MEMORANDUM

TO: The Student Affairs and Athletics Committee:

Allison Cryor DiNardo, Co-Chair
Bobbie G. Kilberg, Vice Chair
Helen E. Dragas
Frank E. Genovese
William H. Goodwin Jr.
Margaret N. Gould
George Keith Martin, Ex-officio
Allison S. Linney, Consulting Member
Dennis R. Proffitt, Faculty Consulting Member

and

The Remaining Members of the Board and Senior Advisor:

Frank B. Atkinson           Victoria D. Harker
L.D. Britt, M.D.            Stephen P. Long, M.D.
Frank M. Conner III         John G. Macfarlane III
Kevin J. Fay                Edward D. Miller, M.D.
Barbara J. Fried            John L. Nau III
John A. Griffin             Leonard W. Sandridge Jr.

FROM: Susan G. Harris

RE: Minutes of the Meeting of the Student Affairs and Athletics Committee on September 12, 2014

The Student Affairs and Athletics Committee of the Board of Visitors of the University of Virginia met, in Open Session, at 10:00 a.m. on Friday, September 12, 2014 in the Auditorium of the Albert & Shirley Small Special Collections Library of the Harrison Institute; Allison Cryor DiNardo and Bobbie G. Kilberg, Co-Chairs, presided.

Present were George Keith Martin, Helen E. Dragas, Frank E. Genovese, William H. Goodwin Jr., and Margaret N. Gould. Also present were Allison S. Linney, Consulting Member, and Dennis R. Proffitt, Faculty Consulting Member.
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Present as well were Teresa A. Sullivan, Hawa A. Ahmed, William J. Cadigan, Susan Carkeek, Virginia E. Carter, Laurie D. Casteen, Susan M. Davis, Nicole P. Eramo, Allen W. Groves, Susan G. Harris, Donna P. Henry, Patrick D. Hogan, Richard C. Kast, Patricia M. Lampkin, Craig K. Littlepage, David W. Martel, Marcus L. Martin, M.D., Barry T. Meek, Christina Morell, Caroline L. Parker, Thomas J. Reid, Emily J. Renda, Debra D. Rinker, Nancy A. Rivers, Richard P. Shannon, M.D., Colette Sheehy, John D. Simon, Sara C. Surface, and Nicole A. Thomas.

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Ms. DiNardo opened the meeting noting that the agenda would focus on sexual misconduct and sexual assault. Ms. Dinardo gave the floor to President Sullivan.

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Introductory Remarks by President Sullivan

Ms. Sullivan provided an overview of the University’s efforts to address the issues of sexual misconduct and sexual assault. Shortly after she became president in August 2010, she launched several initiatives to make the University a safer, more caring community. One of the first was to make the Vice President and Chief Student Affairs Officer a direct report to the president. In September 2010, a University-wide Day of Dialogue was held to reflect on the events surrounding Yeardley Love’s death, and to discuss how to build a more caring community. The Day of Dialogue was followed by the creation of the respectful workplace taskforce, the parents’ committee involvement in student safety issues, and the launching of a bystander training program to help students and employees understand how to intervene when they witness violence.

In April 2011, the Office of Civil Rights (OCR) issued its “Dear Colleague” letter, which provided new guidance for institutional responsibility in sexual violence cases. The University responded by revising its sexual misconduct policy with the goal of becoming a national model.

This past February, the University held a national summit on sexual misconduct. It was apparent that colleges and universities across the country were struggling with this issue in isolation; the Charlottesville summit was an attempt to bring institutions together to discuss issues, such as how to collaborate and how to share best practices. Representatives from approximately 250 colleges and universities attended; they included presidents, vice presidents,
The issue of sexual violence on college campuses has received national attention. There have been calls-to-action from the White House, federal legislators, state legislators, and the Governor. A few weeks before the University’s national summit, President Obama announced the formation of the White House Task Force to Protect Students from Sexual Assault. In April, the task force released its first report. The University’s sexual misconduct programs have been modified in response to the report. The issue is complicated. The intent is to make the University the safest possible university, but at the same time being fair. Negotiating the space between safe and fair can be a challenge, because the University must ensure the rights of due process for the accused. Ms. Sullivan turned the floor over to Ms. Patricia M. Lampkin, Vice President and Chief Student Affairs Officer.

Student Sexual Misconduct Report

Ms. Lampkin introduced the three panelists: Mr. Barry T. Meek, Associate General Counsel in the Office of the General Counsel; Ms. Susan M. Davis, Associate Vice President for Student Affairs and Liaison to the General Counsel; and Mr. Allen W. Groves, University Dean of Students. The panelists reported on recent activity at the federal and state levels, recommendations from the White House Task Force report, and University programs.

Activity at the federal level includes the April 2011 “Dear Colleague” letter from the Office of Civil Rights, the White House Task Force, and the Campus Safety and Accountability Act, which was introduced in the U.S. Congress in July. The “Dear Colleague” letter from the Office of Civil Rights took a more aggressive view of institutional responsibility as it relates to Title IX by expanding Title IX to include sexual assault.

This past August, the Governor of Virginia created a state task force to combat sexual violence on college campuses with the goal of identifying best practices and enhancing cooperation between institutions and law enforcement.

