actions, sanctions, or penalties for violation of laws or policies related to alcohol and drug use. See “Good Samaritan Policy”.

Office of Notice

If a person reports an incident of alleged sexual misconduct to a University Office of Notice, the University is deemed to have learned of that alleged incident, consequently triggering the University’s legal obligation to take action in response.

Preponderance Standard

If the rules governing a proceeding establish that a party carries its burden of proving or disproving a fact if the party’s evidence outweighs contrary evidence by any amount whatsoever, that proceeding uses the preponderance standard. The preponderance standard is a lower standard than the “clear and convincing” standard, under which a party has to adduce evidence that is extraordinarily persuasive and makes the existence or nonexistence of a fact highly probable.

Primary Prevention

Prevention activities designed to stop a negative event from ever occurring. Primary prevention of sexual violence stops sexual violence before it occurs by addressing the root causes, behaviors and conditions that support, condone and lead to sexual violence.

Public Health Model

An approach for examining a health behavior or outcome that 1) emphasizes prevention rather than treatment, 2) offers a solution-focused methodology involving four steps: define the scope of the problem, determine the cause of the problem, determine effective interventions, and implement the interventions, and 3) stresses a multi-disciplinary approach.

Secondary Prevention

Prevention activities designed to intervene when risk factors or early indicators of risk are present. These strategies are sometimes called risk-reduction strategies and in sexual violence prevention, they include work to assist identified populations in recognizing and avoiding victimization or perpetration of sexual assault.

Tertiary Prevention

Prevention activities designed to minimize the negative effects of violence. These activities focus on the impact on victims and accountability of offenders after sexual violence occurs. In sexual violence prevention, tertiary strategies include the services provided in immediate response to and long-term support of victims of sexual assault. Tertiary prevention recognizes that victims and perpetrators of sexual violence are at increased risk for many unhealthy outcomes, including future victimization and perpetration, and attempts effective intervention.

Sexual Assault

Conduct of a sexual or indecent nature toward another person that is accompanied by actual or threatened physical force or that induces fear, shame, or mental suffering. Any nonconsensual sexual act that is accompanied by actual or threatened physical force or that induces fear, shame, or mental suffering. A sexual act is nonconsensual if inflicted on a person unable to grant consent or if it is unwanted and compelled through the use of physical force, manipulation, coercion, threats, or intimidation.

Sexual Misconduct

Sexual misconduct refers to a wide range of behaviors, from mild to severe, from verbal to visual to physical, and from suggestive to active, in which the rights to physical and psychological safety and freedom from sexual intimidation or aggression of one individual have been violated by another. Sexual misconduct includes stalking, voyeurism, exhibitionism, verbal or physical sexuality-based threats or abuse, and intimate partner violence. Sexual assault is an extreme form of sexual misconduct, and rape is an extreme form of sexual assault.

Title IX

Title IX is shorthand for Title IX of the Education Amendments of 1972, 20 United States Code section 1681, a federal law passed in 1972 that prohibits discrimination based on sex in education programs and activities that receive federal financial assistance. The law is enforced by the U.S. Department of Education through the Office for Civil Rights. Incidents of sexual misconduct involve Title IX compliance because they interfere with a student's equal access to educational opportunity.

ENDNOTES

¹ Review Panel Charge

The panel is charged with conducting a thorough review of the University's practices, policies, and protocols related to the prevention of and response to sexual misconduct and assault on campus. The panel's process will provide ample opportunity for public input and comment, and will consider the issue from a wide range of perspectives. This review will include, but not be limited to:

- Evaluation of current practices and protocols for the **prevention** of sexual misconduct.
- Evaluation of current practices and protocols for **responding** to reports of sexual misconduct.
- Evaluation of the unique experiences for various **campus communities** including student-athletes, fraternity and sorority members, student housing residents, historically underrepresented groups, LGBTQ students, and others.
- Research **best practices** at other universities, review the White House Task Force to Protect Students from Assault report, and review other relevant reports and materials to ensure the UO policies and practices meet the highest standards and the best research on preventing and responding to sexual misconduct.

Following its review, the panel will present a set of observations and recommendations to the president focusing on both immediate and long-term changes to improve the University's processes for prevention, response, and education on sexual misconduct, with the goal of creating a safer campus and a culture of dignity and respect for all students.

