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University of Nevada, Reno

**Campus Responses to Sexual Assault: An Analysis of Best and Worst Administrative Practices at Large, Public, Research I Universities**

A thesis submitted in partial fulfillment  
of the requirements for the degree of

Bachelor of Arts in English Literature and Women's Studies and the Honors Program

by

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We recommend that the thesis  
prepared under our supervision by

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**BACHELOR OF ARTS, ENGLISH LITERATURE AND WOMEN'S STUDIES**

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## Abstract

The purpose of this thesis is to assess administrative policies and procedures regarding sexual assault on college and university campuses in the United States, with the goal of determining which have been effective and which have not. This assessment will be done by first providing an overview of the history of attitudes towards sexual assault, followed by a summary of the contemporary climate regarding sexual assault on college campuses. Four specific universities will be assessed in terms of their efficacy in preventing and responding to sexual assault cases on their specific campuses. The research ultimately shows that effective policies and procedures are those including large amounts of student input, while the least effective are administrative, with a more top-down effect. Colleges and universities that attempt to be inclusive of all student identities and recognize the impact these identities have on sexual assault cases are also more effective.

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## Introduction

Sexual assault on college campuses has been a long-standing problem in the United States. In recent years, situations in which a university or college has failed to adequately respond to the safety and wellness needs of their students in days or weeks following a sexual assault have become a more prominent focus in mainstream media. The case that initially drew the most attention occurred at Harvard University in June 2013. A female student was forced to live in the same residence hall (or “House,” as residence halls are referred to on the Harvard campus) as a male student for nine months after he sexually assaulted her. In a widely circulated anonymous op-ed piece in the Harvard student newspaper, *The Harvard Crimson*, the student details how Harvard did nothing to address her physical and psychological distress. The university claimed her assailant had not violated the student code of conduct, a code last updated in 1993 and containing no definitions of sexual assault nor of consent. Administrative response to her request to transfer her assailant to a different House were met with “it [is] a bad time of the semester,” “there [will] be consequences for [your] assailant anyway,” “we shouldn’t go through the process if it [is] going to be fruitless,” “[your] assailant [can’t] be punished because he didn’t know what he was doing,” “forgive [him] and move on,” and a question regarding whether the student’s drinking habits were the problem, as “it seemed like they had led to my sexual assault.” (Anonymous, 2014). Eventually, after being diagnosed with depression, an anxiety disorder, and suicidal tendencies eight months after the assault, the student put in a request to transfer

herself out of her House, stating that, although she originally believed she shouldn't be the one to have to move as she had done nothing wrong, the university's inaction has forced her to put in the request, "if only – quite literally – to save my life" (Anonymous, 2014).

Instances such as these have drawn national attention to what is quickly being deemed an epidemic. Universities such as Dartmouth College, the University of Iowa, Emory University, Occidental College, the University of California, Berkeley, Tufts University, Vanderbilt University, and the University of Nevada, Reno are taking a step back and evaluating their current policies to address and prevent sexual assault; however, there are many institutions, such as Princeton University, Boston University, Swarthmore College, the University of Southern California, Florida State University, the University of Michigan, and Penn State University, as well as the aforementioned Harvard University, that have not responded to the media attention and are not attempting to make any changes to inadequate or outdated procedures (Steinhauer & Joachim, 2014). In response to the lack of effort from university administrators, a number of university students are engaging in individual or group protests, or forming movements to demand that their campuses improve the resources available to survivors.

Another such instance of a poorly handled sexually assault case occurred in September 2014 at Columbia University, one of the aforementioned institutions that did not attempt to make any changes to its policies and procedures addressing sexual assault even after the media caused a national outcry. In this case, Emma

Sulkowicz, a senior female student at the university, began carrying her dorm mattress around campus, vowing that she would not stop until the university took administrative action against her alleged rapist. Sulkowicz states the assault took place in her university dorm room on the very same 20-pound mattress. Sulkowicz's performance-art protest inspired "collective carry" acts of solidarity on other campuses across the nation, such as Centenary College in Louisiana, Dickinson College in Pennsylvania, and Arizona State University (Taylor, 2014).

Instances such as these "collective carry" protests, as well as the undergraduate student response to the "Dear Harvard: You Win" op-ed piece, in which a large portion of Harvard students abandoned the tradition of decorating their graduation caps with records of their undergraduate experiences, instead choosing to spell out "IX" in red tape to protest Harvard's mishandling of Title IX sexual assault cases, have received the bulk of media attention because they have taken place on Ivy League university campuses (Friend, 2014). However, these problems also are present on campuses not considered as "elite" as Ivy League schools. Florida State University has been accused of mishandling a sexual assault case involving its football team's quarterback, Jameis Winston, with Winston's accuser arguing that the university delayed properly addressing the situation with a student conduct hearing in order to allow Winston to finish out the football season (Bogdanich, 2014). Similarly, the University of Oregon has recently drawn media attention for filing a counterclaim against an anonymous female student's lawsuit alleging that the university recruited a male athlete for the men's basketball team

with the full knowledge that the man had been accused of sexual assault at his previous institution. The anonymous female student accused the athlete and two other members of the men's basketball team of sexually assaulting her, and while the University of Oregon has expelled the three students, the school has come under fire for requesting access to the female student's medical records (including psychiatric records and potentially sexual history) when filing the counterclaim against her lawsuit (Kingkade, University of Oregon Says, 2015).

Large, public, Research I institutions such as Florida State University and the University of Oregon draw a diverse range of students, due to their typically lower tuition rates when compared to private universities and colleges. As public entities, more systems of accountability exist regarding their policies and procedures, as they are typically state-funded and receive research grants from the federal government, meaning tax-paying citizens contribute to these institutions. Therefore, large, public, Research I universities, typically the flagship universities in their respective states, have more of a social responsibility to set the tone when it comes to addressing issues of sexual assault, as oftentimes they serve as a type of role model for other state universities (Ayers & Hurd, 2005). It is for these reasons of accessibility and accountability that I have chosen to focus on four different large, public, Research I institutions in four different state university systems when assessing the efficacy of campus responses to sexual assault.

A broad discussion arising from the spotlight on this problem is, what are appropriate procedures a university needs to follow when addressing a sexual

assault case? What are universities already doing, and what could they be doing better? What do survivors of sexual assault on a university campus need in terms of support in order to still succeed in their college career? How can these occurrences be prevented?

The goal of asking these types of questions is to determine what is and is not working in terms of how universities are responding to instances of sexual assault. It is not anticipated that a singular, most effective strategy will be determined through this research, as all universities are different and all universities have differing student cultures. What may work well on one campus may have no effect on another, but an assessment of various actions regarding sexual assault cases on multiple campuses will help to shed light on what could potentially work on certain campuses, particularly large, public, Research I institutions.

Current policies and procedures addressing sexual assault on various types of universities across the nation, with a focus on large, public, Research I institutions, will be assessed in this paper, including whether or not these policies and procedures address the issues of intersectionality raised by the historical dialogue surrounding sexual assault in the United States, as well as the contemporary intersectionality referenced by Salamishah Tillet. I will start with an overview of the broader historical context of sexual assault in the United States, in order to provide a framework for the current discussion. This framework will reference the intersectionality of sexual assault and race, as well as sexual assault and class, and how failure to recognize this intersectionality has disenfranchised

both those accused of sexual assault and sexual assault survivors. I will then move into a discussion of the contemporary issue of sexual assault on college campuses, focusing on media response and public policy provoked by such a response. I will follow with an analysis of examples of poorly managed sexual assault cases, which reflect ineffective administrative policies and procedures, at Florida State University and the University of Oregon (both large, public, Research I institutions), demonstrating the severity of the problem. However, I will then move into an analysis of effective administrative responses to sexual assault cases demonstrated by the University of California, Berkeley and the University of Washington, which can potentially serve as best practices for large, public, Research I institutions across the United States. Finally, a review of student and administrative action in order to address the problem of sexual assault on college campuses, and the most effective and least effective actions taken by such large, public, Research I institutions, will be discussed.

This thesis is interdisciplinary in nature and therefore may not align with the traditional concept of a thesis. There is very little quantitative data regarding sexual assault on college and university campuses. This lack of data can be attributed to many causes. Many sexual assault survivors choose not to report their assaults for a variety of reasons, ranging from having a personal relationship with their attacker, to feeling that they would not be believed if they were to report, or to simply not wishing to discuss the assault because they are attempting to forget it ever happened. Even when survivors of sexual assaults on college and university

campuses do report their assaults, this information is often not readily available due to a lack of transparency in university administration, a problem the federal government is seeking to address, as I will reference later in this paper. This lack of “hard” data means that the research draws from less traditional types of sources, such as police reports, lawsuits filed against universities and the universities’ counteractions, media coverage of sexual assault on college campuses, university student codes of conduct, bills currently going through the United States Congress, university statements and press releases, student-based and community-based petitions, university task force reports, grassroots tools for student activists, and letters to university administrators. These may not be considered purely academic or purely primary sources, but the topic of campus sexual assault is not an area that has been deeply analyzed in an academic context, nor is it a discussion with a wealth of primary sources available. This lack of sources can be seen as an indication of the nature of the problem; campus sexual assault is not something that research is focused on. The majority of the traditional academic sources will be in the historical context section; the rest of the thesis will largely draw from less traditional sources.

This analysis will determine both best and worst practices addressing sexual assault response and prevention at large, public, Research I institutions. These results will add to the framework of how sexual assault is addressed in today’s political climate, and contribute to a better understanding of how universities can best enact both prevention procedures to reduce campus sexual rates, and survivor treatment policies to improve support systems on university campuses.

## Background of Attitudes Towards Sexual Assault in the United States

Sexual assault in the United States has a complicated history, one that must be taken into consideration when addressing the current issue of sexual assault on college campuses. The intersection of sexual assault and race looms large in the context surrounding sexual assault, particularly during the time of the civil rights movement and in Southern regions of the United States. With a renewed commitment to recognizing the impact of “social justice and the continued diversification in today’s higher education environment,” resulting in the inclusion of an “Equity and Diversity” Focus Area in the list of core competencies promoted by NASPA (National Association of Student Personnel Administrators), such intersectionality is also very relevant on college campuses today (NASPA, 2015). Furthermore, addressing issues of diversity and race on college campuses has a history of divisiveness and controversy; similarly, sexual assault has a history of being both a polarizing and unifying issue among disparate entities associated with the women’s rights movement in the United States. An overview of the literature surrounding the history of sexual assault will help to shed some light on these important issues that come into play when discussing sexual assault in any context, and will provide a framework for analysis of the current climate associated with sexual assault on university campuses today.