In August, the executive committee of the National Collegiate Athletic Association (NCAA) issued a resolution addressing sexual violence. It defined the Association’s expectations for member institutions; these include the education of athletes, coaches, and staff. It requires athletic departments to cooperate with sexual assault investigations, but not to control or influence them. The NCAA also issued a handbook on addressing sexual assault and interpersonal violence.
The White House Task Force report (Not Alone) has become the framework for the University’s programs. It positions the University to meet current and possible future regulations and affirms the work that the University has been doing. It sets ambitious goals, but goals that the institution wants to achieve. The report’s action plan is organized into three categories: Identifying the Problem: Campus Climate Surveys; Preventing Sexual Assault – and Engaging Men; and Effectively Responding When a Student is Sexually Assaulted.

To identify the extent of sexual violence, the report recommends the use of campus climate surveys to determine the prevalence of sexual misconduct and to assess the effectiveness of the institution’s education programs around its sexual misconduct policies. The Association of American Universities (AAU) is in the process of commissioning the development of a campus climate survey. The University is one of six AAU institutions that will serve on the review team for the request for proposals. The other institutions are the University of North Carolina at Chapel Hill, Brown University, Massachusetts Institute of Technology, Yale University, and the University of Wisconsin - Madison. The survey is expected to be ready in early 2015. It will be designed so that it can be customized by each institution. The University, for example, will want to assess the effectiveness of its bystander intervention training program. The University intends to launch the survey in February 2015.

Federal law requires institutions to train students on the awareness and prevention of sexual violence. The federal government is providing assistance and guidance. The Center for Disease Control reviewed prevention strategies and released a summary of findings. It found that the most successful programs those that are “sustained (not brief, one-shot educational programs), comprehensive, and address the root individual, relational, and societal causes of sexual assault.” The “Not Alone” report also promotes bystander intervention education. The University has found that more than 50% of the reported assaults occur during the first three months of the academic year, a time referred to as The Red Zone. As a result, this period receives particular attention by the University in its prevention efforts. The University’s student education programs and resources include, handouts, the One Less organization, the One in Four organization, and the Sexual Violence Education & Resources website. The handouts define sexual misconduct, explain what to do after an incident, and provide the resources that are available. To encourage bystander intervention the University kicked off the campaign named “Not on Our Grounds”. As a part of this campaign, the University is partnering with Corner Merchants to train their employees in bystander intervention and to distribute t-shirts and window stickers that support the campaign. In support of the campaign, students produced an educational video called “HOOS Got Your Back.”

Under Title IX institutions have an obligation to respond when a sexual assault is reported. This obligation exists whether or not the
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student elects to file a criminal complaint. Once an institution receives a notice of an act of sexual misconduct, Title IX requires it to take immediate and appropriate steps to investigate what occurred. The White House Task Force report outlines a number of action items and resources. Responsibilities include providing support, investigating, and sanctioning perpetrators. On August 27th, the University issued a new reporting policy that was distributed to students, faculty, and staff. Its objective is to educate the community on what to do when a sexual assault is reported. The goal of policy is to create a culture of reporting and not just to meet the Title IX requirements. As a resource the University developed a new incident reporting website.

Title IX also stipulates that an institution is in receipt of a notice of an act of sexual misconduct when the act is reported to a “Responsible Employee,” which is defined as “someone a student could reasonably believe has this authority or responsibility.” The University’s reporting policy designates two types of employees - responsible employees and confidential employees. Confidential employees are “Any University employee who is a licensed clinical or mental health professional when acting in his or her professional role in the provision of services to a patient who is a University student.” All other University employees are classified as responsible employees. Confidential employees are to treat all information confidentially under governing health care privacy laws and to direct the student to appropriate University resources. Responsible employees are to report the sexual misconduct to the University’s Title IX Coordinator through the University’s on-line reporting system. They are required to tell a student that they have to report the incident and to inform the student that he or she has the option of going to confidential employee instead. Responsible employees are to listen, but not to interrogate the student.

Student Panel Discussion

Ms. DiNardo introduced Ms. Margaret N. Gould, a fourth-year student and 2014-2015 student member of the Board of Visitors. Ms. Gould served as the moderator of the panel and introduced: Ms. Hawa Ahmed, a fourth-year student and chair of the Alcohol and Drug Abuse Prevention Team (ADAPT); Ms. Sara Surface, a third-year student, a member of the executive board of One Less, and Co-Chair of the Sexual Violence Prevention Coalition; Mr. Will Cadigan, a fourth-year student, a member of the executive board of One in Four, and Co-Chair of the Sexual Violence Prevention Coalition; Ms. Caroline Parker, a fourth-year student and Chair of Sustained Dialogue; and Mr. Tommy Reid, a fourth-year student and President of the Inter-Fraternity Council.

In responses to questions posed by Ms. Gould, panel members made a number of observations. They agreed that the awareness of sexual misconduct has increased dramatically during the last year. It was
noted that while the hook-up culture and alcohol may create a setting for sexual misconduct, they are not the root cause. Students need to be educated on what constitutes a healthy, consensual sexual relationship. There is the perception that everyone is drinking and that they are drinking heavily, but surveys indicate that this is not the case. Fraternities, which are the largest male organization at the University, are well equipped to serve as forums for education about sexual misconduct and bystander intervention. Upperclass students often serve as role models for first year students and can create a climate or culture that emphasizes awareness of sexual misconduct and the importance of bystander intervention. Short term efforts can effectively focus on victim support and bystander intervention. Sexual misconduct education is more of a long term effort.

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Upon motion, the meeting was adjourned at 12:10 p.m.

SGH:wtl

These minutes have been posted to the University of Virginia’s Board of Visitors website:
http://www.virginia.edu/bov/studentminutes.html