² List of Resources (<https://president.uoregon.edu/content/presidents-review-panel-resources>)

Affirmative Action and Equal Opportunity (UO)

- [Affirmative Action and Equal Opportunity Anonymous Report Form](#)
- [Affirmative Action and Equal Opportunity Organizational Chart](#)
- [Summary of Required UO Employee Reporting Responsibilities](#)
- [UO Specific Workplace Harassment Supplement \(September 24, 2013\)](#)

Athletics (UO and NCAA)

- [Athletics Documents Overview](#)
- [President's Panel – Part 1](#)

- [President's Panel – Part 2](#)
- [President's Panel - Part 3 **updated with personal phone numbers removed*](#)
- [President's Panel – Part 4](#)
- [The Best Part of my Student-Athlete Experience is... article from NCAA Research](#)
- [NCAA Resolution Addressing Sexual Violence](#)
- [NCAA Handbook announcement](#)
- [NCAA Handbook: Addressing Sexual Assault and Interpersonal Violence Handbook](#)

Division of Student Life (UO)

- [Division of Student Life Organizational Chart](#)
- [Review Committee - Aspirations for the Division of Student Life](#)
- [Review Committee Student Life Framework](#)
- [Student Affairs \(now Student Life\) Prevention Budget Expenses](#)
- [Student Life Sexual Assault Prevention Advancement](#)

Enrollment Management (UO)

- [Enrollment Management Presentation](#)
- [Recruitment Process for Freshmen and Transfer Students](#)

External Documents & Articles

- [Association of American Universities Presidents Report](#)
- [American Council on Education President Letter to Senate HELP Committee](#)
- [American Council on Education Response to White House Task Force](#)
- [Association for Student Conduct Administration 2014 Gold Standard Report](#)
- [Association for Student Conduct Administration 2014 White Paper](#)
- [Chronicle of Higher Education Article - *A Promise Unfulfilled*](#)
- [Dangerous Safe Havens by Carly Parnitzke Smith and Jennifer J. Freyd in the *Journal of Traumatic Stress*](#)
- [Decreasing Misperceptions of Sexual Violence to Increase Bystander Intervention: A Social Norms Intervention by Erin Darlington](#)
- [Department of Education Clery Act Handbook](#)
- [Evidence Based Strategies for Prevention of Sexual Violence](#)
- [Institutional Betrayal by Carly Parnitzke Smith and Jennifer J. Freyd in *American Psychologist*](#)
- [Leadership Exchange: Sexual Violence Prevention on Campus](#)
- [Lewis-Burke Associates Summary of *Not Alone: The First Report of the White House Task Force to Protect Students From Sexual Assault*](#)

- [Survey of Campus Sexual Violence Policies and Procedures by Sen. Claire McCaskill, Chair, Subcommittee on Finance and Contracting Oversight](#)
 - [An Open Letter to Higher Education about Sexual Violence from the National Center for Higher Education Risk Management](#)
 - [National College Health Improvement Program White Paper on High Risk Drinking](#)
 - [Policy Update - Senator McCaskill Holds First Congressional Forum on Campus Sexual Assault](#)
 - [Rape, Abuse and Incent National Network \(RAINN\) Recommendations to White House Task Force](#)
 - [Rutgers Letter - Campus Climate Assessment Pilot](#)
 - [Yale Campus Climate Report](#)
 - [Official campus statistics for sexual violence mislead by Jennifer J. Freyd for Al Jazeera America](#)
 - [1 in 5 Undergraduate Women Faces Sexual Assault—Now the Federal Government Is Finally Doing Something About It by Dani McClain for The Nation](#)
 - [Title IX Employee Survey Preliminary Findings by Marina N. Rosenthal, Carly P. Smith, and Jennifer J. Freyd](#)
 - [In The Moment by Melinda Henneberger from The Washington Post](#)
 - [Not Alone: The First Report of the White House Task Force to Protect Students From Sexual Assault - <https://www.notalone.gov>](#)
 - [Chronicle of Higher Education Article: Why Campuses Can't Talk About Alcohol When it Comes to Sexual Assault](#)
 - [California Senate Bill 967](#)
 - [Association of Governing Boards of Universities and College Advisory Statement on Sexual Assault](#)
 - [Students Active for Ending Rape Report: Moving Beyond Blue Lights and the Buddy System](#)
 - [Beyond Title IX: Guidelines for Preventing and Responding to Gender-based Violence in Higher Education](#)
 - [NCHERM Code of Student Conduct Framework Document](#)
 - [NCHERM Community Standards Document](#)
- Fraternity and Sorority Life (UO Dean of Students Office)
- [Fraternity and Sorority Life Anti-Hazing Policies](#)
 - [Fraternity and Sorority Life Baseline Standards for Recognition 2014](#)
 - [Fraternity and Sorority Life Interfraternity Council Bylaws](#)