Issues surrounding sexual assault cases in the United States often include aspects of racism and sexism that have rarely been addressed. These issues must be considered when addressing any response to sexual assault, particularly on college

campuses with commitments to equity, diversity, and inclusiveness. Racism is deeply woven into the historical narrative addressing sexual assault in the United States. Black men accused of rape are more likely to receive a guilty conviction, particularly if the accuser is a white woman (Walsh, 2004). However, in addition to this trope of the “black beast rapist,” the trope of the “lying woman” also exists. Susan Estrich, a law professor at the University of Southern California, writes in the “Philosophical Issues in Rape Law” volume of *Law and Philosophy* that “no myth is more powerful in the tradition of rape law than the myth of the lying woman: the spurned lover who seeks revenge; the deflowered virgin who refuses to assume responsibility for her sexual activities; the vicious and spiteful woman who would lie about a rape charge” (Estrich, 1992). This stereotype explains why so few rape cases, both historically and contemporarily, actually result in a conviction or a sentence, as it is often argued that the sexual encounter was consensual and the woman is lying about it being a case of sexual assault because she “regrets” whatever happened. In her article “The Giles-Johnson Case and the Changing Politics of Sexual Violence in the 1960s United States,” Catherine O. Jacquet discusses how these two tropes can ultimately work against each other, resulting in disenfranchisement of both women and black men. The article analyzes the Giles-Johnson rape case in the 1960’s, in which three black men were accused of raping a white woman and the community rallied behind the men by accusing the woman of lying. Jacquet frames this case as an example of “the battles for racial and sexual equality [coming to be] understood as presenting competing interests” (Jacquet,

2013). It is true that more black men have been accused of rape than white men, more black men have been convicted of rape than white men, and more black men have received the death penalty for rape than did white men (Walsh, 2004). However, Jacquet argues that this information was misused in the Giles-Johnson case in the name of avoiding racial discrimination, but at the cost of the white woman's rights. A history of prejudice against black men does not mean black men cannot be rapists, and using the method of invalidating the white woman accuser contributes to the trope of the "lying woman." Jacquet discusses how the civil rights movement, in an attempt to decrease the amount of falsely accused black men, worked against the interests of women as a whole, including white women and women of color (although women of color face a different kind of disenfranchisement in sexual assault cases, as I will discuss later). Jacquet references the concept of the "Southern rape complex," in which "a Southern white woman simply had to 'cry rape,' and 'the white community would unconditionally unite behind her, demanding revenge that was 'swift and fatal'" (Jacquet, 2013). In the Giles-Johnson case, the opposite happened: the white community united behind the three accused black men, and attempted to invalidate the white female accuser in many ways, including publicizing her "sexual promiscuity, bad behavior, and potential mental health issues" (Jacquet, 2013), a trend I will discuss later when analyzing a contemporary case at the University of Oregon. Jacquet's analysis then merges into a discussion of the women that were not "worthy of protection" under the Southern rape complex, primarily women of lower class or women who didn't

subscribe to gender norms (Jacquet, 2013), an issue women also face today when filing cases of sexual assault on college campuses (Testa et al., 2012). Overall, Jacquet is making the argument that historical attitudes towards race and sex in the South served to disenfranchise both women and black men in cases of sexual assault. These attitudes served as a foundation for addressing sexual assault as a whole, a foundation which still comes into play with sexual assault cases to this day.

If attitudes towards sexual assault have historically dismissed the rights of women and black men, what about black women specifically? Intersectionality, or the overlap of multiple identities, has been discussed extensively in feminist theory ever since the concept was first introduced by Kimberle Crenshaw. It is best explained using the example of the 2008 presidential election, in which the democratic primary focused on Barack Obama as the potential first black president, and Hillary Clinton as the potential first woman president. However, what was implied through the dialogue surrounding this race was that “black” means male, and “woman” means white. Black women slipped through the cracks, so to say, in our national consciousness. This frequently happens to those with multiple identities. There are issues facing black people, and issues facing women, but there are also issues facing black women, and those often go unnoticed. It is important to take these issues, and issues of intersectionality in general, into account when discussing sexual assault.

In Danielle L. McGuire’s article, “‘It Was like All of Us Had Been Raped’: Sexual Violence, Community Mobilization, and the African American Freedom Struggle,”

she addresses how racism and sexism can combine when addressing cases of sexual assault involving black women. McGuire discusses the lack of any references to sexualized violence in the history of the African American freedom struggle through the frame of the rape of Betty Jean Owens, a black woman, by four white men, and the subsequent movements surrounding that case. McGuire asserts that through speaking out regarding the sexual violence that had been committed on them, black women were refusing to submit to a society that still favored white supremacy; while, at the same time, empowered black men by giving them an opportunity to assert themselves as men by “rallying around the protection of black womanhood” (McGuire, 2004). She discusses how the movement surrounding the Owens case became centered around this concept of protection, as the dominant societal thought was that “white women’s bodies were off limits, while black women’s bodies were fair game” (McGuire, 2004). The concept of protection moved into the politics of respectability (she refers to Rosa Parks becoming the icon of the bus boycott because she was a respectable, older, Christian woman; Owens was portrayed in much the same way, as a woman worthy of protection). These “politics of respectability” were also present in Jacquet’s analysis of the Giles-Johnson case, but in that case, the survivor’s lack of “respectability” worked against her, as was also the case in an instance on the University of Oregon campus that I will analyze in a later section. As a whole, however, the Owens case pitted white people and black people against each other, demonstrating that rape is in fact a racial issue.

Clearly, sexual assault is a complex political issue, with large amounts of intersectionality between different identities and prejudices. Jacquet discusses how societal responses to sexual assault can disenfranchise women and black men by having them work towards conflicting interests, and McGuire addresses how societal responses to sexual assault can widen the racial divide between white people and people of color. However, responses to sexual assault are not entirely polarizing. Maria Bevacqua's article "Reconsidering Violence against Women: Coalition Politics in the Antirape Movement," is primarily discussing how disparate branches of the women's movement were able to actually become more unified because of the issue of rape. The women's movement was traditionally divided between liberal feminists, who believed in reforming society to better reflect the needs of women, and radical feminists, who eschewed any sort of male-dominated society and believed reform was not a strong enough solution. The movement was further divided into white feminists and feminists of color, who often felt that the dominant white woman's agenda did not serve their interests. However, rape and sexual assault was an issue that bridged these traditional gaps. The antirape movement emerged as part of second-wave feminism, originally from radical feminists (in keeping with the image of a radical feminist who isn't afraid to go beyond the image of women as "respectable," i.e. nonsexual beings who never address issues of sex). Radical feminists initiated the self-defense movement and establishment of rape crisis centers and hotlines, again keeping to the traditional conception of radical feminists as those who do not seek to reform the current

institutions, but rather to create institutions of their own. Liberal feminists began advocating for change in current institutions, i.e. to create stronger penalties for convicted rapists and revise policies for how police officers were to treat survivors when they reported. Bevacqua argues that the two groups were able to find a common ground because of the timeliness of the issue as well; the antirape movement began at a point when liberal feminists were beginning to adopt some of the women's liberation movement's irreverence, while radical feminists were starting to focus more on single-issue organizing. The two groups united with a common goal in mind: "to abolish rape in our own lifetimes" (Bevacqua, 2008).

Similarly, black and white feminists were able to come together regarding the issue of rape. The Washington, D.C. Rape Crisis Center (RCC) had documented involvement of both black and white feminist activists from its inception. Black feminists and white feminists were unified on the issue of rape primarily because white women were willing to recognize that rape is the result of "the combined oppressions of racism, sexism, poverty, and imperialism" – thus acknowledging the intersectionality inherent in the act (Bevacqua, 2008). This could be conceived as a historical "best practice," something that college and university campuses should consider when revising sexual assault policies and procedures. Bevacqua's final argument, that this unification of previously disparate groups aided the antirape movement as a whole, reinforces the point that future antirape movements, including those on college campuses, should look to the causes of this success when considering any sort of antirape work.

However, this unification of disparate groups has struggled in the contemporary anti-rape era. Estelle B. Freedman's *Redefining Rape: Sexual Violence in the Era of Suffrage and Segregation* can act as a bridge between a discussion of the historical framework of sexual assault in the United States and a more contemporary analysis of current sexual assault issues on college and university campuses. *Redefining Rape* is an analysis of the differences between various sects of anti-rape activists. Freedman discusses how, prior to the women's movement, American political attitudes towards rape were primarily centered around the issue of race. But, in the wake of the women's movement, anti-rape activism has been seeking a new lens through which to view the issue. Freedman argues that the redefinition of rape in America is a struggling movement in the present day because it consists of "disparate social critics" who cannot unify (Freedman, 2013). She touches on the history of such "disparate social critics," such as white supremacists and feminists, unusual bedfellows who united in the effort against rape, but for different reasons (white supremacists wanted to perpetuate the myth of the "black beast rapist" in the name of racial inequality, feminists wanted actual black rapists to be brought to justice) (Freedman, 2013). The one thing these varied groups had in common was their use of rape and the tensions surrounding it to advance a political agenda.

Freedman further analyzes the use of rape as a political tool through referencing historical cultural changes that have affected attitudes towards rape, such as the racial justice movement and the growing influence of sexual liberalism

causing legal discourse on rape in the 50's and 60's to be centered around the protection of accused men (Freedman, 2013). She also touches on seeming paradoxes that arise in a discussion of rape, for example, maintaining the privacy of defendants vs. perpetuating the social stigma attached to rape, the concept of date rape that may create an image of women as passive people unable to take care of themselves, the age of consent protecting younger women but also taking away their sexual agency, etc (Freedman, 2013). Freedman's work is attempting to create a greater understanding of the complexity of the issue of sexual assault, and the intersecting factors that affect society's view of both those accused and those accusing, as well as actual perpetrators and survivors. All of these issues are factors that must be taken into consideration when addressing sexual assault; therefore any analysis of a response to sexual assault on a college or university campus must include an evaluation of how well the institution takes these issues of intersectionality into account.

Clearly, sexual assault is a multilayered issue. Historically, the legal system in the United States has not been able to adequately navigate the conflicting factors that come into play when a sexual assault case is brought forward. This situation has resulted in the disenfranchisement of black men and of women as a whole, but particularly women of color. With such a complicated historical discourse regarding sexual assault in the United States, it is to be expected that colleges and universities, as microcosms of society, will struggle with navigating the correct path when it comes to addressing and responding to cases of sexual assault. It could be argued, in

fact, that there is no one “correct path” that serves all populations equally, as every population has differing needs. However, an analysis of the recent media outcry against institutions of higher education and their sexual assault procedures (or lack thereof) will demonstrate that whatever colleges and universities are currently doing, it isn’t enough.

## Contemporary Attitudes Towards Sexual Assault on College and University Campuses

As mentioned in the introduction to this paper, attitudes towards sexual assault on college campuses have recently shifted to outrage over the lack of prevention efforts, as well as survivor resources, on college and university campuses across the nation. So much attention has focused on this issue that it has been deemed somewhat of an “epidemic,” and steps have been taken on both the federal and local level to address the “college sexual assault crisis.” This section will analyze the recent attention to the issue and the beginnings of the political responses, as well as whether or not such responses are taking into account the factors of intersectionality that the historical context surround sexual assault in the United States has made so relevant.

The scope of responses to the national realization that colleges and universities are not providing adequate support to survivors of sexual assault on campus can be broken down into four different categories: grassroots student responses, media coverage of grassroots student responses, the federal response to media coverage of grassroots student response, and university responses to the federal response to media coverage of grassroots student response. I will provide examples of each, as well as an analysis of what such a example means in the overall contemporary dialogue surrounding sexual assault.

Before delving into this discussion, however, I find it necessary to provide an analysis of an article by Salamishah Tillet referenced earlier, “Rape and Campus

Rape: Equal Under the Law?" Tillet refers to several timely articles/documents relating to the current sexual assault responsiveness improvement movement on college campuses, including the Campus Accountability and Safety Act, the Survivor Outreach and Support Campus Act, the "yes means yes" legislation in California, and *Time* magazine's article "The Sexual Assault Crisis on American Campuses." However, the main point of Tillet's article is that, while grassroots movements/media coverage/federal response/university responses are all beneficial in the sense that some effort is being made to solve a problem that institutions had previously ignored, college campus prevention and responsiveness efforts are still not addressing the entirety of the sexual assault problem. She argues that "current prevention rhetoric assumes a universal hook-up culture that many students do not engage in, and policy proposals assume a color-blind, one-size-fits-all approach to the crisis" (Tillet, 2014). Seeing as this is the overall trend regarding sexual assault on college campuses, it's important to assess whether or not grassroots, media, federal, or university responses are taking this analysis into account. Tillet specifically discusses the racial tensions present in sexual assaults on college campuses, and how black women are in a "double bind," in which they are forced to choose between their race and their gender when dealing with a sexual assault (Tillet, 2014). It is important to keep these ideas of intersectionality in mind when analyzing contemporary responses, and this paper will demonstrate that grassroots efforts are more likely to address these issues than local or national media, or local or federal government response. Finally, these issues will again

become important later in the paper when evaluating college campus best and worst practices.

### Grassroots Student Response to “College Sexual Assault Crisis”

A clear choice for an example of a grassroots, student-initiated movement to reform sexual assault responses on college and university campuses was the work of SAFER, or Students Active for Ending Rape. SAFER was initiated years before the recent media backlash to inadequate university policies and procedures, as it was founded in 2000 by Columbia University students (recall that Columbia University was also the site for the first “Collective Carry” mattress protest by Emme Sulkowicz) (SAFER, 2015). SAFER’s “About Us” describes the group as “the only organization that fights sexual violence and rape culture by empowering student-led campaigns to reform college sexual assault policies” (SAFER About Us, 2015). SAFER provides students with an online library of “organizing resources for stronger sexual assault policies, including an intro to sexual assault activism, policy analysis, and how to be a better organizer” with over forty different articles available to students (SAFER Activist Resources Center, 2015), as well as bookable trainings to “facilitate campus-wide dialogue” (SAFER, 2015). Additionally, students can use the Campus Sexual Assault Policy Database to look up their own university’s policies and procedures, as well as submit an analysis of their school through the “student friendly, step-by-step process, the Campus Accountability Project” if their school has not already been evaluated (SAFER, 2015). SAFER has risen to national prominence, with *Cosmopolitan*, *The Washington Post*, MSNBC’s *The Last Word*, *The Huffington Post*, and *USA Today* featuring aspects of the organization. Additionally, SAFER’s Campus Accountability Project findings were cited in new stories from *The*

*Associated Press* covering President Barack Obama's new initiative to combat college sexual assault rates, *It's On Us*.

It's clear that SAFER has had a significant impact on revising college sexual assault policies and procedures, as well as raising awareness of the issue as a whole. In a deeper analysis of the organization as a whole, it also soon becomes apparent that SAFER has taken the time to address the issues of intersectionality of race, gender, and sexual assault brought up through the historical framework of rape in the United States. SAFER's "About Us" section states that "SAFER firmly believes that sexual violence is both influenced by and contributes to multiple forms of oppression, including racism, sexism, and homo/transphobia, and view our anti-sexual violence work through a broader anti-oppression lens" (SAFER About Us, 2015). SAFER supports this commitment to addressing intersectionality through the inclusion of an entire section devoted to "Intersectionality: What it is, Why it is Essential" in their Activist Resource Center, detailing how "social injustice can easily permeate organizing tactics and alienate current and potential members [of antirape activist groups]," as well as how "social injustice distinctly affects rape – e.g. victim reporting and offender allegations, treatment by university authorities and legal authorities, families, communities" (SAFER Intersectionality: What it is, Why it is Essential, 2015). SAFER follows this discussion with lists regarding "How to be a Good Ally," "How to be a Good Educator," and "How to Initiate Dialogue" (SAFER Intersectionality: What it is, Why it is Essential, 2015). This theme of addressing intersectionality is woven through all of SAFER's efforts, meaning the organization

and its resulting activism on college campuses ensures their antirape activism confronts the racism and sexism inherent in sexual assault, making SAFER's campaigns serve all university students, regardless of identity. This intersectional approach could be interpreted as a kind of best practice, and will be referenced again with assessing actual university best practices, which may not place such a high value on this sort of intersectional thinking.

## Media Response to Grassroots Student Response to “College Sexual Assault Crisis”

For an example of a mainstream media response to the grassroots student response to inadequate sexual assault procedures on college and university campuses, I will analyze an article from a major national news outlet, CNN.com. Emanuella Grinberg’s “Ending rape on campus: activism takes several forms” details how a “student-led activists movement fights to end rape on campus” (Grinberg, 2014). The article describes four instances of students initiating activism on university campuses: Sarah O’Brien of Vanderbilt University, John Kelly of Tufts University, Sofie Karasek of the University of California, Berkeley, and Anusha Ravi of Emory University, as well as one professor, Caroline Heldman of Occidental College.

O’Brien, a student athlete, was acquaintance-raped in 2010. When Vanderbilt dismissed her resulting PTSD as it was more related to “the stress of being a student athlete” than to her sexual assault (Grinberg, 2014), she launched an activist campaign including a Take Back the Night event, working with the activist groups Know Your IX to file a complaint with the U.S. Department of Education against Vanderbilt, and an eventual mass collaboration with the Vanderbilt Students of Nonviolence group to deliver an 11-page list of demands including “a single office focused on sexual assault prevention and treatment; a website that pulls together all campus resources and protections afforded under Title IX; posters around campus discouraging sexual violence; inclusion of students on boards related to campus life

and sexual assault policies; and more training in sexual assault prevention for people on those committees” (Grinberg, 2014).

Kelly, a gay male student at Tufts University, initiated student activism on his campus after his university suspended, rather than expelled, his attacker due the university’s definition of rape not including oral sex. Kelly ran for student senate and eventually combined two campus groups, Action for Sexual Assault Prevention and Consent Culture Network, to write a letter to the Tufts University administration advocating for eight major policy changes (Grinberg, 2014). After Tufts University convened a Task Force on Sexual Misconduct Prevention (similar to two other task forces evaluated later in this paper), Kelly shifted his attention to the national stage, working with Ed Act Now and eventually becoming a member of the Department of Education’s Negotiated Rulemaking Committee on the Violence Against Women Act (Grinberg, 2014).

Karasek was sexually assaulted in 2011 at an off-campus event by an individual who would later assault three other University of California, Berkeley students. When the school’s response was to work only with her attacker through an “early resolution process,” resulting in the attacker’s early graduation, Karasek worked with eight other students to file a Clery complaint against UC Berkeley, along with a press release and press conference. This resulted in her testifying at a joint legislative committee hearing, which subsequently resulted in a state-ordered audit of four University of California schools (Grinberg, 2014). (Now, four years later, the work of the University of California, Berkeley’s President’s Task Force on

Preventing and Responding to Sexual Violence and Sexual Assault has improved the administrative response to sexual assault enough for the university to be included in the “Best Practices” section of this paper.)

Ravi, the only student interviewed who had not personally experienced an instance of sexual assault, became a student activist at Emory University because she feels “how a school deals with sexual assault is a reflection of the entire campus community – and it’s everyone’s job” (Grinberg, 2014). Although she doesn’t believe that Emory University has mishandled sexual assault cases in the way other colleges and universities have, she joined the student group Sexual Assault Peer Advocates to ensure the university administration continued to have a high standard of accountability when addressing issue of sexual assault on campus. Due to the efforts of the Sexual Assault Peer Advocates, Emory University now has not just one university-wide Title IX coordinator, but specific Title IX coordinators for every academic college.

Heldman, an Associate Professor of Politics at Occidental College with a working-class background, became involved with antirape activism on her campus because of her experiences of growing up in a low-income, rural household, and how they have shaped her conception of “the fact that we don’t live in a meritorious society and some people are more likely to experience pain and suffering than others” (Grinberg, 2014). She argues that tenured professors have a responsibility to advocate for student’s rights on issues of sexual assault, as they are “the only ones at institutions who have power to speak out when administrations mistreat

students” (Grinberg, 2014). Helman helped 37 students file a Title IX complaint against Occidental College in 2013 and currently serves as the faculty advisor to the student group End Rape on Campus.

Grinberg’s choice to focus on five very different university individuals in “Ending rape on campus: Activism takes several forms” is a clear indication of how diverse and far-ranging an issue sexual assault on college and university campuses can be. Sexual assault can impact white, middle-class female students such as Karasek, but it can also impact student athletes such as O’Brien, gay male students such as Kelly, students of color (and students who have not personally been sexually assaulted) such as Ravi, and even university professors (and individuals from working-class families) such as Heldman. Grinberg’s article demonstrates a need for a flexible, adaptive university policy regarding sexual assault in order to accommodate the needs of diverse populations, as has also been indicated in the historical framework surrounding sexual assault, Tillet’s contemporary analysis, and SAFER’s activist focus on intersectionality.

## Federal Response to Media Coverage of Grassroots Student Response to “College Sexual Assault Crisis”

To analyze the response on the national, political stage, I will first discuss an overview of the Campus Accountability and Safety Act, as covered in Mary Beth Marklien’s article, “Bill aims to crack down on campus sexual assault,” as an example of a federal legislative response to the recent media focus on sexual assault on college and university campuses. I will then give a summary of “It’s On Us,” the White House’s campaign to increase awareness and reduce prevalence of sexual assault on college and university campuses, as an example of a federal executive response by the President of the United States.

S. 2692 – Campus Accountability and Safety Act, was introduced in the U.S. Senate the week of July 30<sup>th</sup>, 2014, and enacts numerous changes to federal law addressing how colleges and universities need to respond to sexual assault on campus. It requires colleges to conduct annual anonymous surveys about student experiences with sexual assault, which need to be published online so prospective students and their parents can access it (Marklien, 2014). The bill also toughens sanctions against colleges that fail to report sexual assault crimes, raising the fine from \$35,000 to \$150,000, or 1% of the university’s total revenue. The bill was deemed necessary after a federal survey of 236 colleges and universities found that 41% had conducted no investigations regarding sexual assault, regardless of whether or not there was a reported sexual assault crime on campus at the time (Marklien, 2014). Further changes under this act, if passed, would require colleges

and universities to designate advisors who coordinate survivor services, not allow athletic departments or other subgroups on campus to handle complaints of sexual violence for members of that group, and coordinate efforts with local law agencies (Marklien, 2014). The bill is currently still in committee.

“It’s On Us,” launched on Friday, September 24<sup>th</sup>, 2014 is intended to be a “rallying cry, inviting everyone to step up and realize that the solution [to sexual assault on college and university campuses] begins with us” (Lierman, 2014). In President Obama’s launch address, he declared, “to the survivors who are leading the fight against sexual assault on campuses, your efforts have helped start a movement. I can only imagine how long and lonely your fight must feel. And that’s why we’re all here today – to say that it’s not on you; it’s not your fight to wage alone; it’s on us – all of us – to fight campus sexual assault. You are not alone. We’ve got your back” (Lierman, 2014). While the U.S. Congress is attempting actual policy change regarding sexual assault on college and university campuses, the White House and President Barack Obama are advocating for a nationwide culture change on the grassroots level.

In the five days following the launch of “It’s On Us” the campaign was endorsed by several US Senators as well as the commissioners of the Athletic 10 and PAC-12 college athletic conferences and the NCAA as a whole entity. Several other prominent endorsements included the National Campus Leadership Council Executive Director Andy MacCracken, the Rape, Abuse, and Incest National Network President and Founder Scott Berkowitz, the National Alliance to End Sexual Violence

President Monika Johnson Hostler, and upper-level university administration at George Washington University, Michigan State University, Rutgers University, and Stanford University (Lierman, 2014). Also within the first five days of campaign activity, the campaign had 233 campuses pledge to host “It’s On Us” awareness events. Presently, over 250 colleges and universities have held such events or enacted “It’s On Us” style campaigns on campus (Castillo et al., 2015), including the University of Nevada, Reno, a fact which I will discuss further in the conclusion section.

Both the Senate bill and the White House’s “It’s On Us” campaign demonstrate the importance of the issue of sexual assault on college and university campuses. The national attention on this issue has grown to the point of eliciting a federal response on both a legislative and a more “grassroots” level, with effective results on college and university campuses nationwide.