- [Fraternity and Sorority Life Internal Review Executive Summary 2014](#)
- [Fraternity and Sorority Life Internal Review 2014](#)
- [Fraternity and Sorority Life Judicial Board Bylaws](#)
- [Fraternity and Sorority Life Leadership Development EDUC 407 Fall 2014 Syllabus](#)
- [Fraternity and Sorority Life Panhellenic Bylaws](#)
- [Fraternity and Sorority Life Panhellenic Council and Interfraternity Council Social Policy 2014](#)

Media Coverage of Sexual Assault

- [CNN: Schools preach 'enthusiastic' yes in sex consent education](#)
- [NPR Shots: The Power Of The Peer Group in Preventing Campus Rape](#)
- [NPR Special Series: A Closer Look at Sexual Assaults on Campus](#)
- [North-American Interfraternity Conference Forms Commission to Examine Alcohol Use, Hazing, and Sexual Violence](#)
- [California Lawmakers Redefine Campus Sexual Assault](#)
- [Obama opens campaign against campus sexual assault](#)
- [The Chronicle of Higher Education: A Scripted Response to Sexual Assault](#)
- [The Chronicle of Higher Education: How Syllabi Can Help Combat Sexual Assault](#)

Residence Life (UO University Housing)

- [Residence Life Sexual Assault Protocol](#)
- [Looking Out poster campaign](#)

Sexual Violence Prevention, Education and Response (UO Dean of Students Office)

- [2013-14 SASS \(Sexual Assault Support Services\) Contract](#)
- [Challenges in Reporting Sexual Assault Harassment or Misconduct Data](#)
- [SAFE Hotline Announcement](#)
- [Sexual Violence Prevention & Education Annual Report 2011-2012](#)
- [Sexual Violence Prevention & Education Annual Report 2012-2013](#)
- [Sexual Wellness Advocacy Team FHS 407 Fall 2013 Syllabus](#)
- [Sexual Wellness Advocacy Team FHS 407 Spring 2014 Syllabus](#)
- [Sexual Wellness Advocacy Team FHS 407 Winter 2014 Syllabus](#)
- [Sexual Wellness Advocacy Team Workshop Script 2013-2014](#)
- [UO SAFE Brochure](#)

Student Conduct & Community Standards (UO Dean of Students Office)

- [2009-2013 Conduct Stats Summary](#)
- [Conduct Process Flowchart - From Decision to Case Closed](#)
- [Conduct Process Flowchart - From Complaint to Decision](#)
- [Hearings Board PowerPoint Fall 2012](#)
- [Hearings Board Training 2014](#)
- [Student Conduct Code \(October 2006\)](#)

- [Student Conduct Code Changes \(Spring 2014\)](#)
 - [Title IX Panel Training](#)
- University Counseling & Testing Center (UO)
- [University Counseling & Testing Center Interpersonal Violence Team Response Procedures](#)
- University Health Center (UO)
- [University Health Center Adolescent and Adult Sexual Assault Discharge Instructions Form](#)
 - [University Health Center Oregon Consent Release 2008](#)
 - [University Health Center Revised Sexual Assault Exam Form \(September 2012\)](#)
 - [University Health Center Sexual Assault Response Information](#)
- University of Oregon Policies and Protocols
- [UO Sexual Harassment Violence Protocols Flowchart](#)
 - [UO Sexual Harassment Violence Protocols](#)
- UO Police Department
- [UOPD Anonymous Sexual Assault Report Form](#)
 - [UOPD Clery Act - Policy 359](#)
 - [UOPD Evidence Control - Policy 805](#)
 - [UOPD Investigation and Prosecution - Policy 600](#)
 - [UOPD Issues Brief](#)
 - [UOPD Training - Sex Crimes, Family Offenses, Related Offenses](#)
 - [UOPD Training - Sexual Assault Investigation](#)
 - [UOPD Victim and Witness Assistance - Policy 336](#)
- UO Reports
- [2011 OUS Report on Sexual Misconduct](#)
 - [2012 OUS Report on Sexual Misconduct](#)
 - [2013 OUS Report on Sexual Misconduct](#)
 - [2013-2014 AlcoholEdu Executive Summary](#)
 - [2013-2014 Haven Impact Report](#)
 - [Presidential Task Force on Alcohol and Other Drug Use](#)
 - [Sexual Violence Prevention Call for Action Plan \(2010 Dean of Students Proposal\)](#)
 - [The Groves Report](#)
 - [UO Annual Campus Security and Fire Safety Report](#)
 - [Associated Students of the University of Oregon \(ASUO\) Sexual Violence Task Force \(now called Organization Against Sexual Assault\) Report Spring 2013](#)
- What Other Schools Are Doing
- [Oregon State University – Student Conduct and Community Standards - Conduct Hearing Process](#)
 - [The Ohio State University – Code of Student Conduct – Procedures – Resolution Options](#)