## University Responses to Federal Response to Media Coverage of Grassroots Student Response to “College Sexual Assault Crisis”

Finally, as an overarching example of a list of university responses to federal response to media coverage of the grassroots student response to inadequate sexual assault procedures on college and university campuses, I turned to Tara Culp-Ressler’s article “The College Sexual Assault Crisis Turns a Corner.” This article is analyzing the shift in national consciousness regarding sexual assault on college campuses. It refers to several incendiary cases that brought the issue into the national spotlight: American University, where leaked emails from an unrecognized fraternity contained casual conversations regarding its members engaging in date rape and physical assault of women; Brown University, where a student found guilty of raping and strangling another student was given only a one semester suspension; Columbia University (always in the national discourse on this topic), where a group of 23 students filed a federal complaint accusing university administrators of discouraging victims from reporting, giving out too lenient punishments to rapists, and not responding to the needs of LGBTQ students regarding the issue; and Tufts University, currently in danger of losing federal funding completely for failing to comply with Title IX provisions addressing sexual assault (Culp-Ressler, 2014). The article further discusses ways universities are proactively enacting changes, such as Dartmouth College and Cornell University revamping their policies and procedures to create a sexual assault prevention center and a bystander intervention program. However, the article implies that these changes may have been enacted for the

wrong reasons: after numerous student protests and petition drives regarding the issue, applications to Dartmouth University dropped 14% (Culp-Ressler, 2014). Similarly, Congress is pushing the U.S. News & World Report (referred to as the “Bible” of universities) to update its college rankings to include data about how a school is addressing sexual assault. The article as a whole questions if universities are “paying lip service to the issue of sexual assault reform without actually making any substantive changes” (Culp-Ressler, 2014).

Culp-Ressler raises thought-provoking points regarding the motives behind university policy and procedure reform. These questionable motives should be kept in mind when analyzing best and worst practices on college and university campuses; if an institution is enacting reform simply to ensure continued successful student recruitment, it is very likely that such an institution’s reformed policies are not addressing the multilayered complexities surrounding sexual assault that the historical framework raised, that Tillet highlights, and that SAFER works to address.

Clearly, the issue of campus sexual assault is one that affects all members of society, and is important on the university, local, and national levels. In the next sections, I will move into a discussion of actual policies and procedures in place on college campuses, starting with those that have been deemed ineffective and likely contributed to this national outcry, and moving into those that have been more successful in catering to the needs of students as a whole as well as student survivors.

## Evaluation of “Worst Practices” on College Campuses

### Overview

Throughout both the historical framework and contemporary response sections, I have demonstrated that sexual assault is a multifaceted issue that has long been inadequately addressed by our society as a whole, but specifically college and university campuses. Local grassroots activism, federal legislation, a nationwide campaign, and endless media attention have made sexual assault on college and university campuses a hot-button issue. Because of this heightened scrutiny, it has become abundantly clear when a college or university is not adequately serving its student population in terms of sexual assault responsiveness. For the purposes of my research, I chose to focus on sexual assault response policies and procedures on large, public, Research I universities. When discussing “worst practices” in regard to these policies and procedures, two large, public, Research I universities stand out for their gross mishandling of extremely public sexual assault cases: Florida State University and the University of Oregon.

Both of the cases I will analyze involve instances of student-athletes being accused of perpetrating sexual assault on non student-athletes. It is beyond the scope of this research to discuss the dynamics that come into play in athletic programs at universities that place particular value on national athletic prominence. Both Florida State University and the University of Oregon can be defined as overvaluing athletics; in a 2010 study, universities in the Atlantic Coast Conference, Florida State University’s athletic conference, had a median spending rate of

\$103,384 on a student-athlete's success, and a median spending rate of \$15,360 on a non student-athlete's success (Desrochers, 2010). Similarly, universities in the Pacific-10 conference (now the Pacific-12 conference), the University of Oregon's athletic conference, had a median spending rate of \$102,121 on a student-athlete success, and a median spending rate of \$14, 217 on a non student-athlete's success (Desrochers, 2010). The impact of such an athlete-focused campus culture is undeniably playing a role in the sexual assault cases I will be analyzing at both Florida State University and the University of Oregon, possibly both privileging and disenfranchising the athletic students in question. However, as athletic privilege is not the focus of this paper, but rather university policies and procedures, I will not be delving too deeply into the role athletics may play in these cases.

However, given the extensive discussion in both the historical framework as well as the contemporary analysis of the role race may play in sexual assault on college campuses, it is well within the scope of this research to assess the dynamics that may have come into play regarding race in both of these cases. The accused perpetrator in the Florida State University case, Jameis Winston, was a black male student, accused of sexual assault by Erica Kinsman, a white female student. The accused perpetrators in the University of Oregon case, Dominic Artis, Brandon Austin, and Damyeon Dotson, were all black male students accused of sexual assault by a female student (the race of the female student cannot be determined as she remains anonymous). To discuss these cases without acknowledging the racial dynamics inherent in such situations would be an inadequate analysis of the

situation; therefore, an analysis of the intersectionality of race and sexual assault in these cases will accompany the discussion of administrative actions taken or not taken, as well as student and media responses to these actions or lack thereof.

A final note before I move into my discussion of these specific cases: it is not the purpose of this paper to determine whether or not the accused in these sexual assault cases are guilty. An assessment of the lack of administrative action against these individuals on the part of their universities may at times seem as if this paper is arguing on behalf of the accusers; this is not the case. I am attempting to demonstrate that whether or not the accused are guilty of sexual assault, the university response in both instances was inadequate and did a disservice to all students involved. If the accused did commit sexual assault, a university's lack of appropriate administrative action meant more suffering and disenfranchisement for the accuser, and if the accused did not commit sexual assault, lack of university action meant widespread doubt and judgment regarding the accused that may have been dismissed through a proper sexual assault investigation. I am arguing that such inadequate policies and procedures hurt both accusers and accused, not that either party is right in either of these situations.

### Florida State University

On December 7<sup>th</sup>, 2012, Erica Kinsman, then a first-year student at Florida State University, reported that she had been raped off-campus by Jameis Winston, also a first-year student at the time and redshirt quarterback of Florida State University's football team, which would go on to win the Atlantic Coast Conference championship and the Bowl Championship Series Orange Bowl on January 1<sup>st</sup>, 2013, 32 days after Winston's encounter with Kinsman (Bogdanich, 2014). The Florida State Athletics Department was notified of the charges in January 2013, but the university did not pursue any sort of administrative action against Winston until January 2014, after the football season of that year had concluded (and after Winston and the rest of the FSU Seminoles had won their third national championship) (Bogdanich, 2014). It is also worth noting that, in November 2013, the first media coverage of the Winston case, an article entitled, "Florida State QB Jameis Winston Investigated for Sexual Assault," was published by TMZ.com and immediately picked up by the Tampa Bay Times, who made the first media request for the police records regarding the case (Florida State QB, 2013, Bogdanich, 2014). Prior to November 2013, the media had been unaware of any encounter between Kinsman and Winston, meaning no individuals outside of the case were aware that eleven months and almost two football seasons had elapsed without the university enacting any sort of investigation.

An article in the *New York Times* points out several inconsistencies and gross oversights on the part of the university and Tallahassee/FSU police when addressing the Winston-Kinsman case:

- Video footage of the sexual encounter was taken by Winston's friend and fellow football teammate, Chris Casher. Winston, Casher, and another teammate who was also present during the encounter between Winston and Kinsman, Ronald Darby, all openly admitted to being aware Casher was recording everything without Kinsman's knowledge. This kind of behavior is an express violation of FSU's Student Conduct Code, made widely available through the Florida State University Office of Student Rights and Responsibilities (Student Rights and Responsibilities, 2012). Although Casher's admission to recording the encounter was never concealed from Florida State University nor any police entities, the *Times* reports that Rachel Bukanc, an FSU assistant dean who oversees student conduct issues, "said she knew of no student who had secretly videotaped sex" (Bogdanich, 2014). It was only after the *Times* raised this question, therefore making the university aware that outside entities were aware of Casher's video, that Florida State University immediately charged Casher and Darby in connection with the covert video recording.
- The police investigator for the case, Scott Angulo, has been quoted as telling Patricia A. Carroll, Kinsman's lawyer, that "because Tallahassee [is] a big football town, [your client will] be raked over the coals if she [pursues] the

case” (Bogdanich, 2014). Angulo’s initial report regarding the case states that, “this case is being suspended at this time [February 2013] due to a lack of cooperation from the victim. If the victim decides to press charges, the case will be pursued” (Bogdanich, 2014). However, a statement from Carroll insists that “the officer never informed her client that he had suspended his investigation, and her client never said she would not cooperate. She said that while her client was indeed concerned about the prospect of pressing her case against a star-in-waiting, ‘at no time did we call him and tell him we don’t want you to do an investigation.’ Her client, she added, simply wanted more information before deciding what to do” (Bogdanich, 2014).

- Tallahassee police informed the FSU Athletics Department of the charge against Winston on January 23<sup>rd</sup>, 2013. In keeping with federal law, “any athletic department official who learns of possible sexual misconduct is required to pass it on to school administrators” (Bogdanich, 2014). However, no student conduct charges against Winston, Casher, or Darby were pressed, or even discussed, until November 2013, eleven months after the FSU Athletics Department was initially notified. Florida State University’s official statement reads, “In the case examined by The Times involving Jameis Winston, no university official received a report from any complainant naming Winston prior to when the allegations were made public in November 2013” (Florida State University Response to NYT Story, 2014). This means that either the FSU Athletics Department failed to fulfill their

duties in informing FSU administration of the charges leveled against Winston, or the university simply chose to ignore these charges until media attention made it impossible to do so.

In another Florida State University statement, a timeline of the university's response to the Kinsman-Winston case is detailed. The only referral to the Athletics Department neglecting to follow through on their federally mandated duty to notify university administration of the situation was as follows: "The Athletics Department also considered accounts by the athlete and two other FSU student athletes who were present at the encounter. All three independently described it as consensual. Based on that and the [Tallahassee Police Department's] decision [to not pursue the case based on the inaccurate assumption that Kinsman did not wish to press charges], the Athletics Department did not file a report with the University's Title IX administrator or the Office of Student Rights and Responsibilities" (Florida State University An open letter, 2014).

A further incident of sexual misconduct involving Winston occurred on September 24<sup>th</sup>, 2014. According to The Guardian (and corroborated by numerous Tweets by FSU students), Winston climbed atop a table at the Oglesby Student Union on the FSU campus and repeatedly screamed, "Fuck her right in the pussy!" (Glenza, 2014). Although this incident was ostensibly unrelated to the situation with Kinsman, a later lawsuit filed by Kinsman argues that "FSU's tolerance of Winston's obscene rants insulting women and the resulting wrist-slap sanction he received [Winston was suspended for one game due to his behavior] are but a small part of

the sexually hostile environment that [Kinsman] endured” (United States District Court Middle District of Florida Orlando Division, Erica Kinsman, 2015).

Kinsman’s lawsuit, *Jane Doe v. Florida State University* (later changed to *Erica Kinsman v. The Florida State University Board of Trustees* after Kinsman decided that it was no longer necessary to conceal her identity), was filed on January 7<sup>th</sup>, 2015.

The suit clarifies further specific actions FSU failed to take regarding the Kinsman-Winston case:

- “On January 22, 2013, the FSU Athletics Department was in contact with the Tallahassee Police and learned that Winston had been identified as the suspect in a violent sexual assault. The FSU Athletics Department called meetings involving high-ranking FSU Athletics Department and football officials, Winston, and Winston’s lawyer. On information and belief, head football coach James “Jimbo” Fisher (“Fisher”) and Senior Associate Athletics Director Frances “Monk” Bonasorte (“Bonasorte”) became aware of the rape accusations against Winston at that time. The FSU Athletics Department chose to violate school policy and not report to the FSU administration that their star recruit had been identified as the suspect in the December 7, 2012 rape investigation. This deliberate concealment of student-on-student sexual harassment to protect the football program deprived Plaintiff of her rights under Title IX” (United States District Court Middle District of Florida Orlando Division, Erica Kinsman, 2015).

- “For the next eleven months, FSU did nothing to investigate Plaintiff’s report of rape while the FSU Athletics Department continued to keep the incident a secret. Despite Plaintiff’s report to the FSU Police and the FSU Athletics Department’s knowledge of the suspect’s identity, no one at FSU conducted any investigation into the matter. Winston, meanwhile, was named starting quarterback of the football team and, in the fall of 2013, led FSU in the pursuit of a national championship” (United States District Court Middle District of Florida Orlando Division, Erica Kinsman, 2015).
- “Plaintiff scheduled a meeting for January 17, 2013 with Kori Pruett (“Pruett”), the FSU Victim Advocate who was assigned to provide emotional and academic support to Plaintiff in the wake of her sexual assault. The purpose of the January 17, 2013 meeting was to discuss what to do now that Plaintiff had identified her perpetrator as a football player at FSU who was in one of her classes. Plaintiff and Pruett talked about whether Plaintiff should withdraw from FSU for the semester and, if not, whether to drop the class – something Plaintiff was reluctant to do as it would have delayed her graduation. They discussed the criminal investigation of Winston and Pruett said that FSU had a disciplinary process through the Office of Student Rights and Responsibilities (“SRR”), but Pruett did not say whether the process would be employed. Plaintiff told Pruett she would see whether she could handle staying in school and whether Winston would continue to attend her race and ethnicity class. Nobody at FSU ever informed Plaintiff that Winston

could be required to drop the class or that any other accommodation or protection could be put in place to help her” (United States District Court Middle District of Florida Orlando Division, Erica Kinsman, 2015).

- “On February 7, 2013, three weeks after initially meeting with Pruett, Plaintiff and Pruett met again. Plaintiff said that, to her relief, Winston had not shown up in her race and ethnicity class since the mandatory first day of class on January 10, 2013, but that she was still terrified of seeing him again and had been struggling with some of her course work. She told Pruett that the police investigators were waiting for toxicology results. Again, nothing was offered by anyone at FSU to protect Plaintiff, ensure her safety or minimize her worries of running into her assailant. No one from FSU’s administration or Title IX office ever contacted Plaintiff during either the spring 2013 semester of Plaintiff’s freshman year or the fall 2013 semester of Plaintiff’s sophomore year regarding disciplinary proceedings, investigation of the rape, protection of Plaintiff from Winston, removing him from her courses, restraining his proximity to her, or possibly removing him from school altogether” (United States District Court Middle District of Florida Orlando Division, Erica Kinsman, 2015).
- “FSU knew that its confidential Victim Advocate Program was not a substitute for its obligations under Title IX. FSU knew that it had duties to investigate, accommodate and protect sexual assault victims such as Plaintiff and to investigate and sanction those responsible in a manner that addressed

the harassment and prevented its recurrence” (United States District Court Middle District of Florida Orlando Division, Erica Kinsman, 2015).

- “Despite clear notice of FSU’s ongoing duties under Title IX, in August 2013, nine months after Plaintiff’s report to the police, Fisher named Winston FSU’s starting quarterback. At the time that Winston was named the starter, the FSU Athletics Department knew that they were committing gross violations of Title IX by hiding the report from the administration” (United States District Court Middle District of Florida Orlando Division, Erica Kinsman, 2015).
- “On November 8, 2013, the Tallahassee Police received an inquiry from the Tampa Bay Times about a reported investigation into the now star quarterback. Tallahassee Police immediately notified FSU Police Chief David Perry (“Chief Perry”) about the inquiry and sent Chief Perry the police reports at Perry’s request. Chief Perry forwarded those police reports on to Bonasorte that same night and Bonasorte then notified Fisher. Shortly thereafter, Winston’s lawyer, R. Timothy Jansen (“Jansen”), also received a copy of those reports. When questioned about where he received a copy of the unreleased reports, Jansen said that ‘he got them from a guy in town’ who, on information and belief, was a member of the FSU Athletics Department” (United States District Court Middle District of Florida Orlando Division, Erica Kinsman, 2015).

- “Despite being on notice that [a student] had reported being raped by Winston, on November 12, 2013, FSU Dean of Students Jeanine Ward-Roof (“Ward-Roof”), who supervised Code of Conduct proceedings at FSU, emailed Chief Perry and others at FSU stating that no disciplinary proceedings against Winston were going to take place” (United States District Court Middle District of Florida Orlando Division, Erica Kinsman, 2015).
- “In the wake of an ensuing media frenzy, Plaintiff was relentlessly vilified and threatened on the Internet and in FSU football-friendly quarters, and her and her family’s personal and work addresses were published on the Internet, along with false slurs on Plaintiff’s character and threats on her life. Fearing for her safety, Plaintiff left FSU’s campus on November 14, 2013. Still, FSU made no investigation into its starting quarterback” (United States District Court Middle District of Florida Orlando Division, Erica Kinsman, 2015).
- “Shortly after winning the 2014 BCS National Championship game, FSU inquired of Winston about the rape accusation for the first time. Winston refused to answer any questions and FSU again let the matter drop. Following months of persistence by Plaintiff, FSU finally conducted an investigation that consisted of interviewing Plaintiff and her parents and making another interview request to Winston, who again refused to answer any questions. No other witnesses were contacted. At the conclusion of this minimal and now compromised investigation, an FSU Code of Conduct hearing was finally held in December 2014, but the hearing officer found that

insufficient evidence existed, leaving Winston undisciplined” (United States District Court Middle District of Florida Orlando Division, Erica Kinsman, 2015).

At the time of this paper’s writing, Florida State University has made a motion to dismiss Kinsman’s lawsuit (filed on March 9<sup>th</sup>, 2015). The motion is based on the fact that “the Complaint fails to state a claim upon which relief can be granted” (United States District Court Middle District of Florida Orlando Division, Dispositive Motion, 2015). The motion further states that “Title IX officials at FSU learned of Kinsman’s alleged assault by Winston only days before the rest of the world, when the media broke the story of Kinsman’s allegations in 2013,” which it argues does not constitute “deliberate indifference,” the terminology used to define a Title IX violation. However, the motion follows up on this point with the argument that “deliberate indifference ‘is an exacting standard’ ...deliberate indifference is therefore a high bar – negligence or gross negligence falls far short of it” (United States District Court Middle District of Florida Orlando Division, Dispositive Motion, 2015). By the motion’s own language, Florida State University has admitted to the possibility that university administration may have grossly neglected the needs of Erica Kinsman, but, using the argument that gross negligence is a lower standard than deliberate indifference, the university is claiming that Kinsman’s legal action has no ground.

The motion further argues that Florida State University was not responsible for the harassment Kinsman claimed to have experienced as a result of Winston's alleged sexual assault. On page 13, it is explicitly stated that, "Merely being on campus with Winston is not harassment under Title IX," and that "Kinsman acknowledges in the Complaint that she chose to remain enrolled in the one class that she and Winston shared, and that she indeed kept going to class," heavily implying that it was Kinsman's responsibility to remove herself from any situation where she could have come into contact with Winston (parallels can be drawn between this situation and a similar "victim-blaming" attitude exhibited by Harvard University in the "Dear Harvard" case referenced in the introduction to this paper) (United States District Court Middle District of Florida Orlando Division, Dispositive Motion, 2015).

Ironically enough, it is within documents attached as exhibits to FSU's motion and intended to prove the university's full compliance with Kinsman and with Title IX that the extent of the university's refusal to cooperate with or make any sort of accommodations for Kinsman becomes clear. In response to Kinsman's allegations, attorneys representing Florida State University told Kinsman's lawyers that, before the university would file student conduct charges against either Casher or Darby (with no mention of any charges regarding Jameis Winston), they "would like to better understand your client's position regarding her potential participation" and her "willingness to provide additional information or otherwise participate in" the complaint resolution process

(United States District Court Middle District of Florida Orlando Division, Dispositive Motion, 2015). Kinsman's lawyers responded with an argument that, "Ms. Kinsman is unable to attend classes or otherwise be on or near campus due to threats against her life and well-being. It would be especially unreasonable to expect her to appear in person on campus for interviews or a Code of Conduct hearing in light of these dangers...It is incumbent on the University to conduct proper investigations and hearings in ways that fully safeguard Ms. Kinsman. This can be accomplished without her coming to Tallahassee, however. For example, meetings and hearings can be held in other locations or telephonically, or by Skype or Google+" (United States District Court Middle District of Florida Orlando Division, Dispositive Motion, 2015). FSU's attorney's response was that "an in-person meeting is usually the most effective means of gathering information, and the University's Title IX personnel would welcome such a meeting with Ms. Kinsman" (United States District Court Middle District of Florida Orlando Division, Dispositive Motion, 2015). The following is an excerpt from the final letter from Kinsman's lawyers, asking why all communication thus far had focused on clarifying the situation with Casher and Darby, with no mention of Winston: "Please keep us posted on the progression of the disciplinary matters against Messrs. Casher and Darby...What is conspicuously missing though is disciplinary charges against Mr. Winston. It is now fifteen months since Ms. Kinsman provided a report to Florida State University about being raped. The identity of the offender is known to FSU and the school is aware

that the accused student is still under the control of and enrolled at Florida State University. Furthermore, my client has repeatedly expressed her willingness to cooperate with the University. Ms. Kinsman has provided detailed accounts of her assault to Florida State University Police Department, Tallahassee Police Department, and the State's Attorney's Office. She has also submitted to a sexual assault examination at Tallahassee Memorial Hospital. All of these records are readily available online and are no doubt already in your possession. You have recently provided a letter to us that indicated that, by contrast, the offender is refusing to cooperate with FSU's investigation. If charges against Mr. Winston are forthcoming, please advise. If they are not, perhaps you can explain why that is" (United States District Court Middle District of Florida Orlando Division, Dispositive Motion, 2015).

It should be reiterated that this motion was filed on behalf of the university itself, meaning the intent is to prove beyond a reasonable doubt that the institution did everything in its power to adequately serve Erica Kinsman according to her Title IX rights. Yet, after that final letter from Kinsman's attorneys, there was no further listed communication from Florida State University.

### University of Oregon

On March 14<sup>th</sup>, 2014, an anonymous female student at the University of Oregon filed a police report alleging three black male student basketball players at the University of Oregon, Brandon Austin, Damyean Dotson, and Dominic Artis, sexually assaulted her on the night of March 8<sup>th</sup> through the morning of March 9<sup>th</sup>, 2014 (Reporting Officer Narrative, 2014). Then-president of the University of Oregon, Michael Gottfredson, was informed of the police report's existence on March 17<sup>th</sup>, 2014, the day before the 2014 NCAA March Madness basketball tournament was scheduled to begin (University of Oregon Media Relations, 2014). The University of Oregon, at the time ranked 7<sup>th</sup> in the nation for basketball (the university has been ranked higher at only five points during its 113 years of having a basketball program), was scheduled to open the tournament the next day against Brigham Young University (2010-2011 Men's Basketball Multi-Media Guide, 2010, March Madness 2014 Bracket, 2014).

The alleged sexual assault was described as extremely violent in the police report, with the female student stating that she was first vaginally and orally raped by Austin and Dotson at the same time in a bathroom at a party, and later physically forced into a cab with Austin, Dotson, and Artis (as well as physically forced to consume two large sips of a strong alcoholic drink while in the cab), taken to a residence, and repeatedly vaginally raped by Austin, Dotson, and Artis in turn while a fourth, unidentified man watched. Additionally, the student stated in her report that Dotson later bragged to a group of people who came into the apartment, "about

what he and the guys did. He said, she was crying, maybe because we fucked her too hard” (Reporting Officer Narrative, 2014). She described numerous instances of all three men grabbing her by the hair, pinning her arms to her sides, and pulling her along by her neck, and at the time of filing the report, possessed numerous bruises, including multiple on her arms and neck (Reporting Officer Narrative, 2014).

Despite the violent nature of the alleged assault, and despite the fact that the Eugene Police Department was in the midst of an ongoing investigation, neither Gottfredson nor any other university administrator made any move to suspend the three male students. Dotson and Artis remained active and in good standing with both the basketball team and the university as a whole throughout the entire duration of the 2014 NCAA March Madness tournament (Austin, described in the report as “the most physical,” and “the most forceful,” was ineligible to play for the University of Oregon regardless of the sexual assault charge, as he had recently transferred from another institution) (Reporting Officer Narrative, 2014, University of Oregon Media Relations, 2014, Norlander, Three Oregon players, 2014).