- [University of Michigan – Statement of Student Rights and Responsibilities – Procedures](#)
- [Yale University - University Wide Committee on Sexual Misconduct – Procedures](#)
- Tulane: [Letter to Students, Faculty, Staff, Parents, and Alumni](#); [One Wave Program](#)
- [University of North Carolina Policy on Prohibited Discrimination, Harassment and Related Misconduct](#)

Websites

- [Faculty Against Rape](#)
- [Know Your IX](#) (Survivor-Run Student Driven Campaign)
- [Mentors in Violence Prevention \(MVP\) Gender Violence Prevention Education & Training](#)
- [National Sexual Violence Resource Center](#)
- [NCHERM Group Model Code Project](#)
- [OASA](#) (UO Organization Against Sexual Assault)
- [SAFER](#) (Students Active for Ending Rape)

³ “Framework”, Division of Student Life, August 2014, pg. 3 (prepared for the Review Panel)

⁴ An example of a program that apparently ended with the departure of the individual who led the effort is “Be that Guy”.

⁵ Another example of a potential promising tool being eliminated involved a course offered primarily to student-athletes through the College of Education. Questions were raised about the educational content of the course. However, instead of redesigning the course to satisfy academic requirements, the course was eliminated. If the campus had a shared commitment to an overarching strategic plan, it might well have been possible for an academic partner to help redesign the course to add additional academic elements and competencies to what appeared to be a strong education and training program.

^{vi} Centralized coordination of prevention programming is becoming the hallmark of the best and most comprehensive University programs. For example, the University of Michigan’s Sexual Assault Prevention and Awareness Center (SAPAC) “promotes healthy relationships, teaches non-violence and equality, supports survivor healing and fosters a respectful and safe environment for all members of the University of Michigan community. SAPAC provides educational and supportive services for the

University of Michigan community related to sexual assault, intimate partner violence, sexual harassment, and stalking.” SAPAC appears to have become a significant organizing point, a place that can provide sustained attention and a constant audit, resulting in better organized, more visible primary and secondary prevention and more survivor-centered tertiary prevention. This approach to prevention is clear and consistent.

⁷ Examples include New Hampshire's Know Your Power bystander social marketing campaign and its Bringing In the Bystander program, the app used by the University of Texas at Austin called Circle of 6 (<http://www.circleof6app.com>), and UT Austin's Bystander Intervention Initiative called BeVocal (<http://www.wellnessnetwork.utexas.edu/BeVocal/>).

^{viii} 2014 Hollander, Jocelyn A. “Does Self-Defense Training Prevent Sexual Violence Against Women?” Forthcoming in *Violence Against Women* 20(3).

2010 Hollander, Jocelyn A. “Why Do Women Take Self-Defense Classes?” *Violence Against Women* 16(4): 459-478.

2009 Hollander, Jocelyn A. “The Roots of Resistance to Women’s Self-Defense.” *Violence Against Women* 15(4): 574-594.

2004 Hollander, Jocelyn A. “‘I Can Take Care of Myself’: The Impact of Self-Defense Training on Women’s Lives.” *Violence Against Women* 10: 205-235.

^{ix} On June 26, 2014, the United States Senate Committee on Health, Education, Labor, & Pensions held hearings on campus sexual assault. The full Senate hearing testimony is available on CSPAN. The hearings included a number of statements by Senators and testifying experts asserting the importance of providing confidential avenues for students to report instances of sexual misconduct and assault and consider their options.

^x Diversity Letter (https://president.uoregon.edu/sites/president1.wc-sites.uoregon.edu/files/field/image/letter_on_diversity_and_sexual_violence.pdf)