Gottfredson stated that the police report was made available to other university officials, including members of the athletic department, on April 24<sup>th</sup>, 2014, 32 days after the University of Oregon basketball team was defeated by the University of Wisconsin and eliminated from contention for the NCAA tournament title, and 17 days after the 2014 March Madness tournament had ended entirely (University of Oregon Media Relations, 2014, March Madness 2014 Bracket, 2014). However, neither Athletic Director Rob Mullens nor head basketball coach Dana

Altman chose to read the report until April 30<sup>th</sup>, 2014, six days after it was first made available to them (Parrish, 2014). Additionally, Altman has admitted that he “did not know of – nor seek to find – the nature of the case or who was involved in it on his team when he first learned of an investigation” (Norlander, Oregon releases timeline, 2014). The university has not, to this day, provided any sort of explanation as to why athletics officials both made no initial effort to learn more regarding the case, and delayed review of the police report until the end of April 2014, meaning no administrative action was taken against Austin, Dotson, or Artis until almost two months after the assault was initially reported. Additionally, the only administrative action initially taken against the three was to suspend them from the basketball team in May 2014, after the basketball season had ended. It wasn’t until the end of June 2014, nearly four months after the anonymous female student went to the police with her story, that all three students were dismissed from the institution (Norlander, Three Oregon players, 2014).

However, this was hardly the largest oversight the University of Oregon perpetuated against the anonymous female student. On Thursday, January 8<sup>th</sup>, 2015, the student filed a lawsuit, *Jane Doe v. University of Oregon, Dana Dean Altman, as an individual* alleging three key areas of gross misconduct: that the university delayed administrative action against Austin, Dotson, and Artis in order to further the basketball team’s success (as detailed earlier in this paper); that Altman recruited Brandon Austin to play at the University of Oregon with the full knowledge that Austin had been suspended from his previous institution, Providence College, due to

allegations that he'd sexually assaulted another student; and that the university had illegally accessed her campus counseling records in an attempt to discredit her (information regarding both later claims detailed below) (Cooper, 2015). The suit further alleged that the university first attempted to access her records when university administration received notice of her impending lawsuit, which was initially planned to include only the charges related to the delay of action against Austin, Dotson, and Artis, and Altman's recruitment of Austin (Kingkade, University of Oregon Violated, 2015).

Brandon Austin was first accused of sexual assault at Providence College in Rhode Island on November 3<sup>rd</sup>, 2013, four months before the incident involving the anonymous female student at the University of Oregon. Unlike the University of Oregon, Austin and a teammate also named as a potential perpetrator, Rodney Bullock, were suspended from the basketball team three days after the assault charge was filed, and eventually suspended for the rest of the season (Smith, 2014). The investigation was still ongoing when Austin was recruited and enrolled at the University of Oregon (Auerbach, 2014). When asked at a news conference why Austin had been recruited while he was in the midst of a sexual assault investigation, Athletic Director Mullens stated that he was under the impression that "it was a student conduct matter and not a serious matter" (Auerbach, 2014). Altman initially attempted to claim that Austin had never informed him of the case. However when it became clear that Mullens knew of the case, therefore there would be no explanation for why Altman could not also be aware of the situation, he stated

that “my line of questioning probably didn’t go deep enough in retrospect” (Auerbach, 2014). When further pressed, he admitted that Oregon athletes are “required to go through a program to teach them about sexual violence,” but, seeing as the team usually goes through said program in their first year and Austin was a sophomore when he was recruited, Altman didn’t enforce the requirement that Austin attend the program (Auerbach, 2014).

Regarding the student’s charges regarding illegal access of her medical records, Jennifer Morlok, a senior staff therapist at the University of Oregon’s counseling center, wrote a letter in February 2015 to university administration and the Justice Department detailing what she saw as a violation of the student’s confidentiality. Her concerns are outlined below:

- “In my role as a Senior Staff Therapist at the UCTC, I have normally been supported to practice standard care for my clients (our students) with the freedom to follow all ethical guidelines; my constitutional rights as a clinician/employee who works for a State entity; and all State regulatory laws. However, things shifted when working with a student for whom litigation against the University was anticipated. I was told to provide non-standard care for this student which went against my ethical and professional standards” (Morlok, 2015).
- “When I tried to seek appropriate and unbiased information as of how to best respond clinically for the student, I was scolded and my job was threatened. My job was threatened for two reasons: 1) As the clinician, I wrote a letter of

summary for my client as per my client's request/needs/therapeutic support/and standard care. 2) I sought unbiased legal counsel outside the UO due to my ethical/legal concerns in this case. I was informed 'under no uncertain terms' am I to seek 'outside legal counsel' – even though I was clear of my concern regarding the bias/conflict of interest present toward this client" (Morlok, 2015).

- "My concern was confirmed when it came to my awareness that the client's clinical records were accessed without the client's permission or consent and without proper authorization prior to any litigation occurring. For this, I sought advice from the Oregon Board of Psychologist Examiners, who informed me of ORS 676.150, and my, 'Duty to report prohibited or unprofessional conduct.' I have done so according to this ORS statute and the requirements set before me as a licensed clinician in the state of Oregon" (Morlok, 2015).
- "If the proper professional and ethical practices were followed, it actually would have reduced the university's liability as a whole and everyone involved would have been better served" (Morlok, 2015).

At the time of this paper's writing, the University of Oregon has dropped its counterclaim lawsuit against the anonymous female student (Kingkade, University of Oregon Decides Not to Sue, 2015). A petition against the university's lawsuit, declaring that "suing rape survivors will not make campus safer for the 1 in 5 women who will be sexually assaulted, harassed, or raped

each year on campus” accrued 2,322 supporters by February 2015, one month after the student filed her lawsuit and the university responded with its counterclaim (Stop suing rape survivors, 2015). Additionally, “12 faculty members, including five law professors, sent a letter to the UO administration objecting to the university's having accessed Doe's therapy records, which it did in December 2014. The school has insisted it acted legally in handling her records, but the professors said even if that was true, ‘that would not make this action right’” (Kingkade, University of Oregon Decides Not to Sue, 2015).

## Evaluation of “Best Practices” on College Campuses

### Overview

While the majority of media attention has, understandably, focused on colleges and universities that are not adequately responding to the needs of their students in terms of sexual assault prevention and survivor assistance, there are those universities that have recognized the problem and taken action to rectify the situation, to the best of their abilities. Two such universities that also fit the mold of large, public, Research I institutions are the University of California, Berkeley, and the University of Washington, both of which established a task force to assess sexual assault prevention and response tactics on their respective campuses.

## University of California, Berkeley

The University of California, Berkeley, produced a 33-page “INITIAL REPORT TO THE PRESIDENT: President’s Task Force on Preventing and Responding to Sexual Violence and Sexual Assault,” discussing current efforts on college campuses in the University of California (UC) system and issuing several recommendations as to how these efforts could improve, in September 2014. It incorporated feedback from UC students, faculty, and staff, as well as other related entities including police services and crisis call centers (see Appendix A for a full list of task force participants). While the task force initially intended to provide the President of the UC system, Janet Napolitano, with “steps to improve the UC’s current processes that will make a difference in affecting cultural change in sexual violence and assault prevention” and “recommendations for implementing strategies to support excellence in prevention, response, and reporting of sexual violence, harassment, and sexual assault based on evidence-informed solutions and approaches” (Vacca et al., 2014), the body quickly determined that such ambitious goals were not feasibly able to be completed by the deadline of September 2014 (the task force convened in July 2014). Therefore, the task force broke its charge into two phases. Phase I would be “identifying initial recommendations” in time for the September 2014 deadline, and Phase II would be “further defining the detail for the recommendations to be implemented,” with a deadline for Phase II’s completion being set at July 2015 (Vacca et al., 2014). Since Phase I is the only component of the report completed and

publicly available at this time, it is this section that I will be analyzing as an example of best practices by a large, public, Research I institution.

Although the report is intended to provide assessment and recommendations for the University of California system as a whole, a large component of the student, faculty, and administrative members were representatives of the University of California, Berkeley, as that institution is the flagship public university in the state of California, with 37, 581 students attending the large, public, Research I institution (University of California, Berkeley, 2015). UC Berkeley also has a history and national reputation as a progressive campus, both in institutional values and in its activist student culture (Friedman, 1997), making it an ideal campus to be the nexus for a prompt, state-wide response to the “sexual assault crisis” and the actions taken by the White House to combat sexual assault at colleges and universities.

The University of California’s “INITIAL REPORT TO THE PRESIDENT: President’s Task Force on Preventing and Responding to Sexual Violence and Sexual Assault” was published in September 2014 and ultimately issued seven key recommendations. The overall consensus was that “all [UC] locations should address the issues of sexual violence and sexual assault based on four key functions: Prevention, Education, Advocacy, and Response and Reporting. These four key functions (PEAR) are the foundation for the overarching model with its specific recommendations...to ensure that all students receive the best and most consistent services across the UC system” (Vacca et al., 2014). The seven recommendations the

task force concluded on, grouped into which aspect of the PEAR functions they address, are listed below (see Appendix A for a more detailed summary of these recommendations):

### **Response and Reporting Recommendations**

Recommendation 1: Establish a Consistent “Response Team” Model at all Campuses

Recommendation 2: Adopt Systemwide, Standard Investigation and Adjudication Standards

### **Prevention/Education Recommendations**

Recommendation 3: Comprehensive Training and Education Plan

Recommendation 4: Implement Comprehensive Communication Strategy to Educate the Community and Raise Awareness about UC Programs

### **Prevention/Advocacy/Response Recommendations**

Recommendation 5: Establish an Independent Confidential Advocacy Office for Sexual Violence and Sexual Assault on Each Campus

Recommendation 6: Establish a Comprehensive Systemwide Website with Campus Customization Capabilities

### **Reporting Recommendation**

Recommendation 7: Systemwide Standard Data Collection  
(Vacca et al., 2014)

## University of Washington

The University of Washington (UW) produced a 29-page “Task Force on Sexual Assault Prevention and Response Final Report: Goals and Recommendations,” in October 2013. The task force, originally charged to “make sure [the University of Washington] is doing all [it] can and should do to prevent sexual assault and to properly respond to every individual report of sexual assault” through an attempt to “review [the University of Washington’s] current policies and practices, explore best practices from other institutions, develop new practices to fill any gaps, and propose a plan for their implementation,” split this charge into two reports (Freccia et al., 2013). The first, an Initial Report, “outlined prevention and response resources, policies, and data regarding sexual assault at UW,” and was completed in May 2013 (Freccia et al., 2013). The second, the Final Report, builds on the research conducted in the Initial Report regarding the current UW climate around sexual assault by combining the information with student feedback and research on best practices at other institutions to ultimately outline eight Primary Goals and 18 recommendations arising from these goals.

The task force was comprised of UW faculty, staff, and students, both from the University of Washington flagship campus in Seattle, and from other UW campuses around the state (see Appendix C for a full list of task force participants). However, the majority of representation was from the University of Washington itself, a large, public, Research I institution with 44,786 students (University of Washington Office of Admissions, 2014).

The eight overarching Primary Goals decided upon by the task force were described as implementing a “comprehensive, coordinated community approach” that is critical “for the UW – or any institution – to strive towards when creating a successful prevention and response program” (Freccia et al., 2013). They are as follows:

- 1) Have a visible, robust, easily-accessible, collaborative network of response and intervention services for students in need.
- 2) Educate all students about sexual assault.
- 3) Create a community that knows how to respond and provide support.
- 4) Provide an investigation and disciplinary process appropriate for sexual assault.
- 5) Demonstrate compliance with all applicable federal and state laws, regulations, and guidance.
- 6) Generate data, metrics, and reporting that allow for sound decision making
- 7) Establish policies and procedures that set direction, clarify intent, and guide coordinated work
- 8) Provide effective oversight and follow guiding principles to ensure common direction

(Freccia et al., 2013)

Recognizing that these goals were broad and extremely ambitious, the task force subsequently decided upon 18 recommendations to aid in accomplishing the Primary Goals. These recommendations, grouped into which of the eight goals they apply to, are listed below (see Appendix D. for a full summary of these recommendations):

**Primary Goal 1: Have a Visible, Robust, Easily-Accessible, Collaborative Network of Response and Intervention Services for Students in Need.**

Recommendation 1: Develop Roles and Clarify Process Among Departments Providing Response and Intervention Services

Recommendation 2: Create and Maintain One Website with Comprehensive Information about Sexual Assault

Recommendation 3: Ensure Medical Care Resources, Including Sexual Assault Nurse Examiner (SANE) Exams, are Available in Close Proximity to Campus

Recommendation 4: Provide Resources for Students at all Three Campuses

**Primary Goal 2: Educate All Students About Sexual Assault**

Recommendation 5: Provide Comprehensive Training Campaign for All Students

Recommendation 6: Create Targeted Training for Special Groups of Students: Fraternities and Sororities, Men, Student Athletes, and Others

Recommendation 7: Develop and Initiate an Ongoing Robust Public Information Campaign

**Primary Goal 3: Create a Community that Knows how to Respond and Provide Support**

Recommendation 8: Expand Bystander Training for Students, Academic Personnel, and Staff

Recommendation 9: First Responder Training: Educate and Train on how to be Supportive and Respond if Someone Reveals She/He was Assaulted

Recommendation 10: Train Staff and Academic Personnel on Their Reporting Requirements

**Primary Goal 4: Provide an Investigation and Disciplinary Process**

**Appropriate for Sexual Assault**

Recommendation 11: Transform the Investigation and Disciplinary Process for Sexual Assault

**Primary Goal 5: Demonstrate Compliance with all Applicable Federal and State Laws, Regulations, and Guidance**

Recommendation 12: Ensure Compliance with Federal and State Laws, Regulations, and Guidance Related to Prevention of and Response to Sexual Assault

**Primary Goal 6: Generate Data, Metrics, and Reporting that Allow for Sound Decision Making**

Recommendation 13: Survey Students on Rates of Sexual Assault and Awareness of Campus Resources

Recommendation 14: Gather, Track, and Assess Information at an Institutional Level

Recommendation 15: Evaluate Program Effectiveness Regularly

**Primary Goal 7: Establish Policies and Procedures that Set Direction, Clarify Intent, and Guide Coordinated Work**

Recommendation 16: Revise the Current Student Conduct Code Sexual Assault Investigation and Disciplinary Policy and Process

Recommendation 17: Review, Revise, and Ensure Alignment of University Policies that Relate to Sexual Assault

**Primary Goal 8: Provide Effective Oversight and Follow Guiding Principles to Ensure Common Direction**

Recommendation 18: Provide Effective Oversight to Guide Strategic Direction of Task Force Recommendations

(Freccia et al., 2013)

## Analysis of Best and Worst Practices on College Campuses

Many similarities and differences exist between Florida State University, the University of Oregon, the University of California, Berkeley, and the University of Washington. All four are large, public, Research I institutions serving as the flagship universities in their respective states. As such, sexual assault responsiveness on these campuses is held to a higher standard and receives more national attention, whether for positive or negative reasons.

Florida State University and the University of Oregon both demonstrated woefully inadequate policies and procedures when it came to sexual assault cases involving high-profile athletes on their campuses. In addition to significantly disenfranchising the accusers, Erica Kinsman at FSU and an anonymous female student at the University of Oregon, both of these institutions also did a disservice to the athletes accused in these cases. Because of Florida State University's mishandling of the Winston case, there will always be media speculation that Jameis Winston is a rapist, suspicion that potentially could have been completely dismissed. Similarly, the extreme backlash against the University of Oregon's methods of addressing the case involving Austin, Dotson, and Artis have all but condemned the three men as rapists in the eyes of the public, if not the law. It is possible that if the University of Oregon had properly responded to the allegations, instead of delaying all prosecution until after the basketball season had ended, the names of these three individuals would have been forever cleared.

Such an analysis is barely scratching the surface of the issue, however. In order to adequately assess a situation involving sexual assault, factors of intersectionality must also be analyzed. The instance involving Jameis Winston and Erica Kinsman was not simply a woman accusing a man of sexually assaulting her, nor was it simply a female non student-athlete accusing a male student-athlete. It was also a white female accusing a black male, in the heart of Florida, a state with deep Southern roots. Recall an earlier analysis of the factors that come into play regarding an interracial sexual assault case: Jacquet discussed the conflicting tropes of the “black beast rapist” and the “lying woman,” typically a white woman. In this case, it is possible that such tropes were also at play, particularly because Winston’s physical attributes and skills were what made him so valuable to the FSU Athletics Department, and it was this value that made the Florida State football community so eager to portray Kinsman as a liar.

Although it is difficult to do as deep of a racial analysis for the University of Oregon case, as the race of the female accuser remains anonymous, it is certain that racial dynamics came into play in a situation involving the accusation of three black men. It is telling that, once the physical attributes of the men had dropped in value (i.e., once the basketball season was over), university administration chose to finally pursue the allegations.

However, what is possibly more salient in the University of Oregon case was the university’s attempts to discredit the female accuser using the “politics of respectability” analyzed earlier by McGuire. Recall that, according to McGuire’s

analysis (and some of Jacquet's), only certain women were deemed "worthy" of protection under the law. These women were usually affluent or at least middle- to upper-middle class, conformed to a gender binary, and, most importantly, were not publicly sexually promiscuous or in any way considered anything less than mentally stable. The University of Oregon's attempt to pry into the anonymous female student's counseling records was a clear attempt to discredit the student by making her less respectable, as such records could have indicated a history of mental instability or, more damningly, sexual promiscuity.

These intersectional politics unfortunately also come into play in an analysis of the best practices on college campuses. Although the efforts of both the task force at the University of California, Berkeley, and the task force at the University of Washington are deeply admirable and certainly have made the climate regarding sexual assault on both campuses better than before the task forces' convening, there were certain areas both task forces were lacking. Both task forces wished to focus on typically "high-risk" populations, including male students, student-athletes, and members of Greek organizations, but neither addressed the possible intersectionality within those groups; i.e. providing specific trainings for male student-athletes of color.

However, both task forces were able to address some issues of intersectionality. The UC Berkeley task force made a specific point that, while alcohol plays a large role in sexual assaults, not all sexual assaults take place under the influence of alcohol (recall Tillet's earlier analysis of how too much of university

response to sexual assault is tailored to a party and “hookup” culture that not every student engages in). The UC task force argued that while aspects of alcohol education should be included in sexual assault trainings, there needed to be separate alcohol education and sexual assault awareness efforts so that the two areas were not always conflated.

The University of Washington task force also addressed areas of intersectionality that have yet to be addressed on other college campuses. In addition to recommending trainings for traditionally at-risk populations, the UW task force also recommended trainings for populations of students that may not necessarily be the first to come to mind when discussing sexual assault perpetrators or survivors on college campuses: faith-based communities, students of color, LGBTQ students, military and veterans, and international students. Although specific recommendations weren’t issued for these students, recognizing that these populations likely have different needs based on their multiple identities is a step in the right direction.

Sexual assault on college campuses is a tragedy that likely will never be able to be entirely prevented. However, college and university campuses can make significant efforts to provide the most effective policies and procedures for their students. Because of the complex, multilayered nature of sexual assault cases, particularly cases involving intersectionality, it is likely that no one set of policies and procedures will ever be determined for all campuses, or even for all cases on one specific campus. However, an analysis of several cases and instances of revised

policies and procedures on large, public, Research I universities can help to determine what the first step in the right direction should be.

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## Appendices

### Appendix A. University of California, Berkeley Task Force Participants

<b>Name</b>	<b>Title</b>
Karen Leong Clancy	UC Regent
Bonnie Reiss	UC Regent
Sadia Saifuddin	Student Regent
Sheryl Vacca	Task Force Lead, Senior Vice President & Chief Compliance and Audit Officer
Deidre Acker	Advisor to the Regents
Rishi Ahuja	Undergraduate Student
Susan Allen-Ortega	Associate Vice Chancellor/Dean of Students
Adele Anfinson	Director of Student Health Services
Savannah Badalich	Undergraduate Student
Margo Bennett	Chief of Police
Lori Chamberlain	Director of the Office for the Prevention of Harassment & Discrimination
Wendi Delmendo	Chief Compliance Officer
Jill Dunlap	Director, Campus Advocacy, Resources & Education Women's Center
Jerlena Griffin-Desta	Deputy to the Vice President and Executive Director, Student Services
Paul Henisey	Chief of Police
James D. Herren	Chief of Police
Hallie Hunt	Director, Center for Student Conduct and Assistant Dean of Students
David Lane	Systemwide Deputy Compliance Officer
Janet Lockwood	Manager, Academic Policy and Compensation
David Lopez-Carr	Professor of Geography, UCSB Chair, University Committee on Affirmative Action and Diversity
Janina Montero	Vice Chancellor of Student Affairs
Luanna Putney	Associate Chancellor
Emily Roxworthy	Professor of Theater, UCSD Chair, University Committee on Affirmative Action
Eleanor Skarakis	Chief of Staff to the Vice President of Human Resources & Director of HR Policy
Caitlin Stinneford	Sexual Violence Prevention Educator

Holly Swift	Graduate Student
Pamela Thomason	Sexual Harassment Coordinator/Title IX Officer
Linda Williams	Associate Vice Chancellor
Allison Woodall	Deputy General Counsel

(Vacca et al., 2014)

## Appendix B. University of California, Berkeley Recommendations Summaries

### **Response and Reporting Recommendations**

#### **Recommendation 1: Establish a Consistent “Response Team” Model at all Campuses**

The task force recommended the creation of two teams to respond to sexual violence and assault. The first team would be “comprised of student conduct, Title IX, campus police, and advocacy [and would] maintain consistent coordination of all reported cases, provide case management for all ongoing cases, and ensure all cases are addressed efficiently and effectively” (Vacca et al., 2014), essentially serving as an overseeing body for all sexual assault cases on a UC campus. The second team would include “sexual violence/sexual assault advocates, Title IX officers, campus and local police, student conduct, student health and counseling, residential life programs, LGBTQ, cross-culture, and gender-related centers, student government representatives, and local rape crisis or community service representatives” and would coordinate what amounts to a comprehensive research and marketing plan to stay informed on legal policies and procedures and promoting the response team’s work to the campus and local community.

#### **Recommendation 2: Adopt Systemwide, Standard Investigation and Adjudication Standards**

This recommendation is essentially a charge for all UC campuses to stay appraised of current research and federal/state mandates regarding sexual assault in order for the University of California to “be the national leader in preventing and combating sexual violence and sexual assault” (Vacca et al., 2014) Specifically, at the time of publication, the task force recommended review of the Campus SaVE Act, the 2013 Reauthorization of the Violence Against Women Act, the Department of Education’s Office for Civil Rights April 2011 Dear Colleague Letter, the Association for Student Conduct Administration 2014 White Paper on Student Conduct Administration & Title IX: Gold Standard Practices for Resolution of Allegations of Sexual Misconduct on College Campuses, 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, and the California State Auditor Report on Sexual Harassment and Sexual Violence, 2013-124.

### **Prevention/Education Recommendations**

#### **Recommendation 3: Comprehensive Training and Education Plan**

The task force argued for the creation of a training plan that was tailored to specific populations and regularly evaluated for effectiveness and inclusivity. This

training plan would include “a mandate to participate in training and education concerning sexual violence and sexual assault, dating/domestic violence and stalking” for all incoming UC students, as well as a strong recommendation for a similar training for faculty and staff, with required faculty/staff training for “job based roles with particular responsibilities, including student health and counseling staff, police, advocates, residential life staff, Title IX officers, student conduct officers and hearing panels” (Vacca et al., 2014). Additionally, the task force recommended supplemental training for students belonging to statistically high-risk populations (i.e. Greek life, student athletes) (University of Nevada, Reno, 2015).

#### Recommendation 4: Implement Comprehensive Communication Strategy to Educate the Community and Raise Awareness about UC Programs

The task force recommended the creation of a communications strategy adapted to campus culture, while still incorporating both current campus and national campaigns as well as student input. The goal would be to provide information regarding “risk reduction, affirmative consent, survivor support, and the fair and objective adjudication process for those accused” (Vacca et al., 2014).

### **Prevention/Advocacy/Response Recommendations**

#### Recommendation 5: Establish an Independent Confidential Advocacy Office for Sexual Violence and Sexual Assault on Each Campus

The main goal of this recommendation would be to create a confidential advocacy office that is independent of any other university entity (i.e., not housed under the umbrella of an Office of Student Conduct, Police Services, Residential Life, etc.). This office would be dedicated solely to “providing confidential advocacy, facilitating with case management of reported complaints, establishing education and prevention content, supporting education programming and providing professional training in coordination with key stakeholders, and providing input to policy creation and revision” (Vacca et al., 2014). The task force also emphasized the need for an office that is physically accessible but simultaneously in a discreet enough locale that students feel comfortable visiting it and still protecting their anonymity.

#### Recommendation 6: Establish a Comprehensive Systemwide Website with Campus Customization Capabilities

The task force recommended a UC website to provide information to all UC constituents regarding sexual assault and steps the university has taken to raise awareness and prevention. This website would “contain common information, nomenclature, and functions such as: how to report, where to go for confidential help, how to receive accommodations, information on SVSA policies, and how to support a friend who has experienced sexual violence” (Vacca et al., 2014). The goal

of the website would be to provide another resource for students who may not feel comfortable with in-person interactions at the advocacy office.

### **Reporting Recommendation**

#### **Recommendation 7: Systemwide Standard Data Collection**

A method of data collection that tracks “common themes regarding sexual violence, domestic violence, dating violence, stalking, and sexual assault” would allow for the UC system to analyze trends and further tailor their responses to these problems on their campus (Vacca et al., 2014). The task force recommended the creation of such a system so that the changes implemented through the other recommendations, such as the awareness trainings, communication strategy, advocacy office, and website, remain relevant according to up-to-date information.

## Appendix C. University of Washington Task Force Participants

<b>Name</b>	<b>Title</b>
Ellen Taylor (Chair)	Assistant Vice President for Student Life, and Director of Counseling Center
Elizabeth Coveney	Associate Vice President, HR Administration and Information Systems
David Eaton	Dean and Vice Provost, Graduate School
Brian Fabien	Chair, Faculty Council on Student Affairs
Cedric Howard	Vice Chancellor, Student Services, UW Tacoma
Shelley Kostrinsky	Assistant Vice Provost for Academic Personnel
Amanda Paye	Title IX Coordinator, Office of Risk Management
Stephanie Rempe	Senior Associate Athletic Director
Robin Sacks	Student, Associated Students of UW (ASUW) representative
Kimberley Schertz	Student, Graduate and Professional Student Senate (GPSS) representative
Pam Schreiber	Director, Housing and Food Services
Naomi Sugar, M.D.	Clinical Professor of Pediatrics, Harborview and Children's Hospital
Ed Taylor	Vice Provost and Dean, Undergraduate Academic Affairs
George Theo	Dean of Student Affairs, UW Bothell
John Vinson	Chief, UW Police Department
Susan Freccia	Project Manager, Task Force on Sexual Assault Prevention and Response

(Freccia et al., 2013)

## Appendix D. University of Washington Recommendations Summaries

### **Primary Goal 1: Have a Visible, Robust, Easily-Accessible, Collaborative Network of Response and Intervention Services for Students in Need.**

#### Recommendation 1: Develop Roles and Clarify Process Among Departments Providing Response and Intervention Services

The task force created this recommendation in response to what they saw as “role confusion, gaps in services, or bottlenecks in administrative processes” resulting from a disorganized network of support services on the UW campus, including student conduct offices, the University of Washington Police Department, counseling centers, and the Title IX Coordinator (Freccia et al., 2013). To fix it, they recommended the creation of a working committee to review and oversee collaboration between the various on-campus departments.

#### Recommendation 2: Create and Maintain One Website with Comprehensive Information about Sexual Assault

At the time of the task force’s convening, information regarding “resources, FAQ’s, policies, and programs relating to sexual assault” was spread across multiple websites, hosted by experts in each content area, but with no overarching central web location for students to access all of the information at once (Freccia et al., 2013). The task force recommended that such a website be created through the Sexual Assault Prevention and Response Program.

#### Recommendation 3: Ensure Medical Care Resources, Including Sexual Assault Nurse Examiner (SANE) Exams, are Available in Close Proximity to Campus

The task force determined that a large gap in providing adequate resources to survivors of sexual assault was in the administration of SANE exams (also known as “rape kits”) in a location close to the UW campus. They recommended the UW medical facilities be equipped with the resources to perform the exams, or, at the very least, transportation to the closest facility that can perform the exams be provided free of charge to all students.

#### Recommendation 4: Provide Resources for Students at all Three Campuses

To ensure that no one UW campus is better equipped to handle sexual assault cases than another UW campus, the task force recommended the creation of a Deputy Title IX Coordinator for each UW campus that is specifically tasked with handling and addressing sexual assault cases.

### **Primary Goal 2: Educate All Students About Sexual Assault**

**Recommendation 5: Provide Comprehensive Training Campaign for All Students**

The task force recognized that several on-campus departments were already providing beneficial and effective training to raise awareness of sexual assault and the need for prevention, including Health & Wellness, Intercollegiate Athletics (ICA), First Year Programs (FYP), and Fraternity and Sorority Life. However, they argue that “because research indicates that students in their first few weeks of college are at particularly high risk for sexual assault, it is imperative that training occur at orientation. Additional training should follow at multiple points during the first year, as well as during subsequent years of college and for graduate and professional students” (Freccia et al., 2013). Since such training was not currently available for students in populations outside of those served by the departments mentioned above, the task force recommended that the Sexual Assault Prevention and Response Program develop a collaborative effort with those and other on-campus departments to provide such a training for all students.

**Recommendation 6: Create Targeted Training for Special Groups of Students: Fraternities and Sororities, Men, Student Athletes, and Others**

The task force recognized that “training and education for special groups is an effective means to reach affinity groups, build relationships and employ peer-to-peer training. Stereotypes, myths, accessibility and varying cultural norms and expectations require sensitive but honest and straightforward approaches to content and process” (Freccia et al., 2013). Appropriately, the task force recommended the creation of a men’s committee to assess methods of educating men regarding “respect, violence prevention, gender socialization process, and consent;” the enhancement of collaboration between ICA and the Sexual Assault Prevention and Response Program to continue to provide top-notch trainings for student athletes; and further enhancement of the collaboration between UW administration and the recognized fraternities and sororities to ensure the continuation of trainings for those populations as well.

**Recommendation 7: Develop and Initiate an Ongoing Robust Public Information Campaign**

The task force recommended the creation of a campaign disseminating information about “consent, resources, social norms, and institutional expectations” through the means of email list serves, social media, mobile apps, posters, and whatever other means would make the information accessible to members of a specific campus culture (Freccia et al., 2013).

**Primary Goal 3: Create a Community that Knows how to Respond and Provide Support**

**Recommendation 8: Expand Bystander Training for Students, Academic Personnel, and Staff**

The task force urged the expansion of staffing levels to allow for a full-scale implementation of the GreenDot program, which “encourages any behavior, choice, word, or attitude that promotes safety for all our citizens and communicates utter intolerance for violence” (Freccia et al., 2013). They felt that the current, volunteer-based program was not enough to reach every member of the campus community and that it would be beneficial to allocate resources towards the program’s expansion.

**Recommendation 9: First Responder Training: Educate and Train on how to be Supportive and Respond if Someone Reveals She/He was Assaulted**

The task force argued that an ideal campus culture would be one in which “every person knows how to respond, provide support, and point [a sexual assault survivor] in the direction of services” (Freccia et al., 2013). This recommendation was designed to be coordinate with training efforts mentioned in Recommendations 8 and 10.

**Recommendation 10: Train Staff and Academic Personnel on Their Reporting Requirements**

At the time of the task force’s convening, Health & Wellness had implemented Incident Response Training to undergraduate academic advisors, as well as ICA staff. The task force recommended “expanded service provider capacity, endorsement and institutional support from university administration, as well as partnering with Human Resources and Academic Personnel” in order to require such training for all faculty and staff.

**Primary Goal 4: Provide an Investigation and Disciplinary Process Appropriate for Sexual Assault**

**Recommendation 11: Transform the Investigation and Disciplinary Process for Sexual Assault**

The task force recognized that the current investigative processes employed by the various police services affiliated with UW campuses were highly effective and provided a model for other sexual assault investigative and disciplinary entities. These entities included Student Conduct, an office possessing “limited resources for investigation and adjudication, combined with a Student Conduct Code that has not been significantly updated for many years” (Freccia et al., 2013). The task force recommended the temporary hire of a consultant to update the Student Conduct Code and enact other policy revisions within Student Conduct.

**Primary Goal 5: Demonstrate Compliance with all Applicable Federal and State Laws, Regulations, and Guidance**

**Recommendation 12: Ensure Compliance with Federal and State Laws, Regulations, and Guidance Related to Prevention of and Response to Sexual Assault**

This recommendation served as a reminder for UW administration to make sure that, when implementing all other recommendations, the university stays compliant with federal and state laws and regulations regarding sexual assault on college campuses, due to the current “heightened regulatory environment” (Freccia et al., 2013). Such laws and regulations included Title IX of the Education Amendments Act, the Department of Education’s Office for Civil Rights April 2011 Dear Colleague Letter, the Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act, the 2013 Reauthorization of the Violence Against Women Act, the Campus SaVE Act, Title VII of the Civil Rights Act of 1964, Chapter 49.60 RCW – the Washington Law Against Discrimination, Chapter 28B.110 RCW – Gender Equality in Higher Education, and Chapter 26.44 RCW – Abuse of Children Law (Freccia et al., 2013).

**Primary Goal 6: Generate Data, Metrics, and Reporting that Allow for Sound Decision Making**

**Recommendation 13: Survey Students on Rates of Sexual Assault and Awareness of Campus Resources**

The task force reflected on the data gathered by an April 2011 Safety Survey at the University of Washington, and recommended the continuation of such a survey and expansion to all UW campuses (Freccia et al., 2013).

**Recommendation 14: Gather, Track, and Assess Information at an Institutional Level**

The task force also recommended data collection through identification and tracking of all reported sexual assault cases, making sure to maintain student confidentiality (Freccia et al., 2013).

**Recommendation 15: Evaluate Program Effectiveness Regularly**

The task force recognized the lack of a collaborative effort across multiple UW offices to “identify appropriate metrics, collect baseline data, and develop a program effectiveness assessment plan” to evaluate the UW approach to “prevention, education, response, service utilization and attrition, and climate improvement” (Freccia et al., 2013). However, such an effort could not come to pass until Recommendations 1 and 14 are implemented.

**Primary Goal 7: Establish Policies and Procedures that Set Direction, Clarify Intent, and Guide Coordinated Work**

**Recommendation 16: Revise the Current Student Conduct Code Sexual Assault Investigation and Disciplinary Policy and Process**

The task force referred to Recommendation 11 for detail on this recommendation (Freccia et al., 2013).

**Recommendation 17: Review, Revise, and Ensure Alignment of University Policies that Relate to Sexual Assault**

The task force called for consistency regarding definitions, policy, and process relating to sexual assault, with a specific emphasis on Executive Order 31, referring to non-discrimination and affirmative action (Freccia et al., 2013).

**Primary Goal 8: Provide Effective Oversight and Follow Guiding Principles to Ensure Common Direction**

**Recommendation 18: Provide Effective Oversight to Guide Strategic Direction of Task Force Recommendations**

The task force requested authority to oversee and ensure progress on all implemented recommendations, with an evaluative report containing ongoing recommendations being published in November 2014 (Freccia et al., 2013).